

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY COUNCIL CHAMBERS
 August 8, 2018**



AGENDA

WORK SESSION AND SITE VISIT 4:30-5:20 PM – 638 Park Avenue – Please meet onsite at 4:30 PM

638 Park Avenue – City Council Remand of an appeal of Planning Commission’s Approval of a Conditional Use Permit (CUP) for a Private Event Facility.
Public hearing and continue to a date uncertain.

PL-16-03412 16
*Planner
 Grahn*

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF July 11 , 2018

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

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

Kings Crown at Park City Housing Mitigation Plan – Staff recommends the Planning Commission review, hold a public hearing and forward a positive recommendation to the Park City Housing Authority for the mitigation plan to fulfill the housing obligation generated by the Kings Crown at Park City project.

*Affordable 18
 Housing
 Manager
 Rhoda
 Stauffer*

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

341 Ontario – Steep Slope Conditional Use Permit – The applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%.
Public hearing and possible action.

PL-15-02915 33
*Planner
 Grahn*

875 Main Street – A request for modification to an existing Conditional Use Permit to allow a rooftop deck and to convert 196 square feet of common area to private area.
Public hearing and possible action.

PL-17-03673 66
*Planner
 Morlan and
 Planner
 Whetstone*

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

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

<p>875 Main Street – A request for a plat amendment proposing to establish a new common rooftop patio area for the residential units and to convert 196 square feet of internal common area to private area. <i>Public hearing and recommendation for City Council on August 30, 2018.</i></p>	<p>PL-17-03722 <i>Planner Morlan and Planner Whetstone</i></p>	<p>146</p>
<p>Flagstaff Master Planned Development Construction Mitigation Plan Technical Report #15- amendments. <i>Public hearing and possible action.</i></p>	<p>PL-17-03664 <i>Planner Whetstone</i></p>	<p>192</p>

ADJOURN

***Parking validations will be provided for Planning Commission meeting attendees that park in the China Bridge parking structure.**

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
July 11, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Hannah Tyler, Planner; Laura Newberry, Planning Tech; Mark Harrington, City Attorney; Rebecca Ward, Legal Intern

=====

REGULAR MEETING

ROLL CALL

Chair Band called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Thimm and Phillips who were excused.

ADOPTION OF MINUTES

June 17, 2018

MOTION: Commissioner Suesser moved to APPROVE the Minutes of June 27, 2018 as written. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the applicant for the Kimball project has indicated that construction was moving along and they may be obtaining occupancy permits. If not, the Commissioners would be provided with hard hats and vests during their site visit on August 8th.

Director Erickson announced that Commissioner Kenworthy had volunteered to be the Planning Commission representative on the Transportation Master Plan. Commissioner Sletten had also expressed an interest. The Planning Commission would vote on a resolution at the next meeting to officially appoint Commissioner Kenworthy. Director Erickson believed the Long-Range Master Plan would probably be adopted as an element of the General Plan.

Director Erickson reported that tomorrow the City Council would begin their discussion on parking reductions for accessory units during a work session. The next step would be for the Planning Commission to review accessory apartment parking reduction recommendations.

Commissioner Suesser confirmed that the Planning Commission would not hold their second meeting on July 25th. Director Erickson replied that she was correct.

CONTINUATIONS – Public hearing and continue to date specified.

1. Twisted Branch Subdivision Plat – A Subdivision Plat for 4 lots of record for an on-mountain private restaurant, a City water tank, a City pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space; and existing SR 224, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area. (Application PL-17-03664)
2. Amended Flagstaff Technical Report #15 – Construction Mitigation Plan.

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

MOTION: Commissioner Sletten moved to CONTINUE the Twisted Branch Subdivision Plan to a Date Uncertain and the Amended Flagstaff Technical Report #15 Construction Mitigation Plan to August 8, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

3. Park City Heights Subdivision – Amendment to subdivision phasing plan.
(Application PL-17-03552)

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

MOTION: Commissioner Kenworthy made a motion to CONTINUE the Park City Heights amendment to the subdivision phasing plan to a date uncertain. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

4. 341 Ontario Avenue – Steep Slope Conditional Use Permit – applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%.
(Application PL-15-02915)

MOTION: Commissioner Suesser moved to CONTINUE 341 Ontario Avenue Steep Slope Conditional Use Permit to August 8, 2018. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1114 Park Avenue – Conditional Use Permit for an Addition to a Historic Structure located within a Building Setback. This is a proposal to convert an unfinished crawlspace that is located within the Side Yard Setback area of a “Significant” Structure into habitable basement area. The proposal is all interior work having little to no impact on the exterior of the structure and no increase in Building Footprint would be achieved. (Application PL-18-03888)

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

MOTION: Commissioner Suesser moved to APPROVE the Consent Agenda as shown on the July 11, 2018 agenda for the 1114 Park Avenue CUP. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1114 Park Avenue

1. The subject property is located at 1114 Park Avenue and is a “Significant” Site in the 28 Historic Residential-Medium Density (HR-M) Zoning District.
2. The applicant is proposing to convert an unfinished crawlspace that is located within the Side Yard Setback area of a Historic Structure into habitable basement area. The crawlspace area is located below the north side of the Historic Structure and is 147.7 square feet.

3. A Historic District Design Review (HDDR) application was approved in 2015 for the complete restoration of the Historic Structure, construction of a basement foundation, and construction of an addition to the rear (east). As a part of the construction, the basement foundation was poured underneath the existing Historic Structure. Because the Historic Structure had already occupied the Setback area, a foundation was permitted beneath the existing Structure within the Setback area; however, the basement space had to be designated as uninhabited crawlspace in the areas located within the Side Yard Setback.
4. The proposal is all interior work having little to no impact on the exterior of the structure and no increase in Building Footprint would be achieved.
5. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HR-M District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.
6. Per LMC 15-2.4-6(A), the Planning Commission may grant an exception to the Building Setback for additions to Historic Buildings consistent with the Historic District Design Guidelines.
7. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.
8. The Conditional Use Permit application for an Addition to a Historic Structure located within the Building Setback was deemed complete on June 5, 2018.
9. The Historic Structure at 1114 Park Avenue is a Single-Family Dwelling. A Single-Family Dwelling is an Allowed Use in the HR-M Zoning District.
10. A Plat Amendment for 1114 Park Avenue was approved by City Council and recorded at Summit County in 2015.
11. There are no unmitigated impacts to LMC 15-2.4-3(1) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The 2015 HDDR was reviewed for compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites.
12. There are no unmitigated impacts to LMC 15-2.4-3(2) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.
13. The proposal complies with LMC 15-2.4-3(3) as the applicant is to dedicate a façade preservation easement to the City. Condition of Approval #7 has been added requiring the façade easement.
14. There are no unmitigated impacts to LMC 15-2.4-3(4) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the Side Yard Setback is beneath the north end of the existing structure. No increase in Building Footprint was achieved through the addition of the crawlspace area in question. As a result, there is no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.

15. There are no unmitigated impacts to LMC 15-2.4-3(5) as per LMC 15-2.4-6, Existing Historic Structures that do not comply with Off-Street Parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.

16. LMC 15-2.4-3(6) is not applicable as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping.

17. LMC 15-2.4-3(7) is not applicable as there are no commercial Use; therefore, no separation between Residential and commercial Uses is required.

18. LMC 15-2.4-3(8) is not applicable as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the utility equipment.

19. The proposal complies with LMC 15-2.4-6(A)(1) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.

20. The proposal complies with LMC 15-2.4-6(A)(2) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.

21. The proposal complies with LMC 15-2.4-6(A)(3) as The addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Process (approved in 2015).

22. The proposal complies with LMC 15-2.4-6(A)(4) as the addition has been reviewed for compliance with the Building and Fire Codes through the Building Permit (associated with the approved 2015 HDDR).

23. The proposal complies with LMC 15-2.4-6(A)(5) as the addition has been reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites through the 2015 HDDR process. The proposal is all interior work having little to no impact on the exterior of the Historic Structure.

24. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot is 3,485 square feet (.08 acres). The site is located on Park Avenue (west property boundary) and abuts Sullivan Road to the east.

25. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as there is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.

26. There are no unmitigated impacts to 15-1-10(E)(3) Utility capacity, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The increase in habitable space will have no impact on the current utility equipment and capacity needs.

27. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the existing emergency vehicle access.

28. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off

street parking, as per LMC 15-2.4-6, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.

29.LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, is not applicable as there is no impact to the existing internal and pedestrian circulation system.

30. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping. In addition, there are no commercial Uses that require separation from Residential Uses.

31. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the setback is beneath the north end of the existing structure. No increase in Building Footprint was achieved through the addition of the subject crawlspace/basement area. As a result, there is no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.

32. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.

33.LMC 15-1-10(E)(10) Signs and lighting, is not applicable as there are no signs or lighting on site.

34. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as there is no impact to the Compatibility with surrounding structures or perceived mass from the Street because this is a subterranean area of the existing Structure with little to no impact to the exterior of the Historic Structure.

35.LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, is not applicable as there are no changes that will result in additional noise, vibration, odors, steam, or other mechanical factors.

36.LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, is not applicable as there are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

37.LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, is not applicable as this is a Single-Family Dwelling.

38.LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, is not applicable as There are no changes that will impact the exterior conditions of the structure or the topography of the Site.

39.There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding, as This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. In 2015, a HDDR was approved for the restoration, construction of a basement foundation, and construction of an addition to the rear (east). As a result, the Historic Structure which had once experienced many out-of-period alterations was restored to its Period of Historic Significance. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to Goal 15A and Objective 15A.

40.On June 27th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on June 23rd, 2018 according to requirements of the Land Management Code.

41.The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1114 Park Avenue

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the LMC 15-1-10, LMC 15-2.4-3(E) Conditional Use Review (HR-M), and 15-2.4-6(A) Existing Historic Structures Exceptions.
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 1114 Park Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on July 11, 2019, if a complete building permit submittal has

not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration

5. Modified 13-D fire sprinkler system is required.
6. All above grade utility facilities shall be located on the property and properly screened.
7. The applicant shall dedicate façade preservation easements to the City for the historic structure at 1114 Park Avenue prior to the issuance of a Building Permit.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Land Management Code (LMC) Amendment – LMC Amendments regarding Chapter 15-1-18 Appeals and Reconsideration Process as well as Chapter 15-1-21 Notice Matrix to reflect the 30-day appeal period for Historic District Design Reviews. (Application PL-18-03885)**

Planner Grahn reported that this item was an LMC Amendment to clean up the Appeals and Reconsideration Process, as well as the Notice Matrix Sections. The Staff had not received any public comment prior to this meeting. Planner Grahn was prepared to answer questions or address any concerns.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the LMC Amendments as proposed.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Suesser had concerns with the wording in Section E, the Timing Section, which read, “All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority, which is Staff, regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board....” Commissioner Suesser suggested that they replace the phrase, “which is Staff” with “which is a decision by Staff”, to read more consistently with the rest of the clause. Planner Grahn agreed with the change.

City Attorney Mark Harrington stated that Commissioner Suesser's language change addressed an additional issue that was scheduled to come before the Planning Commission at a later time. However, it could be addressed this evening if the Commissioners wanted to take the time because it goes hand in hand. Mr. Harrington explained that the Staff issues the Notice of Decisions when the Planning Commission takes action; and that the Planning Commission Chair only signs the orders when doing an appeal. The Chair does not sign the conditional use permit orders. Mr. Harrington stated that some Appellants have argued that it should actually come back to the Planning Commission a third or fourth time to be signed by the Chair.

Mr. Harrington noted that the Code is not written that way, but they could eliminate that argument by adding a reference clarifying that the final action is deemed from the Notice of Action signed by Staff on administrative matters. If the Planning Commission wanted to include that direction in their motion, it would go to the City Council without having to come back to the Planning Commission.

Director Erickson stated that the Planning Commission could forward a positive recommendation with an added condition of approval directing the Staff to add language to clarify that the Staff prepares the final action.

Commissioner Suesser thought the Planning Commission made the final action. Director Erickson clarified that after the Commissioners take action the Staff prepares the paperwork, but it does not come back to the Planning Commission to be ratified.

City Attorney Mark Harrington explained that the Planning Commission approves the written binding and takes the final action. The Staff issues the written decision; however, the Planning Commission Chair does not execute the written order. Mr. Harrington stated that this has always been the process, but the Commissioners could decide to have the Chairperson sign a written order the day after every meeting. His recommendation would be to just clarify the current process within the Code so it is clear that the ten-day appeal period runs from the notice of the written decision; and not from the evening of the vote.

Director Erickson clarified that the notice period runs from the date of the issuance of the written notice of final action. There is a 30-day period for HPB and a 10-period on the rest.

The Commissioners preferred to discuss this issue at a later time, rather than include the clarifying language in this recommendation.

MOTION: Commissioner Suesser moved to forward a PSOITIVE recommendation to the City Council for the LMC Amendments, Chapter 15-1-18 Appeals and Reconsideration Process and Chapter 15-1-21 Notice Matrix to reflect the 30-days appeal as proposed in the Staff report, with the amendment that in the second line of Section E of 15-1-18, that after “, which is” to insert “a decision by” before the word “Staff”. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

**2. 1900 Park Ave – Roadhouse Subdivision– Proposal to create one (1) legal lot of record from an existing metes and bounds parcel.
(Application PL-18-03870)**

Planning Tech Laura Newberry reported that this plat amendment was driven by a condition of approval of the existing conditional use permit requiring that a subdivision be recorded before obtaining a Certificate of Occupancy on an additional outdoor dining deck. It is currently a metes and bounds parcel and the purpose is to create a legal lot. The Staff found no issues with this application.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Planner Newberry added an additional condition of approval stating that the Planning Department will coordinate the trails and paths with the Transportation, Planning Department and Sustainability to work out any easements that are existing or need to be added prior to the City Council meeting.

Commissioner Suesser referred to Condition #6, “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”. She asked if they know whether or not there will be an amount.

Mr. Harrington replied that the Building Code says “The option to install public improvements prior to recordation”; but, most of the time the applicants prefer to do it after. However, State Code has been amended and it very clear that it is their option. Until that is known it has to be written in that way. Mr. Harrington believed the State Legislature needs to take a hard look at further limiting what can be acquired.

Commissioner Sletten asked if it was dollar for dollar. Mr. Harrington replied that it depends on what it is, but typically it is not a dollar for dollar amount.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Roadhouse Subdivision at 1900 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance, and as amended to add the additional condition of approval. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1900 Park Avenue

1. The property is located at 1900 Park Avenue.
2. The site consists of one metes and bounds parcel located south of the Snow Creek Crossing Subdivision.
3. There are four existing easements that will be memorialized with recordation of this Subdivision.
4. The property is in the General Commercial (GC) District.
5. The property is in the Frontage Protection Zone (FPZ).
6. The property is within the FEMA Flood Zone X.
7. There is an existing commercial building at this location.
8. On June 27, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on June 23, 2018, according to requirements of the Land Management Code.
9. The City received a Plat Amendment application for the Roadhouse Subdivision on May 18, 2018. The application was deemed complete on June 12, 2018.
10. The proposed plat will create a one-lot subdivision measuring approximately 44,866.8 square feet in size.
11. The existing building was constructed in approximately 1977.
12. The existing commercial building is currently used as a restaurant, which is an allowed use in the GC district.
13. In the GC District, the minimum front yard setback is twenty feet (20'). The existing building is located at least fifty-one feet (51') behind the front property line.
14. In the GC District, the minimum rear yard setback is ten feet (10'). The existing building is at least twenty-three feet (23') from the rear property line.
15. In the GC District, the minimum side yard setback is ten feet (10') on each side. The existing building is at least seventy-nine (79') from the side property line.

16. In the FPZ, all structures shall be at least thirty feet from the nearest highway Right-of-Way.

The existing structure is at least fifty-one feet (51') behind the nearest highway Right-of-Way.

17. In the FPZ, a Conditional Use Permit is required for all construction between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way. The applicant has an existing Conditional Use Permit for site improvements and an additional outdoor deck which will comply with all Setback requirements.

18. The proposed Subdivision will not cause undo harm to adjacent property owners.

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

Conclusions of Law – 1900 Park Avenue

1. There is good cause for this Subdivision.
2. The Subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
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 – 1900 Park Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. A five foot (5') wide public snow storage easement along the frontage of Park Avenue is required and shall be provided on the plat.
4. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lot.
5. 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.
6. 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.

7. A ten foot (10') wide public snow storage easement is required along the public street frontage of the Lot and Parcel.

8. 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.

9. No certificate of occupancy shall be issued on the proposed improvements until recordation of this plat.

10. The property is subject to MS4 storm water requirements, and a MS4 permit is required for all land disturbance activities.

11. The Planning Department will coordinate the trails and paths with the Transportation, Planning Department and Sustainability to work out any easements that are existing or need to be added prior to the City Council meeting.

The Park City Planning Commission Meeting adjourned at 5:50 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

Planning Commission Staff Report

Subject: 638 Park Avenue (Kimball Garage)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03412
Date: August 8, 2018
Type of Item: Work Session – City Council Remand of an appeal of Planning Commission’s Approval of a Conditional Use Permit (CUP) for a Private Event Facility

Summary Recommendations

Staff recommends that the Planning Commission conduct a site visit prior to the start of the August 8th Planning Commission meeting. On June 13, 2018, the Planning Commission requested a site visit to the outdoor rooftop patio space atop the Kimball Garage during their review of City Council’s remand of the appeal. Following the site visit and work session, staff recommends the Commission continue this item to a date uncertain.

Topic

Applicant: CPP Kimball LLC represented by Tony Tyler and Architect Craig Elliot
Location: Historic Kimball Garage at 638 Park Avenue
Zoning: Historic Recreation Commercial (HRC), Heber Avenue Subzone
Adjacent Land Use: Residential single-family and multi-family; commercial
Reason for review: Appeals of Planning Commission’s decisions are reviewed by the City Council; City Council remanded this CUP back to the Planning Commission on March 30, 2017.

Summary of Proposal

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is rehabilitating the existing historic building for Retail and other Commercial uses and is constructing a new addition to the east, adjacent to Main Street. The upper level of the addition is proposed to be used as a Private Event Facility; an exterior rooftop terrace, part of the Private Event Facility, will be over the historic building. The CUP application is specifically to allow the Private Event Facility uses. The building is currently under construction and is not subject to the CUP. Only the proposed use of the Private Event Space in the new addition and rooftop deck are subject to the CUP review.

On June 13, 2018, the Planning Commission reviewed a City Council remand for the CUP for the Private Event Facility [see [Staff Report](#) (starting page 17) and [Minutes](#) (starting page 2)]. During the meeting, the Planning Commission reviewed conditions of

approval to mitigate the impacts of the Private Event Facility. They provided direction to the applicant for additional mitigation strategies.

Staff has organized this site visit to provide the Planning Commission and public an opportunity to visit the proposed Private Event Facility. Some of the design features that have been introduced to help mitigate the impacts of the Private Event Facility include:

- Noise-reducing baffling in the soffits
- Planting beds surrounding the outdoor rooftop patio
- Vestibule between the indoor and outdoor private event spaces
- Size of the spaces
- Indoor lobby leading to the upstairs Private Event Space
- Large storage room in the basement

Staff will continue to work with the applicant on the Conditions of Approval before returning to the Planning Commission.



Planning Commission Staff Report

Subject: Affordable Housing Mitigation Plan for Kings Crown at Park City Project
Author: Rhoda J. Stauffer/Jason Glidden, Affordable Housing Program
Date: 8 August 2018
Type of Item: Administrative

Summary Recommendation

Staff recommends the Planning Commission review, hold a public hearing and forward a positive recommendation to the Park City Housing Authority for the mitigation plan to fulfill the housing obligation generated by the Kings Crown at Park City project.

Description

Applicant: CRH Partners, LLC represented by Rory Murphy, Hans Fuegi, and Chuck Heath
Location: 1201-1299 Lowell Avenue, Park City, Utah 84060
Zoning: Recreation Commercial (RC) District, Recreation And Open Space (ROS) District, and Sensitive Land Overlay (SLO) Zone
Adjacent Land Uses: Trails, skiing, open space, and residential.
Reason for Review: Housing Mitigation Plans require a positive recommendation from Planning Commission to the Housing Authority

Background and Analysis

In accordance with [Park City Housing Resolution 03-2017](#) (linked here), development agreements resulting from MPDs trigger a housing obligation of 15% of the number of residential units built and/or 20% of employees generated in commercial projects. This project does not have any commercial units. The Applicant is developing Kings Crown at Park City, a project that is entirely residential, 57 market residential units, including:

- 23 Condominiums in three buildings;
- 7 townhomes; and
- 27 single family lots.

On January 10, 2018, the Park City Planning Commission approved the MPD for the Kings Crown at Park City project ([staff report linked here](#), page 57) and entered into a [Development Agreement](#) which was ratified by the Planning Commission on June 13 and recorded on June 14, 2018. Prior to the issuance of any building permits for the Project, paragraph 2.7 of the Development Agreement requires an affordable housing plan to be proposed and approved by Park City. The Affordable Housing Mitigation Plan addresses the impacts of the development on the need for affordable housing. To calculate the affordable housing obligation, 15% of the total residential units proposed

(57), which equals 8.55 Affordable Unit Equivalents (AUEs). One AUE is equal to a 900 SF net livable space two-bedroom unit.

The Applicant proposes to build 8.55 AUEs (7695 SF) comprised of seven (7) one, two and three bedroom units varying in size from 671 SF to 1,349 SF all within one building. In addition, the Applicant proposes to build an additional eight (8) attainable units (150% AMI). In order to meet Park City’s need for both affordable and attainable units, the Applicant proposes to price seven of the units (SF equal to 8.55 AUEs) at prices affordable to 60, 70 & 80% of AMI (\$44,982 to \$85,680) and the remaining eight units at attainable prices affordable to 150% of AMI (\$144,585 to \$160,650). In accordance with Section 17.C of [Park City Housing Resolution 03-2017](#), the sale price shall be calculated according to the following guidelines: mortgage payment for the Owner Occupied Unit, including principal, interest, taxes and insurance (“PITI”), shall not exceed 30% of the Target Household Income. The assumptions used to calculate the sales price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the prevailing FirstHome rate, or its program equivalent, of the Utah Housing Corporation (www.utahhousingcorp.org). The pricing listed below is based on this formula and also takes into consideration likely HOA fees.

Unit #	Sq Ft	# of Bedrooms (household size)	AMI	Sales Price	Max Household Income
A-101	1,349	3 (4)	80%	\$ 303,647.00	\$ 85,680
A-102 ADA	1,000	2 (3)	60%	\$ 197,881.00	\$ 57,834
A-201	1,000	2 (3)	70%	\$ 239,122.00	\$ 67,473
A-202	998	2 (3)	70%	\$ 239,122.00	\$ 67,473
A-203	1,174	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-301	989	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-302	987	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-303	1,000	2 (3)	80%	\$ 263,841.00	\$ 77,112
A-304	997	2 (3)	80%	\$ 263,841.00	\$ 77,112
A-401	671	1 (2)	60%	\$ 182,188.00	\$ 51,408
A-402	959	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-403	1,174	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-404	1,189	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-501	1,160	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-502	1,163	3 (4)	150%	\$ 569,338.00	\$ 160,650
Storage units	680				
Total	16,490				
Total Affordable	7,695				

Based on prior direction from Planning Commission and in compliance with the definition of “Net Livable Square Footage” in [Section 5 of Housing Resolution 03-2017](#),

storage units/areas that are exterior to the residential units don't qualify as AUEs. Therefore, the Application has agreed to trade attainable square footage/units to bring the total affordable SF from the current level of 7,015 to 7,695.

The [2017 Housing Assessment and Plan](#) (page 7) identified the average household size in Park City as 2.3 and housing preferences from a number of focus groups and surveys conducted for the Plan indicated a need for primarily 2 & 3 bedroom units. In addition, while the greatest need is for low-income units (60 to 80% of AMI), the lottery held in September of 2017 demonstrated additional need for units affordable to higher incomes; up to 150% of AMI. The Deed Restrictions for the attainable units will include all other conditions in our most current deed restrictions with the only change being the maximum household income limits.

To preserve affordability, one change staff recommends is that the maximum increase in HOA dues be set at three percent (3%) rather than the ten percent (10%) proposed by the applicant.

Section 9 of [Park City Housing Resolution 03-2017](#) (linked here), requires that the housing obligation be fulfilled in with the same type of units as the market units. Section 9.3 states:

“Mixed: In developments where there is a mix of dwelling unit types such as: detached single-family, townhomes, duplexes or attached single-family, or multi-family condominium ... the required on-site Affordable Unit Equivalentents shall also be a mix in the same proportion as the market rate dwelling units.”

The Applicant is requesting to use “Alternative Distribution Ratios” as is allowed in Section 9.4 if doing so would accomplish additional benefits. Building a multi-unit building allows for more units to be built. Rather than 4 townhomes, 1 single family home and 3.5 condominiums, 15 units are being proposed. The plan to put all the affordable/attainable units in one building allows for more deed restricted units to be built. The Applicant is also proposing to plat the affordable/attainable building separately and create a separate HOA. This alleviates mortgage lending issues that can occur in mixed income communities.

The Applicant is requesting a waiver of the timing requirements identified in Sections 11 and 14 of Park City Housing Resolution 03-2017 which state that the affordable units must be delivered in proportional timing to the free-market units. The Applicant will be drawing building permits first for the construction of the affordable/attainable building. Simultaneously, sales of the single family home lots will begin in order to garner the revenue for completion of construction on the affordable/attainable building. Once lots are sold, the Applicant won't be able to control how quickly a single family home is built and it is possible that one or more of the single family homes will receive their CO prior to that of the affordable/attainable building. The construction timing for single family homes is typically 10 months, while a multi-unit building is more complex and requires up to 18 months.

Therefore, the Applicant is requesting a waiver and proposes the following to ensure that the affordable/attainable building is completed in a timely manner.

1. The Affordable Housing building will be the first building to draw a building permit.
2. No CO will be granted for the Crown Homes (market townhomes) prior to receiving the CO for the affordable/attainable building.
3. CRH will post a Performance Bond in a form acceptable to the City for the construction of the Affordable Housing building.

And finally, if the construction timing of the affordable housing building deviates more than 120 days from the proposed construction guideline (see attached timeline in Exhibit B, then the Applicant shall first appear before the Park City Housing Authority to explain the timing discrepancy and the Council shall at that time have the right to request that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.

Alternatives for City Council to Consider

1. **Recommended Alternative:** City Council might approve the Kings Crown at Park City Affordable Housing Mitigation Plan. **This is staff's recommendation.**

Pros

- a. Provides affordable housing for Park City's workforce.
- b. Meets Council's Critical Priority of more affordable housing.
- c. Also provides units at an attainable price for households above 80% of AMI.

Cons

- a. Doesn't address the need for rental units

Consequences of Selecting This Alternative

The King Crown at Park City project will provide not only the number of units required by the housing obligation, it will also meet the need for units affordable to households above 80% of AMI. It will meet three of Council Critical Priorities: Housing, Transportation and Energy. Affordable housing will be added, commuter cars will be reduced on local roads and less greenhouse gas emitted.

2. **Null Alternative:** Council could choose to not approve the Housing Mitigation Plan.

Pros

- a. A different proposal could be requested.

Cons

- a. Delays will occur in the development of affordable/attainable housing for the community.

Department Review

This report has been reviewed by the Community Development and Executive departments and the City Attorney's Office.

Funding Source

There is no funding source needed for this project.

Attachments

Exhibit A – Kings Crown at Park City Affordable Housing Mitigation plan.

Exhibit B – Proposed construction timeline

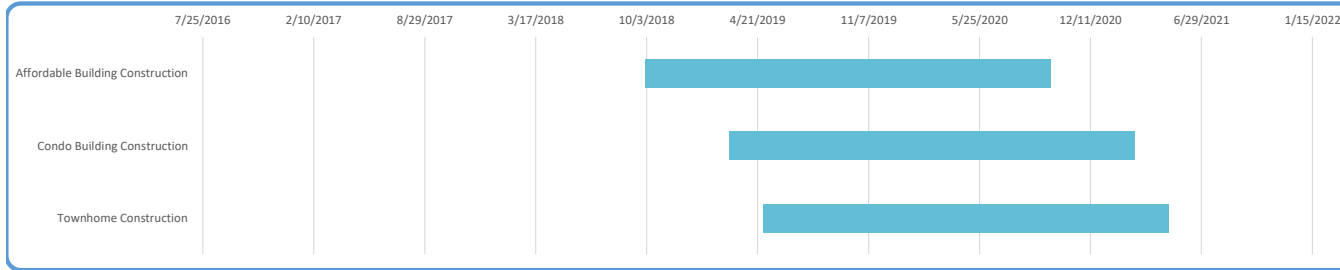
Exhibit C – Draft Affordable Housing Mitigation Plan Approval

Exhibit D = The Affordable Housing Building is Building A on Lot 1 of this [Site Plans](#) link.

Exhibit E = Pages 3 & 4 of [Floor Plans](#) linked here are Building A, Affordable and Attainable Housing Building

Kings Crown Timeline

Task Name	Start Date	End Date	Duration
Affordable Building Construction	10/1/2018	10/1/2020	731
Condo Building Construction	3/1/2019	3/1/2021	731
Townhome Construction	5/1/2019	5/1/2021	731





DATE: _____

CRH Partners, LLC
1887 Gold Dust Lane
Park City, UT 84060
Attn: Hans Fuegi

NOTICE OF PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

Description: Affordable Housing Mitigation Plan
Project Title: Kings Crown at Park City
Date of Action: August 8, 2018

Summary of Recommendation

On August 8, 2018 the Park City Planning Commission forwarded a recommendation to the Park City Housing Authority that they approve a Housing Mitigation Plan proposed by CRH Partners, LLC. The Mitigation Plan proposes the construction and sale of 15 affordable/attainable deed restricted condominiums at Kings Crown at Park City. Seven units priced affordable to 60, 70 & 80% of AMI are in fulfillment of the affordable housing obligation at Kings Crown at Park City. Eight attainable units priced affordable to 150% of AMI are in excess of the generated housing obligation. Completed units will include one 1-bedroom unit, eight 2-bedroom units and six 3-bedroom units.

Findings of Fact:

1. The applicable Development Agreement was recorded June 14, 2018.
2. A total of 8.55 Affordable Unit Equivalent (AUEs) in the form of seven condominiums fulfill the housing obligation generated by Kings Crown at Park City in accordance with Housing Resolution 03-2017.
3. The Housing Mitigation Plan was recommended for approval by the Planning Commission to the Park City Housing Authority on August 8, 2018 attached as Exhibit A.

Conclusions of Law:

1. A Development Agreement between CRH Partners, LLC and Park City Municipal Corporation recorded on June 14, 2018 is in effect.
2. Affordable Housing must comply with Park City Housing Resolution 03-2017.

Conditions of Approval:

1. The Affordable Housing building will be the first building to draw a building permit.
2. No CO will be granted for the Crown Homes (market townhomes) prior to receiving the CO for the affordable/attainable building.
3. CRH will post a Performance Bond in a form acceptable to the City for the construction of the Affordable Housing building.
4. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction guideline, then the Applicant shall first appear before the Park City Housing Authority to explain the timing discrepancy and the Council shall at that time have the right to request that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.
5. Units will be sold at pricing as follows:

Unit #	Sq Ft	# of Bedrooms (size of household)	AMI	Sales Price	Max Household Income
A-101	1,349	3 (4)	80%	\$ 303,647.00	\$ 85,680
A-102 ADA	1,000	2 (3)	60%	\$ 197,881.00	\$ 57,834
A-201	1,000	2 (3)	70%	\$ 239,122.00	\$ 67,473
A-202	998	2 (3)	70%	\$ 239,122.00	\$ 67,473
A-203	1,174	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-301	989	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-302	987	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-303	1,000	2 (3)	80%	\$ 263,841.00	\$ 77,112
A-304	997	2 (3)	80%	\$ 263,841.00	\$ 77,112
A-401	671	1 (2)	60%	\$ 182,188.00	\$ 51,408
A-402	959	2 (3)	150%	\$ 512,404.00	\$ 144,585
A-403	1,174	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-404	1,189	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-501	1,160	3 (4)	150%	\$ 569,338.00	\$ 160,650
A-502	1,163	3 (4)	150%	\$ 569,338.00	\$ 160,650
Interior Storage units	680				
Total	16,490				
Total Affordable	7,695				

6. Deed Restrictions shall be recorded against all 15 units in a form approved by the City Attorney.
7. The SF of the affordable residential units will be increased by 680 SF

8. CCRs for the Affordable/Attainable building will include a provision that HOA fees won't increase more than three percent (3%) per year.
9. Units shall be sold to eligible households as defined in the recorded Deed Restrictions.
10. All sales shall be approved in writing by the City Affordable Housing Office.

Attached:

Exhibit A = Housing Mitigation Plan proposed by CRH Partners LLC., dated July 16, 2018

Exhibit B = The Affordable Housing Building is Building A on Lot 1 of this [Site Plans](#) link.

Exhibit C = Pages 3 & 4 of [Floor Plans](#) linked here are Building A, Affordable and Attainable Housing Building

DRAFT

July 16, 2018

Anne Laurent, Community Development Director
Jason Glidden, Economic Development Program Director
Rhoda Stauffer, Affordable Housing Project Manager
Francisco Astorga, Senior Planner

Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

RE: Kings Crown Affordable Housing

Dear Anne, Jason, Rhoda and Francisco,

Pursuant to our conversations and correspondence, we are respectfully submitting this affordable housing proposal for the Kings Crown at Park City project. Hopefully this proposal will fulfill the necessary requirements to satisfy our affordable housing obligations that have been incurred as a result of our entitlement for the development. We are submitting this plan with the clear understanding that it is subject to your review and the Park City Housing Authority's ratification. In that vein, we welcome any comments you may have on how to make this a better plan.

Kings Crown Affordable Housing Obligation

On February 1st, 2018, the Park City Council ratified the MPD for the Kings Crown at Park City project. One of the Conditions of Approval is to develop and submit an Affordable Housing Plan to mitigate the project's impacts on the community's resources. It is well-established that in a community like Park City, where the service economy dominates and real estate is at a premium, the affordable housing need is very acute.

Referencing the PCMC Affordable Housing Code, the requirement for residential affordable housing is relatively straightforward at 15% of the density allocation. The commercial component of the Affordable Housing Code is more complex, with employee generation numbers being the driving factor. The Kings Crown project, as approved, has no commercial component. The Kings Crown project MPD has been approved for 57 residential units. The Affordable Housing Code requires that the applicant construct 15% of the total number of units approved as affordable housing. This equals 8.55 Affordable Unit Equivalent (AUE). An AUE is defined as 900 square feet of living space (exclusive of parking, mechanical and circulation). $8.55 \text{ AUEs} \times 900 \text{ sqft} = 7,695 \text{ sqft}$ of affordable housing obligation.

Kings Crown Affordable Housing Proposal

The Kings Crown project is proposing to construct 7,695 sqft of affordable housing living space with an additional 8,795 sqft of attainable housing living space. This meets our affordable housing obligation and provides extra attainable housing as well.

All of the affordable housing is located in one building, Building A, on the Master Plan. The building is located on-site and will be the first building to draw a building permit, thus eliminating the concern of unbuilt affordable housing obligations that have caused issues in Park City with previous developments.

The primary reason that all of the affordable units are located in one building is buyer financing. Principals of CRH were also Principals in Silver Star, a project with affordable housing located in it as well. A painful lesson we learned with Silver Star is that lenders do not like “mixed” buildings with affordable housing and other uses, such as market rate real estate. The restrictions placed on affordable housing, unfortunately, do not line up well with the demands of conventional financing. Traditional lenders require that loans be easily syndicated to Fannie Mae. Fannie Mae has strict guidelines regarding what they will and will not lend on and we found that the units in mixed developments did not fit “in the box” and were rejected time and again. By locating the affordable units in one building, and having a sub-HOA dictate the Covenants, Conditions, and Restrictions of that building, we are able to achieve a sellable product as far as lenders are concerned.

There are a total of 15 individual affordable/attainable units proposed. They range in size from 671 square feet to 1,349 square feet. The proposed sales price is the maximum sales price and will be lowered if there is not sufficient demand for the maximum price. The unit type, total square footage, AMI target, and the proposed price are outlined in Table 1.

Table 1. Type of Unit/Sqft/AMI Target/Maximum Price

Unit	Sq Ft	Bedrooms	AMI	Maximum Sales Price
A-101	1349	3	80%	\$ 303,647.00
A-102 ADA	1000	2	60%	\$ 197,881.00
A-201	1000	2	70%	\$ 239,122.00
A-202	998	2	70%	\$ 239,122.00
A-203	1174	3	150%	\$ 569,338.00
A-301	989	2	150%	\$ 512,404.00
A-302	987	2	150%	\$ 512,404.00
A-303	1000	2	80%	\$ 263,841.00
A-304	997	2	80%	\$ 263,841.00
A-401	671	1	60%	\$ 182,188.00
A-402	959	2	150%	\$ 512,404.00
A-403	1174	3	150%	\$ 569,338.00
A-404	1189	3	150%	\$ 569,338.00
A-501	1160	3	150%	\$ 569,338.00
A-502	1163	3	150%	\$ 569,338.00
A-STG	680			
Total	16490			
Total Affordable	7695			

*Gray = affordable units

*White = attainable units

The sales price for the affordable and attainable units was calculated using guidelines provided by Park City Municipal Corporation. The mortgage payment for the Owner-Occupied Unit, including principal, interest, taxes, and insurance (“PITI”), shall not exceed 30% of the Target Household Income. The assumptions used to calculate the sales price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the prevailing FirstHome rate, or its program equivalent, of the Utah Housing Corporation at the time of the offer.

Mitigating Factors

100% of the Kings Crown affordable housing units are proposed be constructed on-site. This is very unusual and is recognized by the LMC as the ideal situation regarding affordable housing fulfillment. Locating the affordable housing on-site, particularly in Old Town, helps in a variety of ways: traffic trips are reduced, vitality and vibrancy are maintained in the heart of Park City, and public transit is readily accessible, to name a few of the benefits. On-site construction is listed as the highest priority for meeting the LMC affordable housing requirements.

As mentioned above, the Kings Crown proposal fulfills the required affordable housing requirement as outlined in the LMC and provides additional attainable housing. This is separate from mechanical space, circulation and parking. Additionally, all of the required parking is located on-site and in an enclosed underground garage. There are 18 parking spaces required and 18 parking spaces provided. In addition, CRH has provided a large storage area where residents can store their bikes, ski gear, etc. Each unit owner will have a private space separated by meshed fencing. This is located on the first floor (above parking) and to the west side of the building.

The affordable housing owners will not have a locker in, nor access to the ski clubhouse area. The ski club amenity is provided as a benefit to the market buyers to enhance the ski-in, ski-out experience. The cost of upkeep and maintenance of the facility is borne by the market rate buyers. In an effort to keep the HOA dues costs down for the affordable owners, as well as maintain an exclusive experience for the market rate owners, the ski club will be exclusively for the use of the market rate owners. The affordable unit owners will still be allowed to access the ski run adjacent to the ski club through the ski access stairs. In order to keep the affordable housing costs down, the HOA fees will not increase by more than 10% annually.

The fact that the property is located directly adjacent to the Kings Crown ski run and the Park City Resort base area is extraordinary. There are very few opportunities such as this in all of North American ski country. This gives potential owners the chance to live at the base of one of the greatest ski mountains in the world and experience all that it has to offer. Public transit is less than 100 meters away and virtually all of downtown is within walking distance. There are grocery stores, drug stores and coffee shops all within a short walk or bike ride. This is truly a unique opportunity for potential buyers and gives them an opportunity to live and work within Park City limits right where the activity is.

We will ensure the buyers will be qualified according to the City’s qualified buyer criteria and approved by Park City Municipal Corporation: The qualified buyer criteria is as follows:

1. A person who does not own any other real property
2. A household with an income that is 80% or less of the area median income for affordable units, or 150% or less of the AMI for attainable units

3. The combined net worth of the persons eighteen years of age and older in the household does not exceed an amount equal to five times the area median income
4. A household which has a minimum of one adult who meets one of the following criteria:
 - a) A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within the Park City School District boundaries
 - b) An owner or owner's representative of a business or entity with a primary place of business within the Park City School District boundaries
 - c) A retired person who was a full-time employee of an entity located within the Park City School District boundaries for at least two continuous years immediately preceding his or her retirement
 - d) A person who is unable to work or does not have a work history required under subsections (a) through (d) due to a disability

We will also ensure the units meet the affordable unit restrictions:

1. Appreciation is limited to 3% per year, compounding
2. Unit must be owner-occupied as the primary residence of the owner
3. Unit cannot be rented
4. Transfer of title is not allowed (nor incorporating into a trust)
5. Owner cannot purchase other property while owning a deed restricted unit

Timing of Occupancy

The timing of the occupancy of the Affordable Housing Building is important to the applicant as well as the City. The Affordable Building is proposed to be the first vertical building to draw a permit. The applicant intends to begin construction of the affordable housing building no later than April 1, 2019 and expects to be complete within 18 months following the start of construction. The Building is almost 30,000 square feet in size and comprises 15 units, so the construction is complex and will be lengthy (likely 18 months plus or minus). For that reason, we would like to propose some flexibility with Certificates of Occupancy as it relates to other buildings in the project.

Although the affordable housing resolution asks that the affordable units be ready for certificate of occupancy no later than the date of the initial occupancy of the free market portion of the project, because we are providing eight attainable units in addition to the seven required affordable units, we are requesting a waiver in relation to the certificate of occupancy requirement. The timeframe to build a 15 unit structure as opposed to a 7 unit structure will take longer and we cannot phase it because it is a single building. We are not asking for a waiver on all the units in the development. We're simply asking for a waiver on the Certificate of Occupancy for the single-family lots and the condo building.

Given most of the single family lots would host an approximately 2,000 square foot building and could be constructed within a 10-month timeframe, we are concerned that some single-family houses could "lap" the Affordable Housing Building and, since they will be owned by third parties, create legal problems for the applicant. So, we may be in a situation where we are requiring a Certificate of Occupancy for the single-family houses well in advance of being able to secure one for the Affordable Housing Building.

Because CRH Partners, LLC is selling the condo pad and not building the condos ourselves, we do not have control over when the actual condo building will be built. Because the condo building will pull a building permit after the affordable building and because it will be one or several larger structures, it will

not catch up to the affordable building and will not need a Certificate of Occupancy before the affordable building. However, requiring the condo building to not get a certificate of occupancy in this housing plan will cloud the title and CRH will not be able to sell the condo pad to another builder/developer. In order to finance the affordable building, CRH needs the proceeds from the sale of the condo pad. The developer who buys the condo pad cannot get financing if there is language stating they cannot get a Certificate of Occupancy for their units until the affordable building has Certificate of Occupancy, because that is out of their control.

We are offering as a solution to that scenario the following:

1. The Affordable Housing building will be the first vertical building to draw a building permit.
2. We will not request a Certificate of Occupancy for the Crownhomes (7 townhomes) prior to a Certificate of Occupancy for the Affordable Building.
3. CRH will post a Performance Bond in a form acceptable to the City for the construction of the Affordable Housing building.

The performance bond will be put in place by our contractor (Big D, Mike Kerby 435-901-8864) to guarantee the completion of the affordable building. At the time of the drawing of the permit, we will present the City with a copy of our contract with Big D as well as proof of funds to complete. If the building is not completed by Big D, then the performance bond will guarantee the completion of the building.

The affordable units will receive a Certificate of Occupancy before any of the market rate units that CRH Partners are developing. As mentioned above, there is a chance a lot for a single family home could be sold and a home built before the affordable building is ready for occupancy, but that is out of our control. With the controls in place listed above, the affordable building will be completed and occupied before any other market rate units that CRH is building.

Construction Timing

There will be two phases in the construction of the Kings Crown development. Phase 1 includes the Affordable Building, the road, and the ski locker building. Phase 2 includes the townhomes and the condominium buildings. In order to finance Phase 1, the single-family lots will be sold to individual owners and the condo pad will be sold to a developer/builder.

The construction timing includes the affordable housing building starting first along with the sales of single family lots, sale of the condo pad, and the construction of the road and ski locker building. Second the condo building will be started. And third, the townhomes will be built, but will not receive a Certificate of Occupancy until the affordable building has received a Certificate of Occupancy. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction guideline, then the Applicant shall first appear before the Park City Housing Authority to explain the timing discrepancy and the Council shall at that time have the right to request that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.

A chart of the construction timeline is attached.

We believe that the above will give the City comfort that the Applicant is intending to complete its affordable housing obligation, times two, in a timely and acceptable manner to the City.

Thank you for the opportunity to forward you this proposal. We appreciate your review of this report and look forward to discussing it with you. Please do not hesitate to contact us with any questions or comments you may have.

Sincerely,

CRH Partners, LLC

Rory Murphy
Chuck Heath
Hans Fuegi

Planning Commission Staff Report



Subject: 341 Ontario Avenue
Project #: PL-15-02915
Author: Anya Grahn, Historic Preservation Planner
Date: August 8, 2018
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 341 Ontario Avenue, conduct a public hearing, and approve the Steep Slope CUP for 341 Ontario Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Owner/ Applicant: Matt Day (Jon P. Sparano, Architect)
Location: 341 Ontario Avenue
Zoning: Historic Residential-1 (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of an addition to an existing historic single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater.

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet and the Building Footprint of the addition is located upon an existing Slope of 30% or greater. The site has been designated as Significant on the Historic Sites Inventory (HSI) and currently has a historic house on the downhill side of the lot. The applicant is proposing to build an addition on the east side (uphill) of the historic house creating a total house size of 3,928 square feet. The existing footprint of the historic house and its non-historic additions is 483 square feet; the proposed footprint of the house following construction of the addition will be 1,519 square feet. The construction is proposed on a slope greater than 30%, and in some areas, the slope is approximately 93%. A 100% slope would be a 45 degree angle.

Background

In February 2014, the Planning Department received the first Historic District Design Review Pre-Application from this applicant for the proposed renovation of the historic house and construction of a new addition at 341 Ontario Avenue.

On July 31, 2014, the Park City Council approved the 341 Ontario Avenue Subdivision through [Ordinance 14-42](#) [See [Staff Report](#) (starting page 165) and [Minutes](#) (starting page 6)].

On September 3, 2015, the applicant submitted a Steep Slope Conditional Use Permit (SS-CUP). The application was deemed complete on September 22, 2015; however, the application has been on hold while the applicant worked through the HDDR redlines and variance processes. The applicant complies with the current LMC requirements and variances granted by the Board of Adjustment.

A Historic District Design Review (HDDR) application was submitted on September 3, 2015, and deemed complete on September 22, 2015. Staff has been working with the applicant for almost three years through the HDDR process in order to develop a design that complies with the Land Management Code and Design Guidelines. The applicant requested that the review be put on hold in 2016 while staff amended the height exceptions allowed by LMC 15-2.2-5; the amended LMC provided a height exception for houses on a downhill lot and was passed as [Ordinance 2016-44](#).

On April 19, 2017, the Planning Department received an application for a variance request to the minimum front yard setback, building height, as well as the maximum interior height of the building. The application was deemed complete on May 9, 2017. The Board of Adjustment reviewed the variance on June 20, 2017 [[Staff Report](#) (starting page 17) and [Minutes](#) (starting page 3)] and April 17, 2018 [[Staff Report](#) (starting page 15)]. The BOA approved the variances requested on April 17, 2018, which included:

- #1: A variance to LMC Section 15-2.2-3 (E) to the required ten foot (10') front yard setback exception to allow for an addition to be constructed at the front of the lot; the addition includes a one-car garage on the top level, adjacent to Ontario Avenue. The BOA granted a variance to the required front yard setback to 4 ft. 6 inches.
- #2. A variance to LMC Section 15-2.2-5 to the maximum building height of 27 feet above Existing Grade to 35 feet above Existing Grade.
- #3. A variance to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters to 39 feet 6 inches.

The hardships of the property which warranted the variance were due to the location of built Ontario Avenue in relation to the front property line as well as the steep slope of the grade from Ontario Avenue to the location of the historic house that is located some 36 feet below the grade elevation of the street.

Following approval of the variances, the applicant submitted updated plans for consideration on May 22, 2018 (see Exhibit B). An HDDR is being reviewed concurrently with this SS-CUP.

Purpose

The purpose of the Historic Residential-1 Density (HR-1) District:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,

- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

Following renovation and construction of the addition as proposed, the house will contain a total of 3,928 square feet. The proposed footprint of the historic house and its new addition will be 1,519 square feet; the lot size allows a maximum footprint of 1,519 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

This is a steep, downhill lot, and the average slope of the lot is about 52%. The slope drops drastically immediately west of Ontario Avenue, with portions of the grade having a slope of about 93% directly east (rear) of the historic house. (Please note that a 100% slope would be a 45 degree angle.) Due to the steepness of the lot, the historic house is currently accessed off of a pedestrian pathway adjacent to Shorty’s Stairs, not from Ontario Avenue.

Proposed construction meets the requirements of the LMC and granted variances. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement/Variance	Proposed
Lot Size	Minimum of 1,875 square feet	3,750 square feet, <u>complies.</u>
Building Footprint	1,519 square feet maximum	1,519 square feet, <u>complies.</u>
Front Yard	4 ft. 6 in., as granted by variance	4 ft. 6 in., <u>complies</u>
Rear Yard	10 feet minimum,	10 feet, <u>complies</u>
Side Yard	5 feet minimum, 10 feet total	5 feet (north side yard), complies 1 foot (south side yard- existing historic), <u>complies</u> ¹ 5 feet (south side yard- for new construction)
Height	35 feet above existing grade, maximum, as granted by variance	34.8 feet, <u>complies.</u>
Interior Height	39 feet 6 inches measured from the lowest finish floor plane to the point of the highest wall top plate that supports	39 feet, <u>complies.</u>

	the ceiling joists or roof rafters, as granted by the variance	
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference on the west (rear) yard is 4 feet.
Vertical articulation	<p>A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure.</p> <p>The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.</p>	There is a 10 foot horizontal step in the downhill façade that is provided by the historic house before it extends into the addition, <u>complies</u> .
Roof Pitch	Between 7:12 and 12:12.	The main roof of the addition has a 7:12 pitch, <u>complies</u> .
Parking	Per LMC 15-2.2-4, Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.	The applicant proposes to provide one off-street parking space in the proposed single-car garage; <u>complies</u> .

¹Per LMC 15-2.2-4 Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

Steep Slope CUP Analysis

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for construction of any new construction when the Building Footprint of the addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater. As previously noted, the historic house and new addition will have a total footprint of 1,519 square feet and the construction is proposed on a slope that increases from 40% near the west property line, closest to Ontario Avenue, to up to

93% in the center of the lot behind the historic house, and then flattens out to 26.6% directly in front of the historic house on the southwest corner of the site.

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The steepness of this lot and location of the historic house at the bottom of “the cliff” makes development on this lot challenging. The historic house was constructed on the southwest corner of the lot, facing Main Street and with its back to the canyon wall. Directly behind the house and to the east, the grade rises some 32 feet to meet Ontario Avenue. Due to the steep slope of the lot and elevation differences between the historic house and the road, the applicant sought variances to increase the allowed height above Existing Grade, interior height, and front yard setback to accommodate development that would both contribute to the streetscape along Ontario Avenue while also preserving the historic integrity of the house.

The one-story, 483-square foot historic house sits some 32 feet below Ontario Avenue, with its back (east) wall built against the wall of the canyon. The historic house is only about 16 feet in height. Staff has been working closely with the applicant over the last three years to develop a design that both provides street access on Ontario Avenue while not overwhelming the historic house due to its bulk, mass, and scale. After several iterations and the granting of variances, the applicant has been able to move forward with a design that is visually separated and distinguishable from the historic house.

Though roughly four stories in height and much taller than the historic house, the design separates the new addition from the historic house through a transitional element. To further separate the historic house from the new addition, the addition is pushed back into the hillside and behind the façade of the historic house. The bulk and mass of the addition is broken up by patios, roofs, and decks that provide shadow lines that will further mask the bulk. The applicant has also chosen to use a vertical siding on the addition to further visually separate the historic house from the addition. It will also be painted a different color to provide additional separation from the historic house in an attempt to minimize its appearance behind the new addition.

The Design Guidelines discourage facades with under-scaled entries that emphasize garages. In comparing this house to its neighbors along Ontario Avenue, the applicant has proposed a design with a single-car garage to the north of a pedestrian entrance. In looking at the façade, the entry and associated circulation space consumes more than half of the façade and diminishes any emphasis on the garage. While contemporary in form, the façade pulls from the traditional hall-parlor house form. The entrance is setback by a roof overhang that simulates a porch. The addition is also designed in such a way that the north and south side walls act as retaining walls, minimizing the need for retaining walls along the side yards. On the front of the house, the driveway is bridged to prevent changing the grade.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis to show the proposed streetscape and cross canyon views. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. Neighboring houses are four stories in height, and the mass and bulk of these structures overwhelm neighboring historic houses.

The applicant has broken up the mass and scale of this house to climb the hill. The mass of the structure is broken up into modules that are reflective of the mass and scale of the historic house. The overall height of the building above Existing Grade is much lower than its neighbors to the south that tower above this site. The mass and scale of the addition will be compatible with neighboring structures to the north that are much smaller in scale and reflective of the proportions proposed for this addition.

The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By stepping the structure up the hill and pushing it behind the historic house, the mass and scale have been broken up and largely minimized. The side yard will be re-vegetated following construction.

The survey identifies two aspen trees. The aspen tree to the west of the smaller tree along the north property line is Significant Vegetation. The applicant is proposing a robust landscape plan (see attached plans) that will visually buffer and screen the view of the addition from neighboring properties and emphasize the view of the historic house. The existing two trees will be replaced with seven (7) new aspen trees. The street view of the house is simple in design and creates vehicular and pedestrian access to the property from Ontario Avenue.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged. **No unmitigated impacts.**

Existing access to this site is from a pedestrian path off of Shorty's Stairs; there is currently no access from Ontario Avenue. The applicant has proposed an addition to the house that provides off-street parking and a pedestrian entrance from Ontario Avenue. The design of the façade emphasizes the pedestrian entrance, rather than the garage, which is consistent with the Design Guidelines.

A bridged driveway is proposed to connect the garage to Ontario Avenue, and prevents grading. The proposed slope of the driveway decreases from north to south from 14% to 12% consistent with [LMC 15-3-3\(A\)\(4\)](#). The downhill slope of the driveway reduces the bulk and height of the structure above Existing Grade.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

Minimum terracing is needed for this project. The design of the addition incorporates outdoor living spaces, preventing the need to terrace the grade to create patios and decks. The applicant has proposed landscaped stairs that connect different areas of the house; these stairs will be built into the hillside and do not require structure or terraces. Further, the north and south sides of the house act as retaining walls and allow the applicant to maintain the existing grade in the narrow side yards.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The structure is designed to be setback and visually separated from the historic house at the back of the lot. It will add to the character of the street by creating pedestrian and vehicular access to the site. The addition to the historic house is designed to step up the hill. The location of this addition was largely driven by the need to access Ontario Avenue and the façade of the house facing west, opposite the road.

The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition. The design provides opportunities for open space, and there is only one aspen tree that meets the definition for Significant Vegetation as the site is overgrown. (The survey shows a total of two aspen trees, but only one meets this definition.) New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties. It will incorporate seven (7) new aspen trees on site for the two aspen trees to be removed.

The driveway and parking area are minimized and will be shielded by new vegetation. Unlike neighboring houses, the façade of this addition will emphasize the pedestrian entrance along Ontario Avenue.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

Staff finds that the building mass of the new addition is consistent with the existing historic house. The new addition provides a visual transition between the historic house and the new addition. The mass of the addition steps up the hill, terminating at Ontario Avenue. This helps breakup the mass of the structure, and the tallest portions of the addition are set back substantially from the historic house so as not to detract from it. The historic house, when viewed from the Marsac Avenue right-of-way and the pedestrian path that it faces, will remain the focal point.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The new addition begins on the steepest sloped part of the lot, but then climbs the hillside towards the back (east) until it reaches Ontario Avenue. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style.

Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood which is comprised of three- and four-story buildings as well as historic houses that have not yet been renovated. Further, the style of this house is consistent with the Design Guidelines. This building is challenged by having two facades—the most publically visible one along Ontario Avenue and the historic façade of the house that faces east towards Marsac Avenue. The design proposed provides street presence along Ontario Avenue with a one-car garage and emphasized pedestrian entrance. From Ontario Avenue, the addition appears to be only one story in height. Along the west elevation, the new addition appears to be four stories in height, but is still shorter in height than the four story structures to the south. The mass and scale of the proposed addition is similar to that of neighboring houses to the north and does not detract from the Historic District.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The new addition is largely tucked behind the historic house and only appears as one-story in height from the Ontario Avenue right-of-way. It does not create a wall effect along the Street front or appear to overwhelm the historic house. It is visually separated from the historic house by a transitional element, and the taller masses are pushed back toward Ontario Avenue so they do not overwhelm the historic house. Changes in material, color, and design help further visually separate the historic house from its new addition.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed design is articulated and broken into compatible massing components, similar in size and proportion to those of the historic structure. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed new construction meets the 35 foot maximum building height requirement measured from existing grade, as granted by the variance. The height of the new addition is approximately 35 feet above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the front of the lot to comply with the 35 foot height requirement. The roof has been designed to allow for side-facing gables along the street front, consistent with adjacent structures and similar in form to traditional hall-parlor houses. As designed, the house is compatible in mass and scale with houses in the surrounding neighborhood. If anything, the size of this house will appear smaller than its neighbors from the street because only a pedestrian entrance and garage will be visible from the street front. On the west elevation (facing Main Street), the house will appear four stories tall; however, the mass is broken up in such a way that it further reflects the modules seen on historic houses in Old Town. More importantly, it will appear significantly smaller than the much larger four story houses to the south of this project.

Additionally, staff is concerned about construction on Ontario Avenue. Due to the slope of Ontario Avenue and the lack of off-street parking, staff has provided the following Conditions of Approval to help mitigate the impacts of the construction on the neighborhood:

#18. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department to reduce the duration of necessary staging and deliveries. Two separate traffic control personnel will be on site for any construction related deliveries.

#19. The applicant shall notify the neighbors 48 hours in advance prior to any street closures for the project.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18.

Department Review

This project has gone through an interdepartmental review. Public Utilities had concerns about the applicant's proposed placement of the water meter. No meters should be located under the bridged driveway. Staff has added this as Condition of Approval #17. Additional Conditions of Approval have been incorporated to ensure the protection of the historic house while a new concrete slab foundation is poured.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 27, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 23, 2018. The Planning Commission continued this item at the July 11, 2018 meeting.

Public Input

No input has been received regarding the Steep Slope CUP. Public comment was taken as part of the HDDR and BOA public hearings, and there were concerns about the height of the building as well as the size of the circulation space adjacent to the garage as it contributes to the overall bulk, mass, and scale of the new building. Staff maintains that while the circulation space is larger than adjacent houses, the façade of this house is more in keeping with the Design Guidelines as it emphasizes the pedestrian entrance over the garage entrance.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 341 Ontario Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, developed residential lot that contains an existing historic house and landscaping consisting of native grasses and shrubs, as well as two aspen trees.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 341 Ontario Avenue, conduct a public hearing, and

approve the Steep Slope CUP for 341 Ontario Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 341 Ontario Avenue.
2. The site is located in the Historic Residential-1 Density (HR-1) Zoning District.
3. The site is designated as "Significant" on the City's Historic Sites Inventory.
4. The lot contains 3,750 square feet. It is a downhill lot.
5. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
6. The applicant is proposing to build an addition on the east side of the historic house, creating a total gross house size of 3,938 square feet.
7. The existing footprint of the historic house and its non-historic additions is 483 square feet; the footprint of the house following construction of the addition will be 1,519 square feet. The maximum allowed footprint for this lot is 1,519 square feet.
8. The construction is proposed on a slope greater than 30% and in some areas; the slope is approximately 93%. The slope directly behind historic house is 52%.
9. On April 17, 2018, the Board of Adjustment approved three variances for this site: (1) a variance to LMC Section 15-2.2-3 (E) to the required ten foot (10') front yard setback exception to allow for an addition to be constructed at the front of the lot; the addition includes a one-car garage on the top level, adjacent to Ontario Avenue. The BOA granted a variance to the required front yard setback to 4 ft. 6 inches; (2) a variance to LMC Section 15-2.2-5 to the maximum building height of 27 feet above Existing Grade to 35 feet above Existing Grade; and (3) a variance to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters to 39 feet 6 inches.
10. On September 3, 2015, the applicant submitted a Steep Slope Conditional Use Permit; the application was deemed complete on September 22, 2015, but it has been on hold while the applicant worked through the HDDR redlines and variance process.
11. The minimum Lot Size required in the HR-1 Zoning District is 1,875 square feet; the existing Lot is 3,750 square feet.
12. The applicant is proposing a 4.5 foot front yard, as granted by the variance; a 10 foot rear yard, as required by the LMC; 5 foot north side yard setback, as required by the LMC; and 1 foot south side yard due to the historic structure.
13. Per LMC 15-2.2-4 Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
14. The maximum Zone Height for the HR-1 is 27 feet; the variance granted 35 feet; the applicant is proposing 35 feet, as permitted by the variance.
15. The maximum interior height allowed in the HR-1 Zoning District is 35 feet; the variance granted 39 feet 6 inches; the applicant is proposing an interior height of 39 feet, as granted by the variance.
16. The final grade must be within 4 vertical feet of the existing structure, and the maximum difference will be 4 vertical feet.

17. The LMC requires a 10 foot horizontal step in the downhill façade at 23 feet, and the applicant is proposing this on the new addition.
18. The location of the development reduces the visual and environmental impacts of the Structure. The historic house is located on the southwest corner of the lot, facing Main Street and with its back to the canyon wall. The historic house sits some 32 feet below paved Ontario Avenue. The proposed addition is setback behind the historic house and separated from it by a transitional element. The mass and bulk of the structure is partially buried in the canyon wall to minimize its appearance. The mass and bulk is further broken up by patios, roofs, and decks that provide shadow lines and help conceal the size of the house. Along Ontario Avenue, the house appears to be one-story in height with emphasis on its pedestrian entrance over its garage.
19. The applicant provided a visual analysis of the project from key Vantage Points to demonstrate potential impacts of the project and to identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope and neighboring structures. The applicant has broken up the mass and scale of this house as it climbs the hill. The mass of the structure is broken into modules that are reflective of the mass and scale of the historic house. The proposed design is visually compatible with the neighborhood. There is only one aspen tree that meets the definition of Significant Vegetation identified on this property. The applicant is proposing a robust landscape plan that will visually buffer and screen the view of the addition in a way that emphasizes the historic house. The landscape plan proposes to incorporate seven (7) new aspen trees on site to replace the two aspen trees on the survey to be replaced. The street view of the house is simple in design and creates vehicular and pedestrian access to the property from Ontario Avenue.
20. Access points and driveways have been designed to minimize Grading of the natural topography and reduce overall Building scale. The existing access to the site is from a pedestrian path off of Shorty's Stairs; there is currently no access from Ontario Avenue. The applicant has proposed an addition that includes a one-car garage along Ontario Avenue. The design of the façade along Ontario Avenue emphasizes the pedestrian entrance over the garage, which is consistent with the Design Guidelines. A bridged driveway connects the new garage to Ontario Avenue.
21. The design minimizes the need for retaining Structures in order to maintain Natural Grade. The design of the addition incorporates outdoor living spaces, preventing the need to terrace the grade to create patios and decks. The applicant has proposed landscaped stairs that connect different elevations of the yard, but these stairs are built into the hillside and do not require structure or terraces. The north and south sides of the house act as retaining walls and allow the applicant to maintain the existing grade in the narrow side yards.
22. Buildings, access, and infrastructure are located to minimize cut and fill that would alter the perceived natural topography of the site. The structure has been designed in order to be setback and visually separated from the historic house at the southwest corner of the lot. The location of the addition was driven by the need to access Ontario Avenue and the steep slope of the site; the mass and bulk has been broken up to reduce the overall scale of the new addition. The applicant has located the new addition in such a way that the original grade of the site can be largely

restored following the construction of the addition. The design has provided opportunities for open space and there is only one aspen tree that meets the definition of Significant Vegetation. The driveway and parking area has been minimized and will be shielded by new vegetation.

23. Where Building masses orient against the Lot's existing contours, the Structures are stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The garage is subordinate in design to the main pedestrian entrance along Ontario Avenue. The mass of the new addition steps up the hill, terminating at Ontario Avenue; the mass and bulk have been broken up as the addition climbs the hill. The new addition reflects the historic character of Park City's Historic Sites with its simple building forms, unadorned materials, and restrained ornamentation.
24. The design prevents a "wall effect" along the Street front and/or Rear Lot Lines. The new addition is largely tucked behind the historic house and only appears as one-story in height from the Ontario Avenue right-of-way. It does not create a wall effect at the front or rear property lines because the mass and bulk have been broken up into modules that reflect the mass and scale of historic buildings. Further, decks, overhangs, and roof projects help break up the mass and provide shadow lines to minimize the visual bulk of the structure. Changes in material, color, and design help distinguish the new addition from the historic house.
25. The maximum volume of the Structure is a function of the Lot Size, Building Height, and Setbacks. The proposed design is articulated and broken into compatible massing components, similar in size and proportion to those of the historic structure. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of the single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
26. The maximum Building Height in the HR-1 District is 27 feet. The interior and exterior height of the structure is consistent with the variances granted. The height of the new addition is approximately 35 feet above existing grade, and the remainder of the addition is buried in the hillside and the grade steps uphill to Ontario Avenue. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
27. The property was posted and notice was mailed to property owners within 300 feet on June 27, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 23, 2018.
28. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The building is consistent with the variances granted by the Board of Adjustment on April 17, 2018.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures, including the historic structure on this lot.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on August 8, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on August 8, 2018, and the Final HDDR Design.
6. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
7. The Preservation Plan must include a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
8. An encroachment agreement may be required prior to issuance of a building permit for projects utilizing soils nails that encroach onto neighboring properties.
9. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
10. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
11. Historic buildings which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
12. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
13. The applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five (5) days of any relocation or alteration to the cribbing and/or shoring.
14. The applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.
15. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director

may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties and the historic house on this property.

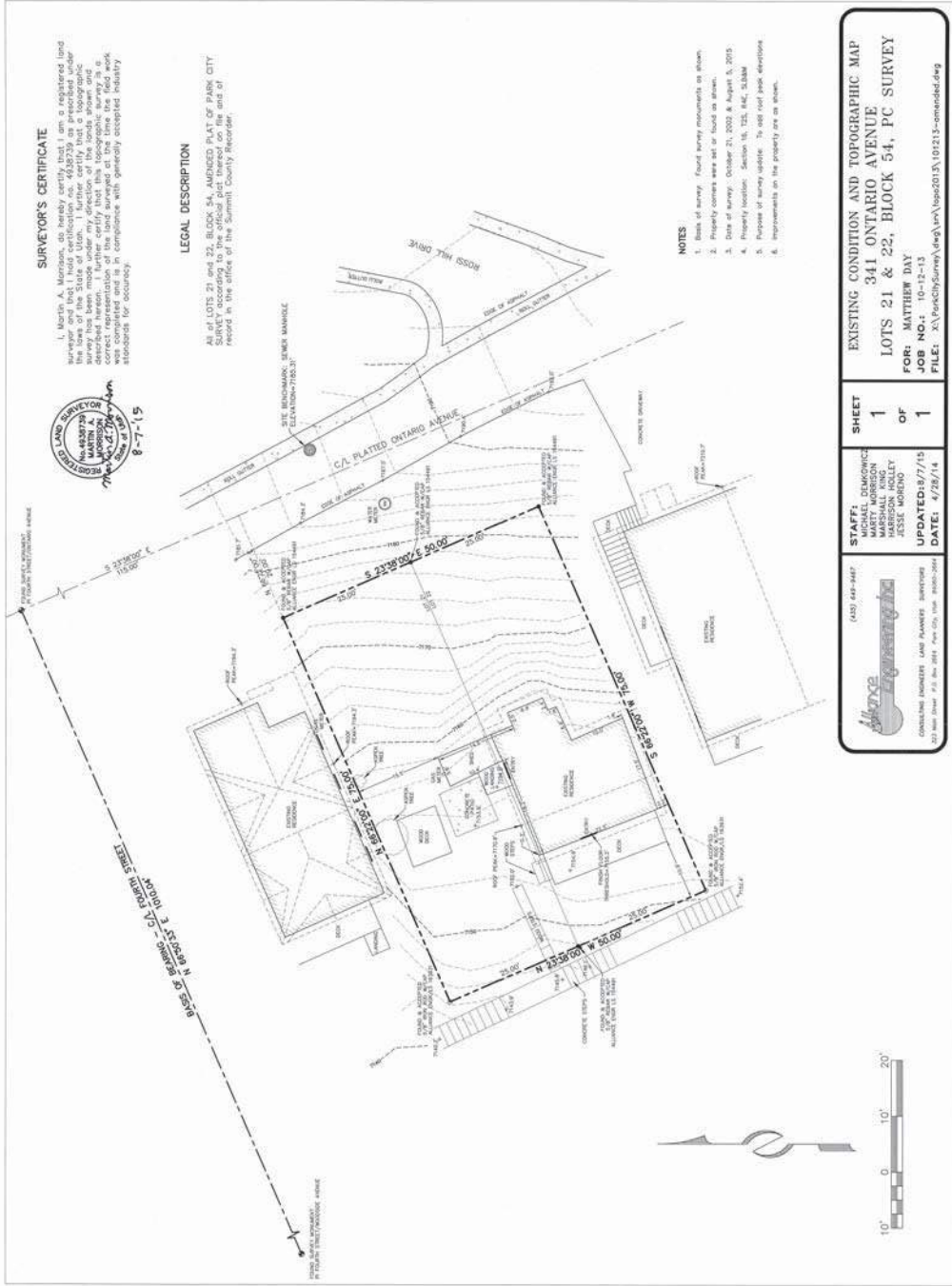
16. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
17. No utility meters shall be located under the bridged driveway; all utility meters shall be located on the applicant's property.
18. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department to reduce the duration of necessary staging and deliveries. Two separate traffic control personnel will be on site for any construction related deliveries.
19. The applicant shall notify the neighbors 48 hours in advance prior to any street closures for the project.

Exhibits

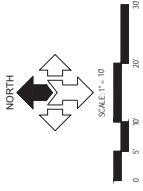
Exhibit A- Existing Conditions Survey

Exhibit B- Plans (existing conditions, site plan, elevations, floor plans)

Exhibit C- Visual Analysis/Streetscape



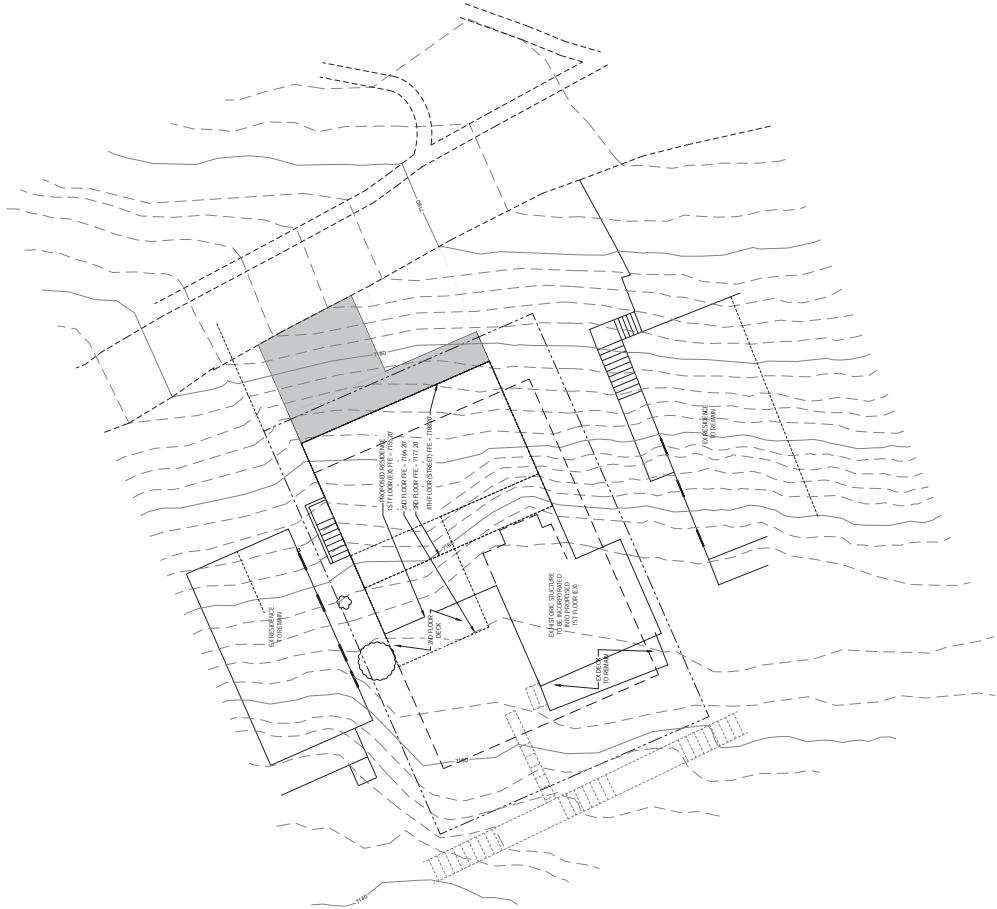
CONSTRUCTION PLANS SPARANO AND MOONEY ARCHITECTURE 341 ONTARIO AVE. PARK CITY, UTAH 84060



SITE

VICINITY MAP
N.T.S.

DRAWING INDEX	
SHEET	DESCRIPTION
01-01	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-02	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-03	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-04	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-05	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-06	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-07	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-08	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-09	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-10	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-11	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-12	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-13	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-14	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-15	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-16	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-17	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-18	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-19	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-20	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-21	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-22	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-23	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-24	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-25	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-26	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-27	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-28	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-29	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-30	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-31	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-32	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-33	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-34	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-35	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-36	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-37	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-38	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-39	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-40	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-41	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-42	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-43	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-44	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-45	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-46	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-47	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-48	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-49	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-50	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-51	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-52	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-53	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-54	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-55	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-56	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-57	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-58	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-59	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-60	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-61	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-62	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-63	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-64	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-65	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-66	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-67	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-68	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-69	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-70	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-71	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-72	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-73	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-74	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-75	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-76	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-77	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-78	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-79	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-80	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-81	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-82	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-83	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-84	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-85	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-86	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-87	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-88	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-89	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-90	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-91	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-92	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-93	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-94	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-95	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-96	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-97	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-98	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-99	GENERAL NOTES, LEGEND AND ABBREVIATIONS
01-100	GENERAL NOTES, LEGEND AND ABBREVIATIONS



ALL WORK AND MATERIALS FOR WATER
MUST CONFORM TO PARK CITY WATER
PROVIDER STANDARDS AND
SPECIFICATIONS

ALL WORK AND MATERIALS FOR SEWER
MUST CONFORM TO PARK CITY
STANDARDS AND SPECIFICATIONS

ALL WORK AND MATERIALS MUST
CONFORM TO PARK CITY STANDARDS
AND SPECIFICATIONS

ARCHITECT
SPARANO AND MOONEY ARCHITECTURE
341 ONTARIO AVE. PARK CITY, UTAH 84060
SAY I LOVE UTAH

MCNEIL ENGINEERING
Professional Engineer
Civil Engineering • Consulting & Landscape Architecture
Mechanical Engineering • Land Surveying & GIS

C1.02

EROSION CONTROL PLAN

PROJECT NO.: 1048

OWNER: GIC

DATE: 02-21-17

REV	DATE	DESCRIPTION

DAY RESIDENCE
341 ONTARIO AVE
PARK CITY, UTAH

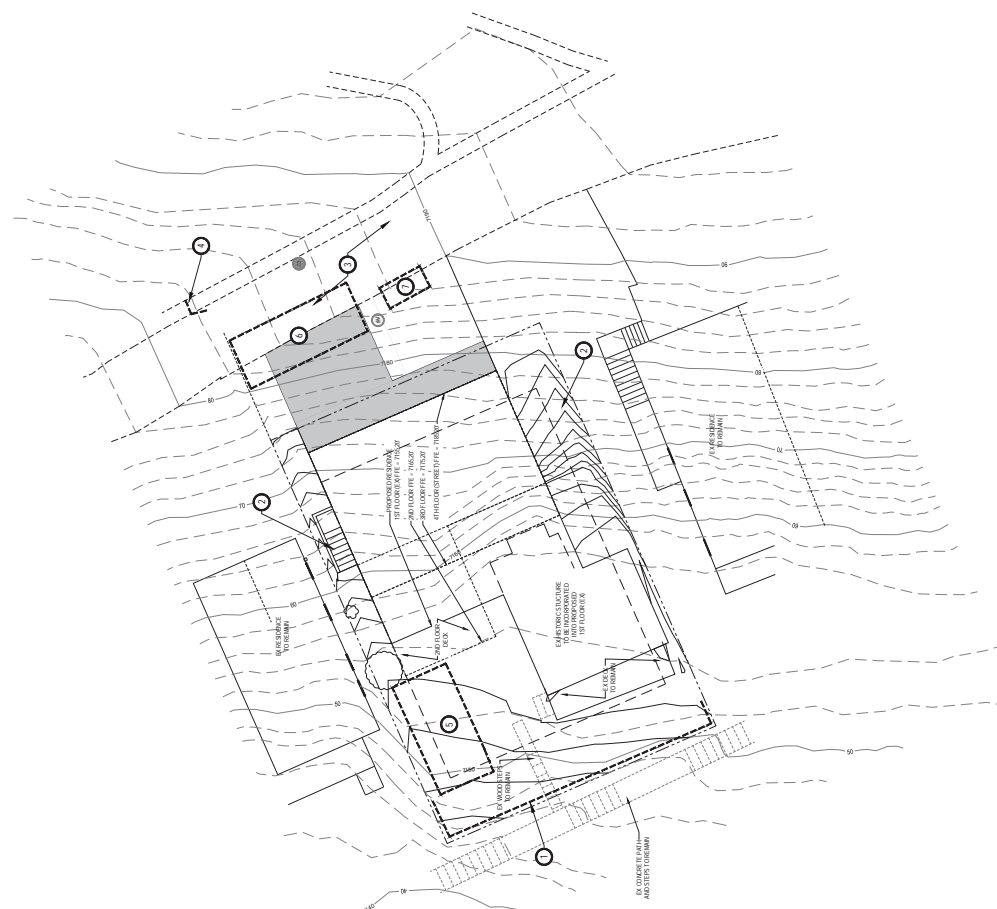


McNEIL ENGINEERING
 1000 South Main Street, Suite 200, Park City, Utah 84302
 P: 435-266-7777
 F: 435-266-7778
 E: info@mcneileng.com
 WWW.MCNEILENG.COM

Civil Engineering • Consulting & Land Surveying & HDG

NOTICE
 GIC UTILITIES IS THE CLIENT.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, DEPTH AND PROTECTION OF ALL UTILITIES SHOWN OR NOT SHOWN ON THE PLANS.
 1888-862-4111

GIC UTILITIES
DJs
 1888-862-4111

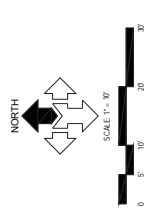


GENERAL NOTES:
 1. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING EROSION CONTROL MEASURES FOR THE DURATION OF THE PROJECT.
 2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 3. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 5. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 8. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 9. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 10. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 11. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 12. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 13. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 14. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 15. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 16. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 17. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 18. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 19. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 20. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

MAINTENANCE:
 1. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING EROSION CONTROL MEASURES FOR THE DURATION OF THE PROJECT.
 2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 3. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 5. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 8. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 9. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 10. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 11. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 12. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 13. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 14. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 15. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 16. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 17. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 18. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 19. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 20. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

KEYED NOTES:
 1. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 2. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 3. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 4. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 5. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 6. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 7. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 8. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 9. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 10. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 11. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 12. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 13. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 14. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 15. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 16. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 17. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 18. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 19. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 20. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.

KEYED NOTES:
 1. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 2. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 3. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 4. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 5. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 6. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 7. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 8. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 9. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 10. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 11. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 12. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 13. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 14. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 15. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 16. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 17. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 18. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 19. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.
 20. SEE THESE NOTES FOR THE LOCATION OF THE EROSION CONTROL MEASURES.





SUBJECT PROPERTY
341 ONTARIO AVENUE



SUBJECT PROPERTY
WEST VIEW 341 ONTARIO



NEIGHBORING STRUCTURES
& SURROUNDING CONTEXT



EAST VIEW



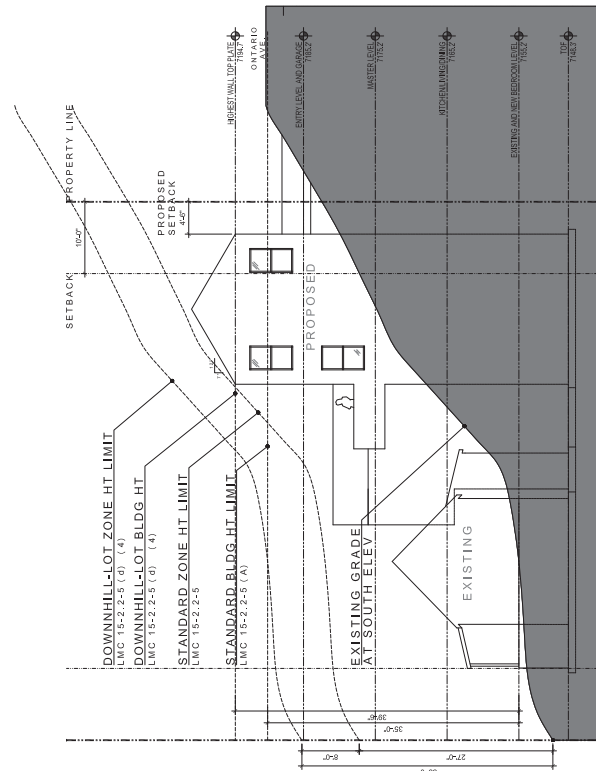
SOUTHEAST VIEW
EXISTING RESIDENCE



NORTH VIEW
SHORTY'S STAIRS



SOUTHEAST VIEW
ACROSS ONTARIO

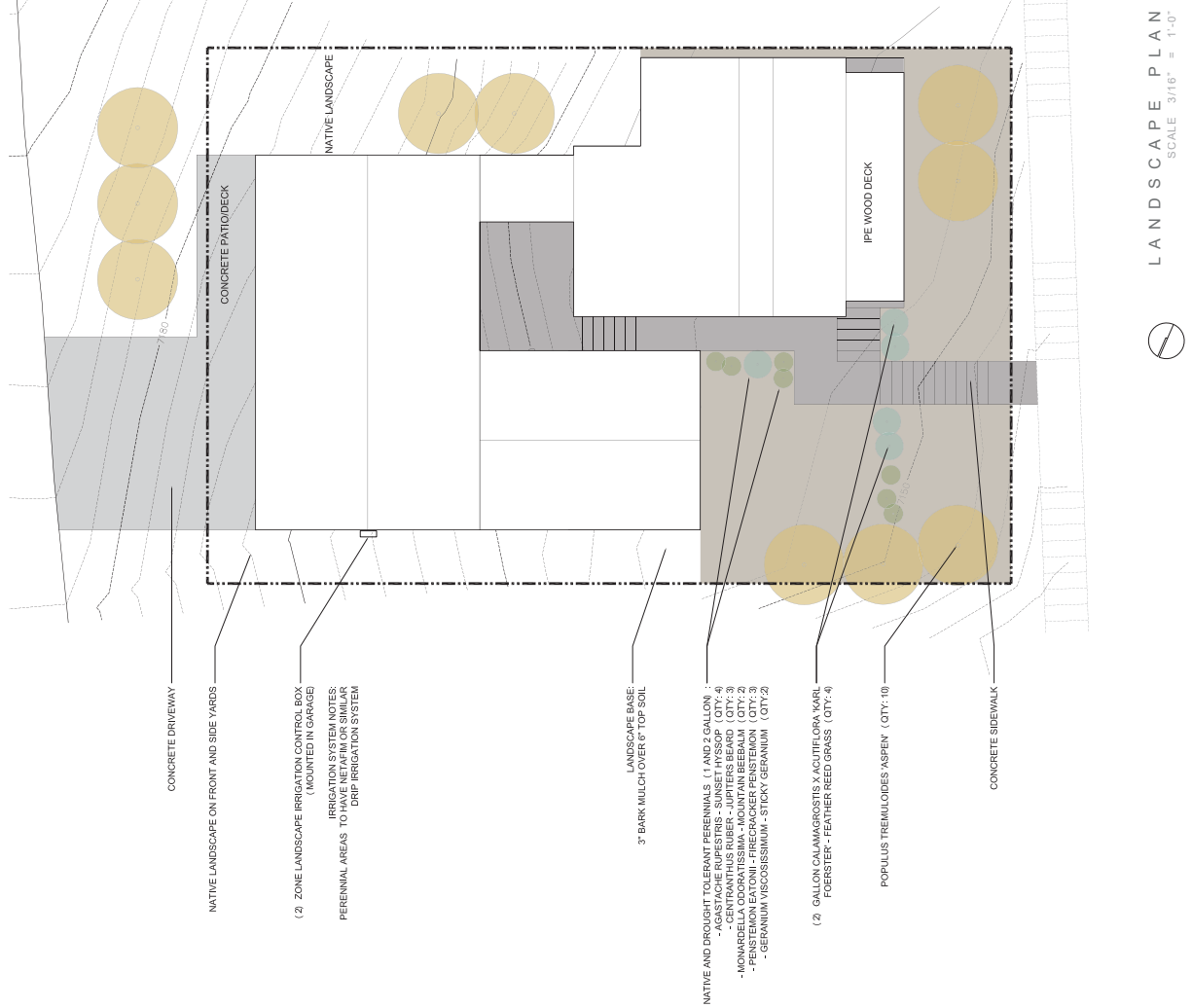


SECTION DIAGRAM
SCALE 1" = 10'-0"

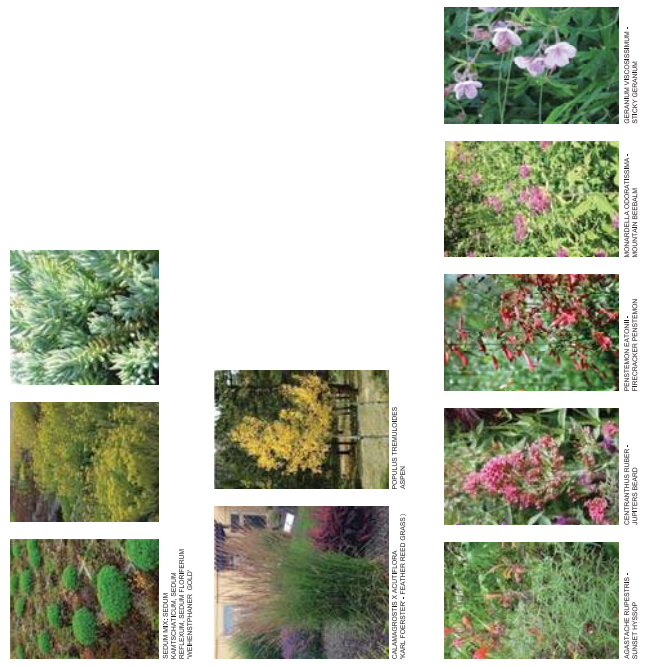
BASIC ZONING REVIEW

- 2.2 Zoning District:** HR-1
- Uses:** Single Family Dwelling (allowable use per 15.2.2-2(A))
- Allowed Uses:** Single Family Dwelling (allowable use per 15.2.2-2(A))
- Lot and Site Requirements:** Minimum Area: 1,875 sf (3,750 sf provided) Minimum Width: 25'-0" (50'-0" provided)
- Building Envelopes / Building Pad:** 5'-6" encroachment on the rear yard setback beyond the established building pad.
- Building Footprint:** MAXIMUM FP = (A2) X0.9 Lot Area = 3,750 sf therefore, Maximum FP = 1,519 sf (1,519 sf footing provided)
- Table 15.2.2 Minimum Yard Requirements:** Side Yards: 5 ft. Min., 10 ft. total for lot width 50'-0" Bldg. Pad sf: 2,200 of max. Max. Bldg. Footprint: 1,519 (see calculations 15.2.2-3(D)) Front Yard: 10'-0"; **Reduced 4'-6" setback variance obtained** Rear Yard: 10'-0"
- Table 15.2.2a Building Height:** Zone Height: 27'-0"; **35'-0" variance obtained** Building Height: 35'-0"; **39'-6" variance obtained**

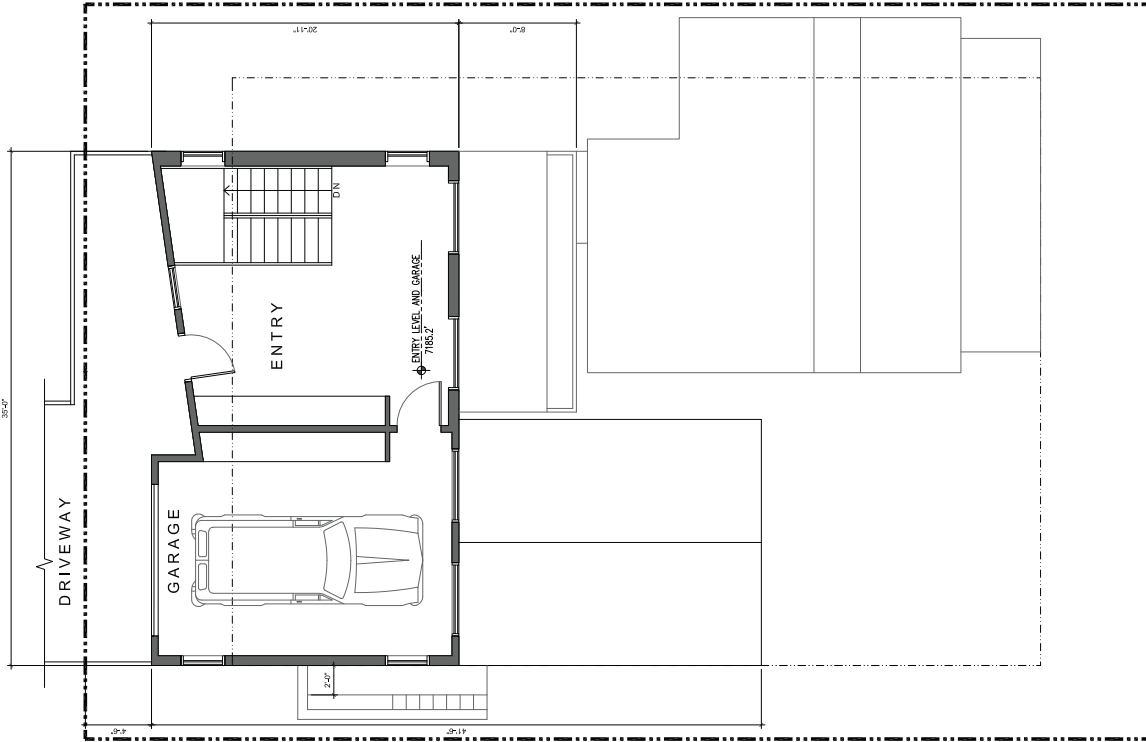
BUILDING FOOTPRINT SUMMARY		SQUARE FOOTAGE SUMMARY	
EXISTING FOOTPRINT	= 483 SF	FINISHED SF	= 3,581 SF
PROPOSED FOOTPRINT	= 1,036 SF	GARAGE SF	= 347 SF
ALLOWABLE FOOTPRINT	= 1,519 SF	TOTAL	= 3,928 SF
OVERALL FOOTPRINT	= 1,519 SF		



LANDSCAPE PLAN
SCALE 3/16" = 1'-0"



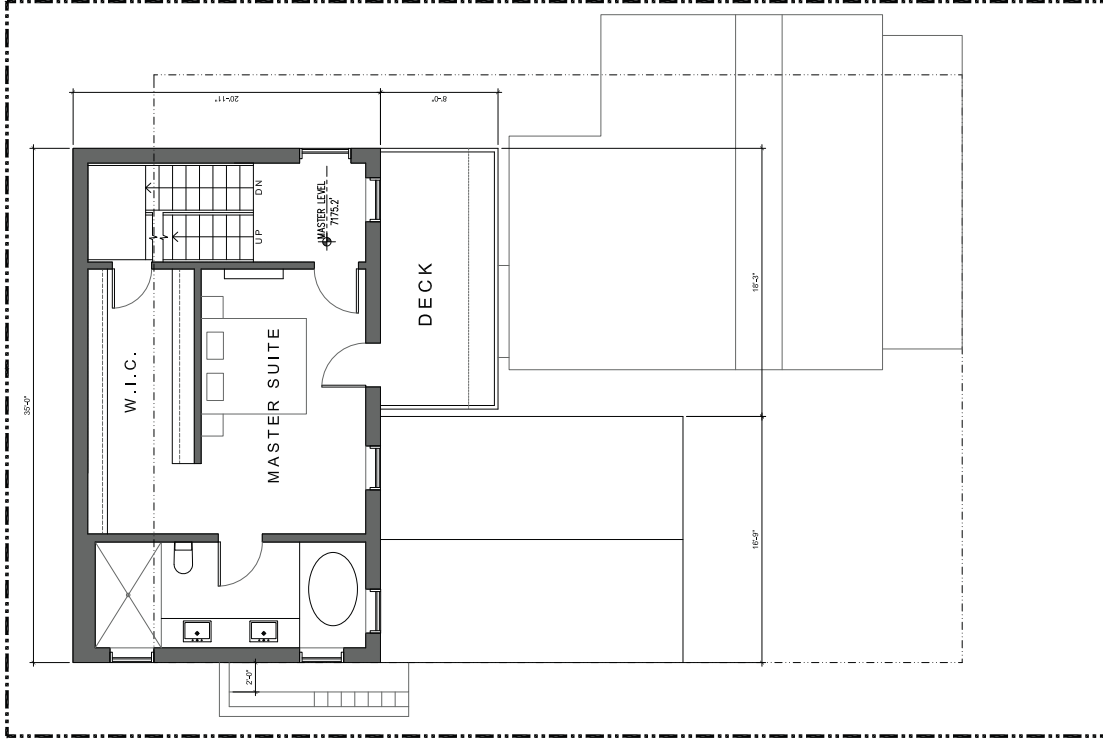
DAY RESIDENCE
341 ONTARIO AVE - PARK CITY, UT



ENTRY LEVEL - SF SUMMARY

GARAGE = 347 SF
 ENTRY = 354 SF

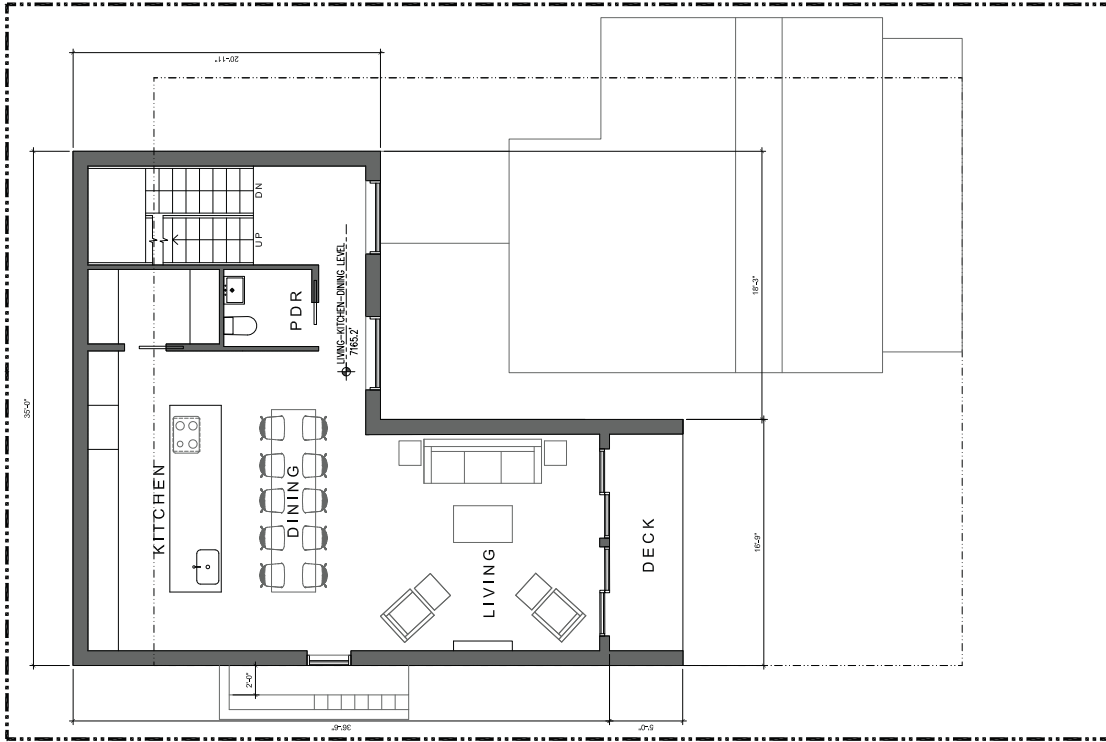
ENTRY LEVEL AND GARAGE PLAN
 SCALE 1/4" = 1'-0"



MASTER LEVEL - SF SUMMARY

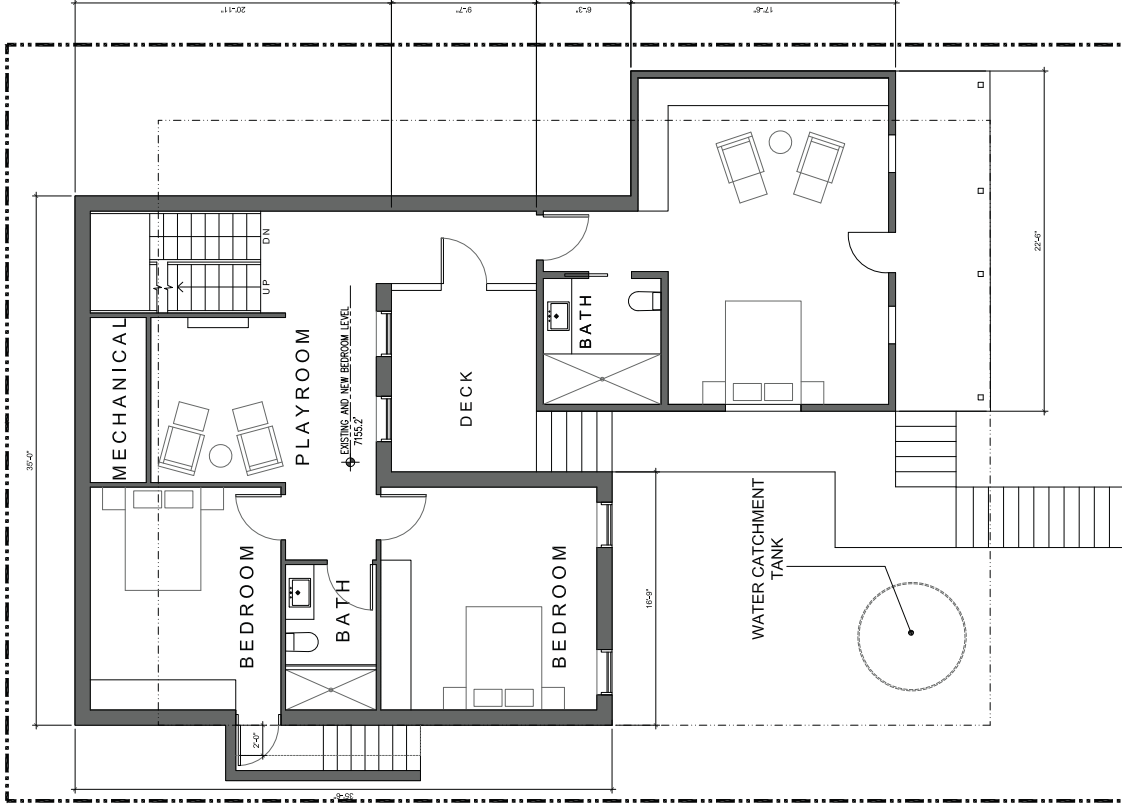
= 732 SF

UPPER LEVEL PLAN
 SCALE 1/4" = 1'-0"



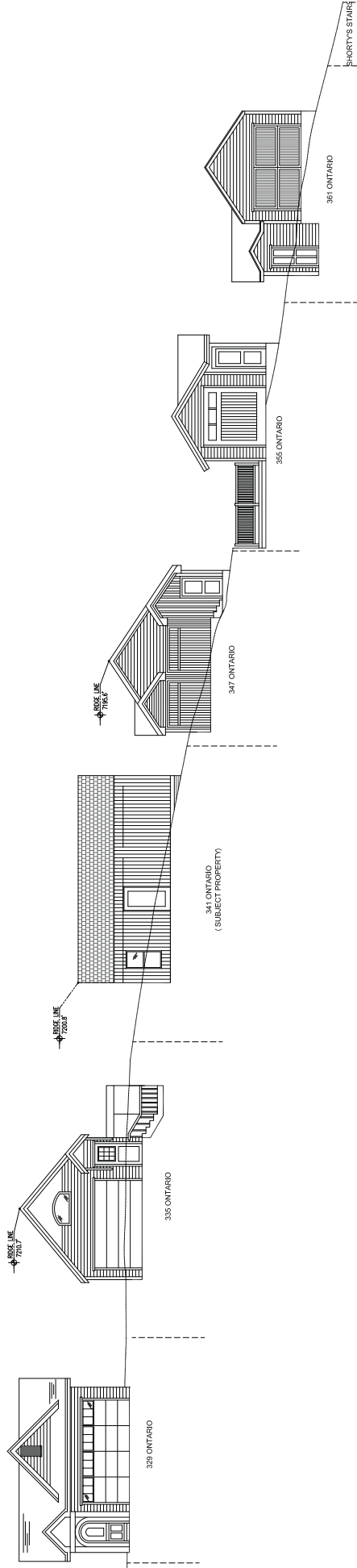
LKD LEVEL - SF SUMMARY
= 976 SF

⊘ LIVING KITCHEN DINING LEVEL PLAN
SCALE 1/4" = 1'-0"

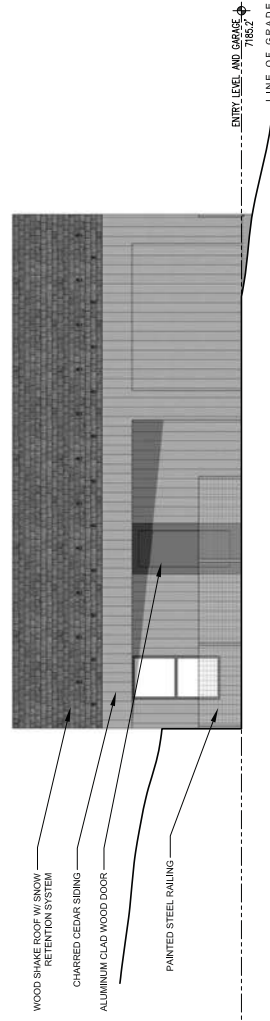


EXISTING / NEW BR LVL - SF SUMMARY
= 1,519 SF

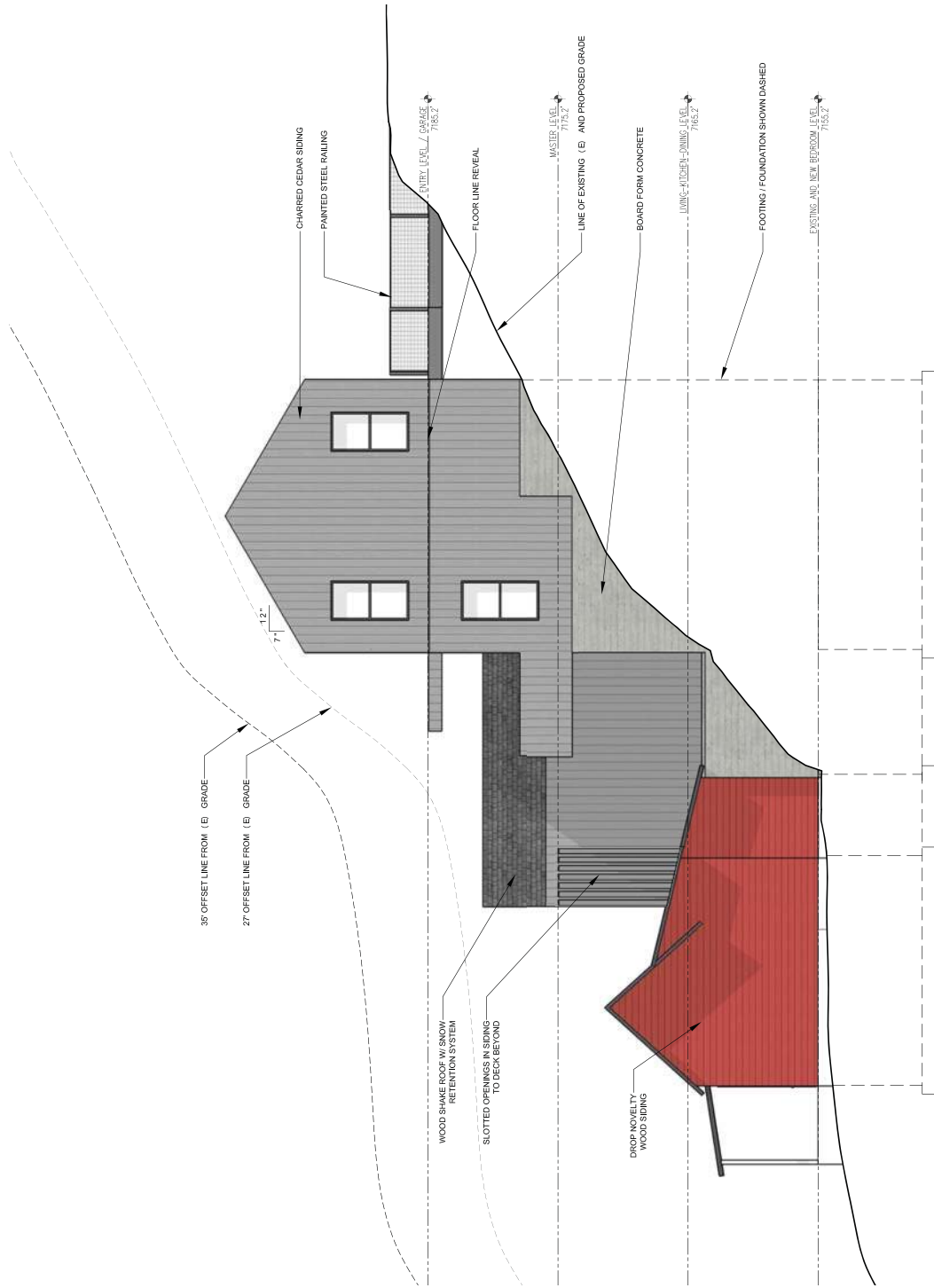
⊘ EXISTING AND NEW BEDROOM LEVEL
SCALE 1/4" = 1'-0"



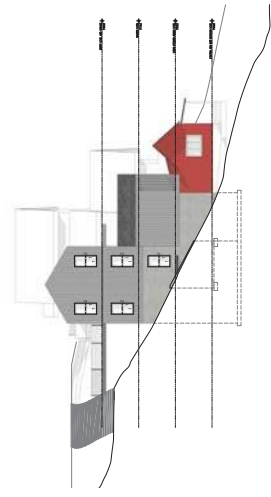
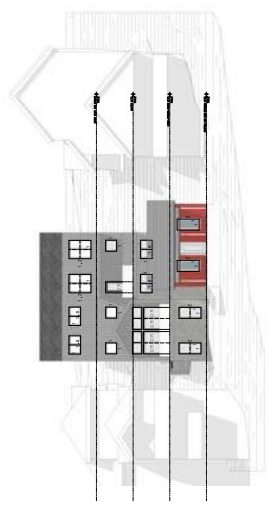
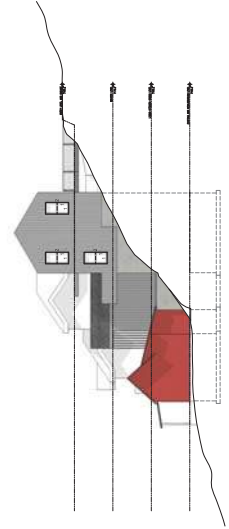
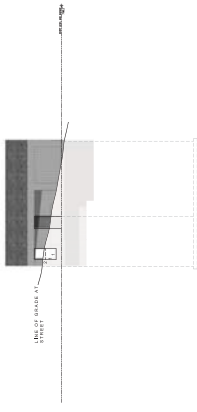
STREETSCAPE ELEVATION
SCALE 1/8" = 1'-0"



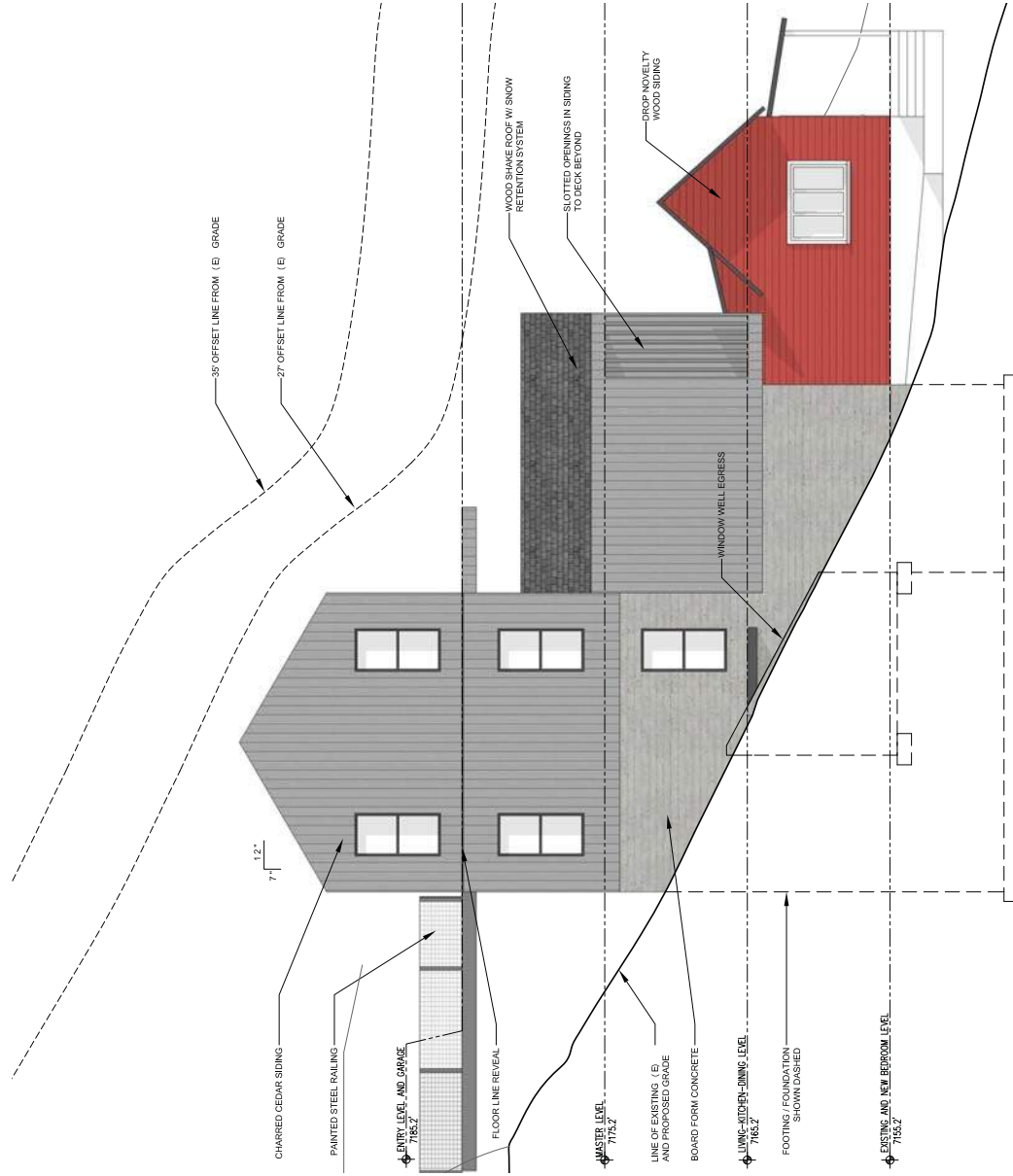
EAST / ONTARIO ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



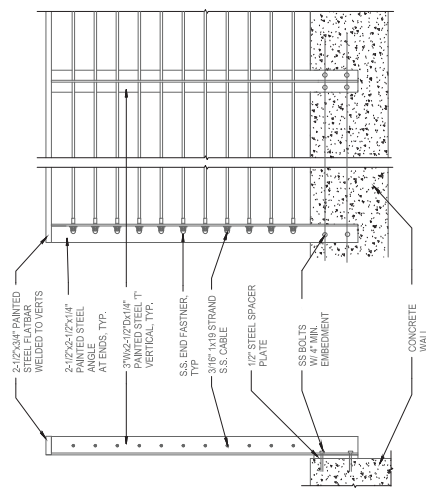
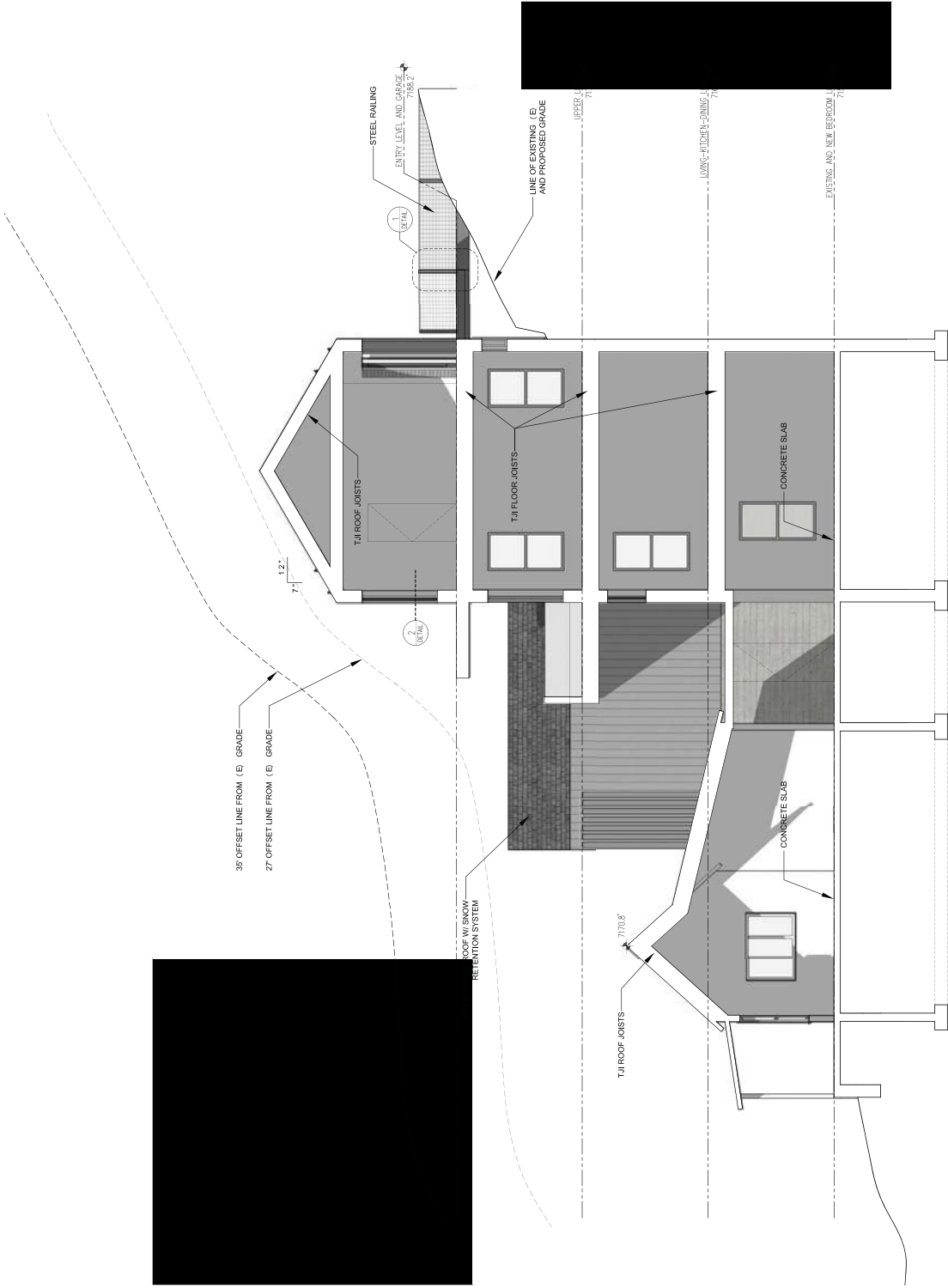
WINDOW RATIO DIAGRAMS
SCALE 1/16" = 1'-0"



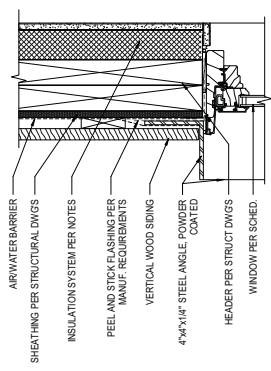
NORTH ELEVATION
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE 1/4" = 1'-0"



DETAIL 1 - STEEL HANDRAIL
SCALE 1-1/2" = 1'-0"



DETAIL 2 - WINDOW JAMB
SCALE 3" = 1'-0"

BUILDING SECTION
SCALE 1/4" = 1'-0"



RENDERING - FRONT VIEW



RENDERING - BACK VIEW



CHARRED CEDAR SIDING



BOARD FORM CONCRETE



DAY RESIDENCE

341 ONTARIO AVE - PARK CITY, UT

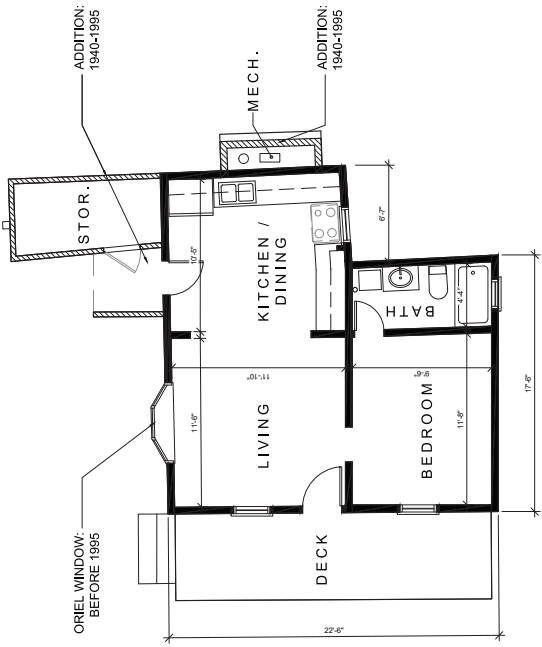
SPARANO+MOONEY
ARCHITECTURE

SUBJECT PROPERTY

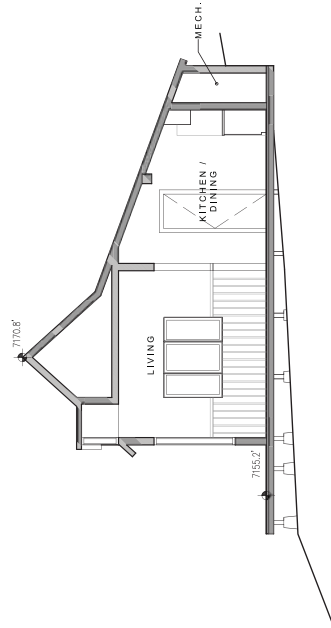


CROSS CANYON RENDERING

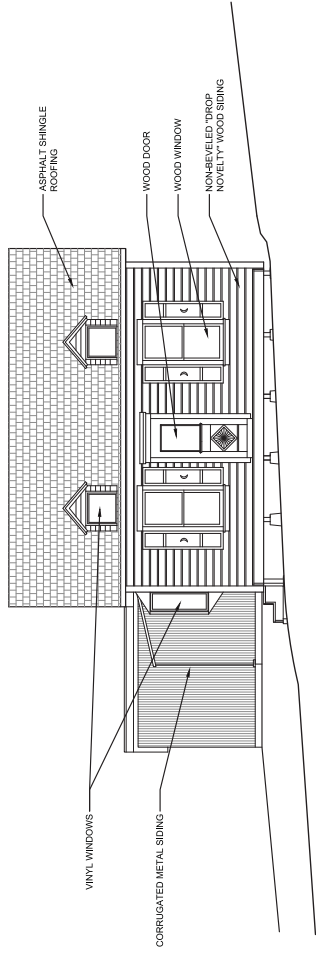
AS-BUILT DRAWINGS



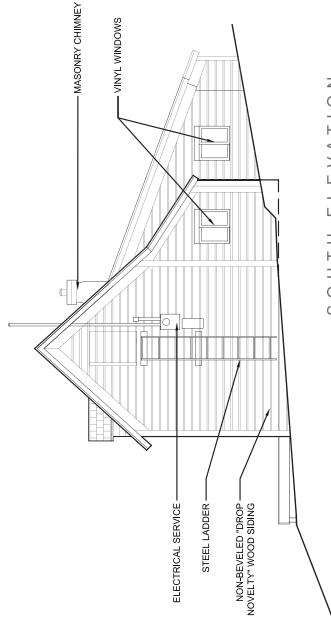
FLOOR PLAN
SCALE 1/4" = 1'-0"



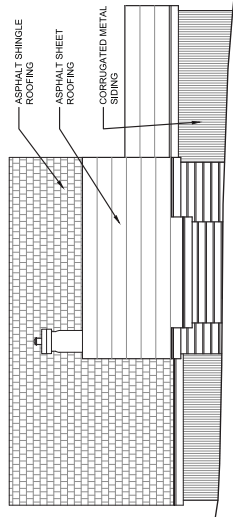
BUILDING SECTION
SCALE 1/4" = 1'-0"



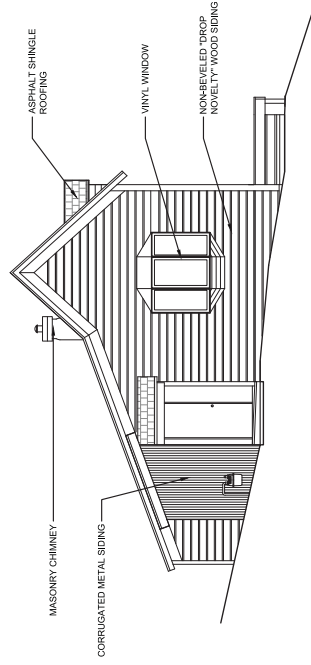
WEST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"

Planning Commission Staff Report

Subject: 875 Main Street, Lift Lodge Condominiums
Author: Tippe Morlan AICP, Planner
 Kirsten Whetstone AICP, Senior Planner
Date: August 8, 2018
Type of Item: Modification to a previously approved Conditional Use Permit for a mixed use building

Project Number:	PL-17-03673
Applicant:	The Lift Lodge Condominium Association, Inc.
Location:	875 Main Street
Zoning:	Historic Resort Commercial (HRC) → regulated under Historic Commercial Business (HCB) per the 1982 Agreement
Adjacent Land Uses:	Residential/Commercial/Retail
Reason for Review:	Modification of a Conditional Use Permit (approved on June 11, 1997) requires Planning Commission approval.

Proposal

The applicant is requesting a modification to an existing Conditional Use Permit (CUP) for an addition of a roof top deck in the common area, for use by the residential owners, for a building located at 875 Main Street (the Lift Lodge Condominiums). The applicant is also proposing to convert 196 total square feet of common area to private area incorporating hallway entry areas into private space for 11 units. The existing CUP was approved on June 11, 1997, for a mixed use residential and commercial building constructed in 1998 according to the Conditions of Approval.

Summary Recommendation

Staff recommends the Planning Commission discuss the proposed application for a modification to a CUP for the addition of a rooftop deck at the Lift Lodge Condominiums, conduct a public hearing, and consider **approving** the CUP according to the findings of fact, conclusions of law, and recommended conditions of approval as stated in this report.

Background

June 9, 1982 – The City entered into the 1982 Huntsman-Christensen Agreement, also known as the “1982 Agreement,” in which Park City exchanged property and promised to allow development within specified parameters on the Huntsman-Christensen property in exchange for title to Deer Valley Drive (see Exhibit G). This included the subject property of this application and granted additional building height by redefining natural grade for the site and vested the HCB zoning for the site (regardless of any future rezones).

September 19, 1991 – The City Council issued a conceptual approval for the Town Lift Project area. This included the property which has become the Summit Watch, Town Lift, and Lift Lodge developments (see Exhibit I).

April 16, 1992 – As a part of the Sweeney Town Lift project approval, the 1982 Agreement was modified, becoming the “1992 Agreement” (see Exhibit H). This amendment clarified interpretation and application of Building Height according to the redefined natural grade. Staff reports from this project indicate that the purpose of the amendment was to “establish a new baseline and the old agreement would have no relevance even if the [Lift Lodge] MPD was never developed.”

June 11, 1997 – The Planning Commission approved the McIntosh Mill CUP for a mixed use building (the Lift Lodge) at this location (see Exhibit J) according to the 1992 Agreement.

July 8, 1998 – The Planning Commission approved the Parking Management Plan for the McIntosh Mill CUP at this location (see Exhibit K).

May 26, 1999 – The Planning Commission approved modifications to this CUP for 875 Main Street converting some of the approved commercial space to residential space, decreasing parking demand. The changes were internal to the building and consistent with the LMC; they did not affect the exterior of the building.

June 3, 1999 – The City Council approved The Lift Lodge at Town Lift condominium conversion plat which was recorded on August 3, 1999 (see Exhibit C and Exhibit L).

January 30, 2018 – The City received a complete application for a modification of the approved CUP.

Purpose

The purpose of the Historic Recreation Commercial (HRC) District can be found in [LMC Section 15-2.5](#), and the purpose of the Historic Commercial Business (HCB) District can be found in [LMC Section 15-2.6](#).

Analysis

The applicant is proposing a modification to the existing McIntosh Mill Conditional Use Permit (CUP) at 875 Main Street to allow a rooftop deck at the Lift Lodge Condominiums identified as a part of the Residential Common Areas and Facilities. The new rooftop area is proposed to be 2,431.8 square feet in area, unenclosed, constructed to house an outdoor kitchen, hot tub, and a fire pit with seating. This area also includes improved rooftop and secondary fire access to the roof. The outdoor kitchen must meet fire standards, including requirements for kitchen areas and for sprinklering.

The applicant is also proposing to convert 196 total square feet of common area to private area incorporating hallway entry areas into private space for 11 units. The proposed changes range in size from 2 square feet to 118 square feet as indicated in the chart below.

Unit	Existing	Proposed	Addition
101	943 SF	948 SF	5 SF
102	1181 SF	1186 SF	5 SF

103	996 SF	1000 SF	4 SF
104	967 SF	No Change	
105	894 SF	No Change	
201	943 SF	949 SF	6 SF
202	1013 SF	1018 SF	5 SF
203	996 SF	No Change	
204	951 SF	956 SF	5 SF
206	738 SF	No Change	
301	943 SF	No Change	
302	1013 SF	1018 SF	5 SF
303	996 SF	No Change	
304	951 SF	956 SF	5 SF
305	1455 SF	1457 SF	2 SF
306	681 SF	799 SF	118 SF
A	1225 SF	No Change	
B	740 SF	776 SF	36 SF
C	550 SF	No Change	

The original CUP approval was for the construction of a mixed use building with a total building floor area of 37,001 square feet (see Exhibit J). This was approved with 13 condominium units averaging 950 square feet in area (and 12,381 net square feet), 842 square feet of support commercial uses, and 3,554 square feet of net leasable commercial space (4,442 gross square feet of commercial space). This approval included 8,654 square feet of parking and storage, as approved with the Parking Management Plan (see Exhibit K).

As noted in the condominium conversion staff report (Exhibit M), the Lift Lodge was ultimately constructed with 16 residential units after a previous modification to the CUP. The units average less than 1,000 square feet and range in floor area from 681 square feet to 1,455 square feet. There are approximately 2,500 square feet of commercial uses (reduced from 5,100 square feet) and located at the south end of the building.

Parking

All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development. The parking structure beneath 875 Main provides a total of 28 code compliant spaces, which is sufficient for the proposed change in use. A total of 24 spaces are required for the 16 residential units and retail space. The proposed changes to the rooftop do not add to floor area of any livable space within the development and do not increase parking requirements. Restrictions placed on the property, at the time of CUP and plat approval, regarding restaurant use to apply.

Access

Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue. Cross access agreements between this property owner and the adjacent owners have been signed and recorded at the County before the condominium plat was recorded.

HCB Regulations

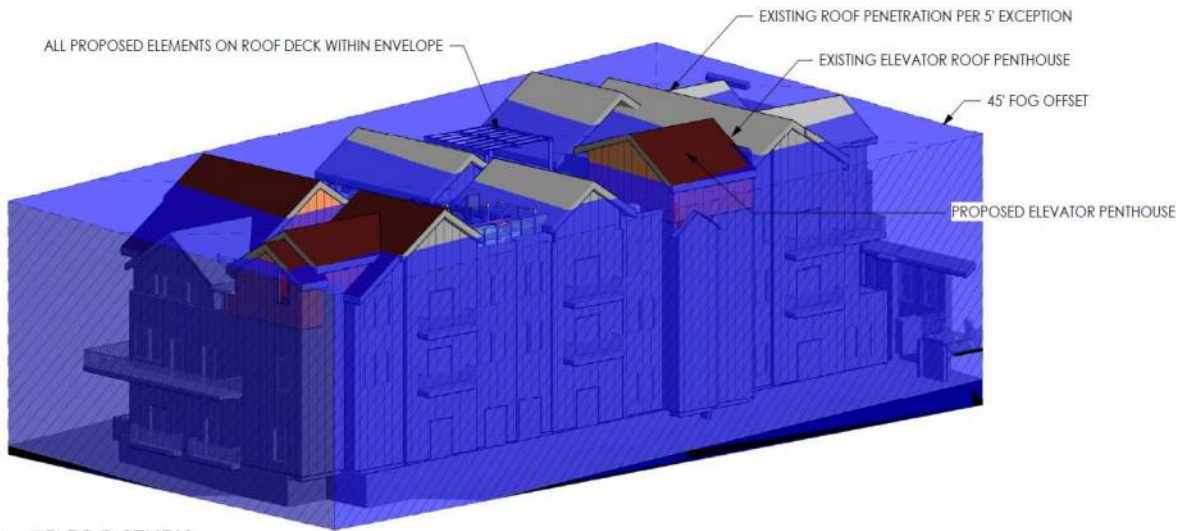
This property falls under the 1992 Agreement which amended the original 1982 Agreement between the Hunstman-Christensen properties and the City in exchange for property dedication for Deer Valley Drive. This Agreement allows affected properties, including 875 Main Street, to apply LMC regulations for the HCB Zoning District for development regardless of any future zone changes (including the Frontage Protection Overlay Zone).

The existing building met all LMC requirements as allowed by the 1992 Agreement as detailed in the original action letter (see Exhibit J). Because the proposed rooftop space is an exterior deck, the changes will not increase the overall square footage of the structure. The proposed changes affect the rooftop of the structure and access to the rooftop; all other exterior features of the structure will remain the same.

The capacity of the deck requires two separate fire access points. To satisfy this requirement, the applicant is proposing to increase the height of the existing stair access to the rooftop on the north side of the building and to increase the height of the existing elevator shaft and staircase to allow elevator access to the rooftop on the south side of the building. All proposed structures are within the height allowances of the HCB zone which allows an 8 foot height exception for elevators.

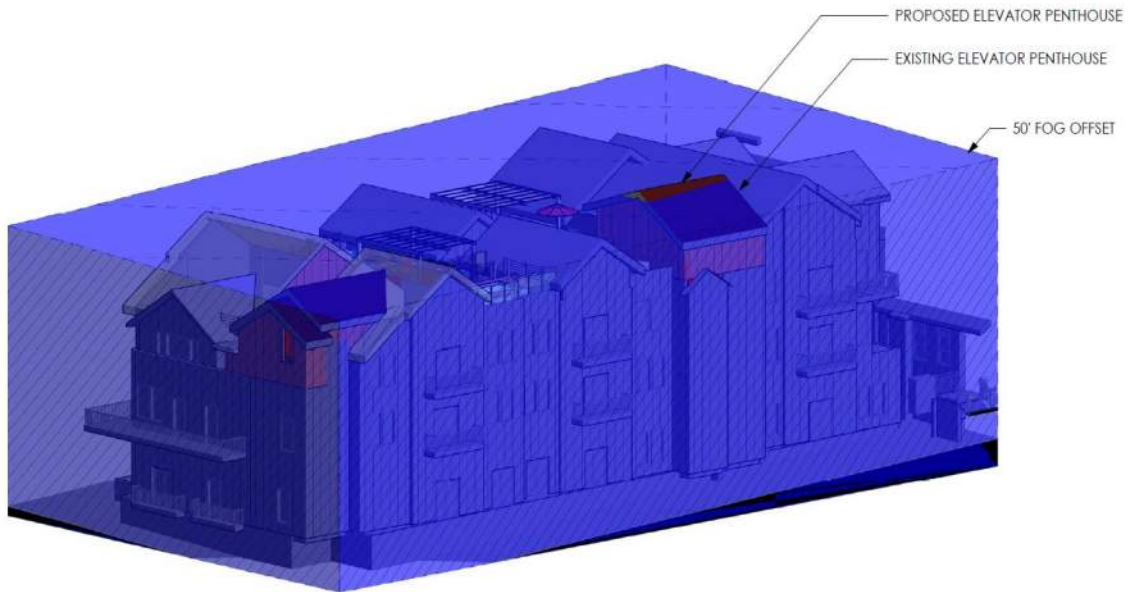
Building height is one of the only features of the structure that is proposed to be changed. The 1992 Agreement determined an “artificial natural grade” established from a line measuring from an invented plane drawn between Deer Valley Drive and Main Street. The applicant has worked with staff to determine the true elevation of this line as described in the applicant’s memo regarding height compliance (Exhibit B). Descriptions of how the existing structure complied with building height regulations can be found in the McIntosh Mill CUP building height memo from the original CUP approval (Exhibit N).

The applicant has also provided a fog study (Exhibit F) to show a 3D rendering of how the structure fits into a box created by the height requirements. The fog study shown below indicates that all structures proposed with the addition fall within the 45 feet maximum building height and the exceptions allowed for pitched roofs and elevator/stairs penthouses.



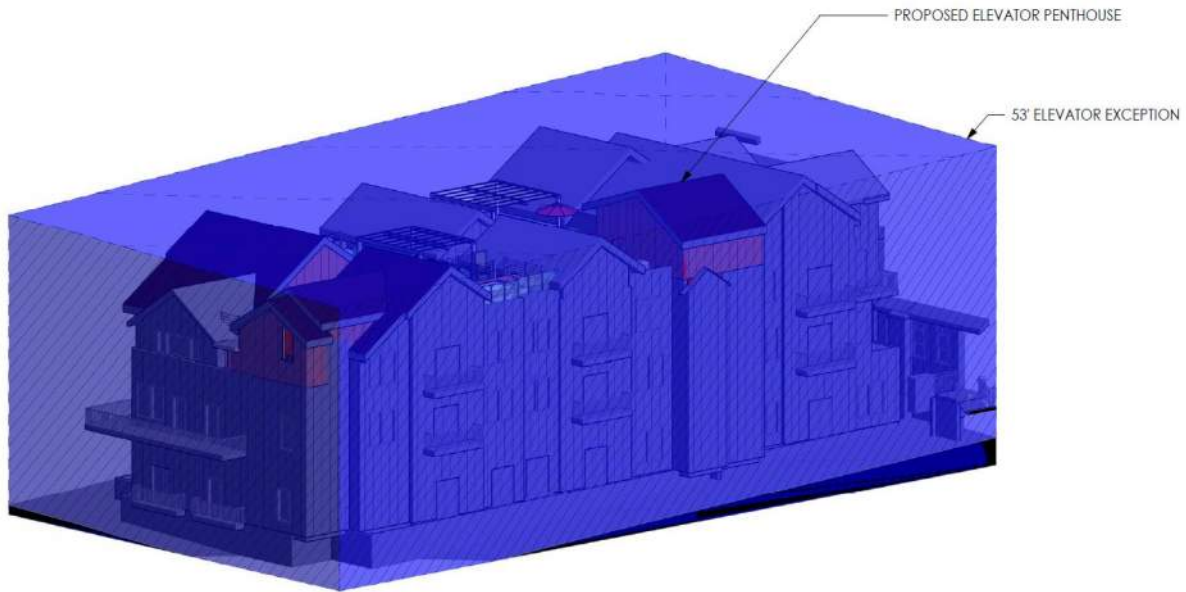
1 45' FOG STUDY
SCALE:

The applicant also provides an image showing that the roof structures extending beyond the maximum building height fall within the 5 foot height exception for pitched roof structures.



2 50' FOG STUDY
SCALE:

Additionally, the proposed elevator shaft falls within the 8 foot height exception to allow for elevator access to the roof, as shown below.



3 53' FOG STUDY
SCALE:

In addition to the HCB zoning requirements, all conditions of approval of the McIntosh Mill CUP continue to apply. The project is also subject to a Historic District Design Review process; a concurrent application for this has been submitted and will need to be approved before any building permits may be issued. There is also a concurrent plat amendment application for the Lift Lodge Condominiums which must be recorded before a building permit may be issued.

Compliance with the Conditions of Approval

The applicant has followed all conditions of approval set forth in their original CUP approval as indicated below.

1. All Standard Project Conditions shall apply.

The Lift Lodge has met all applicable Standard Project Conditions for a mixed use structure.

2. The final building plans shall be in substantial compliance with the elevations and plans submitted and reviewed by the Historic District Commission on May 5, 1997. Exterior materials and colors shall be in substantial compliance with the descriptions submitted and reviewed by the Historic District Commission on May 5, 1997. At the Planning Department's discretion, modifications to the approved plans may be remanded to the HDC for further review and approval.

As the structure has been constructed and the Historic District Commission no longer exists, the proposed modifications to the design of this structure are currently under review by the Planning Department through the Historic District Design Review (HDDR) process. The HDDR plans must be approved before a building permit can be issued.

3. All roof materials shall be matte finish to minimize glaze.

This Condition of Approval shall continue to apply for all roof materials used for this application.

4. A master sign plan and lighting plan shall be submitted and approved by the Planning Department prior to building permit issuance.

This Condition of Approval shall continue to apply for any new and existing signs and lighting.

5. The inside walls of the parking structure shall be finished in a siding material or painted as approved by the Planning Department. No standard florescent lighting is allowed in the parking structure or as exterior building lighting. High Pressure sodium bulbs of low wattage and low glare shall be used in cut-off, shielded, or refracted type fixtures.

The parking structure has been built according to these standards. No changes are proposed to the parking area or any parking requirements.

6. A final landscape plan shall be submitted and approved by the Planning Department prior to building permit issuance.

Any changes to the existing landscaping are shown on the full plan set and will be approved by the Planning Department prior to building permit issuance.

7. All mechanical equipment, vents and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to the public, shall be painted to match the roof and/or the adjacent wall color and shall be screened or integrated into the design of the structure.

This Condition of Approval shall continue to apply, especially for all equipment on the roof.

8. Community Development Department approval of the final building plans is required prior to building permit issuance.

This Condition of Approval shall continue to apply.

9. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address construction staging, time lines, special signs, parking, fencing, and other construction related details as required by the Community Development Department.

This Condition of Approval shall continue to apply for any new construction.

10. This approval shall expire one year from the date of Planning Commission approval of the Conditional Use permit, unless a building permit is issued for this project prior to the expiration date. Approval was granted on June 11, 1997.

This Condition of Approval was met for the original construction of the building. The same Condition shall continue to apply for any new construction allowing for the ability to apply to the Planning Director for a one year extension of approval outlined in LMC 15-1-10 (G).

11. All corner trim shall be 8" in width.

This standard has been met with the original construction of the building, and no changes are proposed to the corner trim of the building. If any changes occur, they must meet the standards of this Condition of Approval.

12. A test color palette shall be painted on the building before painting the whole structure.

This standard has been met with the original construction of the building. Any new construction will need to match the existing color palette.

13. The final color palette shall be presented to the HDC as an information item at a future meeting.

This standard has been met with the original construction of the building.

14. The Planning Department shall approve all exterior materials, including windows, doors, store fronts, roofing, stone, siding, trim, and railings. If there is a disagreement with the applicant's choice, then these materials shall be reviewed and approved by the HDC.

As the structure has been constructed and the Historic District Commission no longer exists, all proposed exterior materials are currently under review by the Planning Department through the Historic District Design Review process.

15. Soffit overhangs (eaves) shall be a minimum of 24" deep.

This Condition of Approval shall continue to apply for any new construction.

16. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to building permit issuance or plat recordation, whichever may come first.

This Condition of Approval has been met with the original construction of the building.

17. An existing conditions survey that identifies and determines the artificial grade points shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This survey shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code.

This Condition of Approval has been met with the original construction of the building. Additionally, the applicant has conducted an extensive new survey to recreate the artificial grade to ensure the additions meet building height requirements.

18. Any and all damaged public improvements, such as roads, sidewalks, curbs, and gutters on or adjacent to this property shall be repaired to the City's standards prior to issuance of a certificate of occupancy.

This Condition of Approval has been met with the original construction of the building and will continue to apply to any new construction.

19. The City Engineer review and approval of grading, utility, public improvements, and drainage plans for compliance with City standards, is a condition precedent to building permit issuance.

This Condition of Approval has been met with the original construction of the building and will continue to apply to any new construction.

20. The Snyderville Basin Sewer Improvement District review and approval of the sewer plans for this project is a condition precedent to building permit issuance.

This Condition of Approval has been met with the original construction of the building and will continue to apply to any new construction.

21. A parking management plan shall be approved by the Planning Commission which addresses the following:
- a. A blended parking rate of one parking space per thousand square feet for residential and three parking spaces per thousand square feet for all commercial and retain throughout the project.
 - b. The parking plan will identify the perpetual and continued use of other parking in connection with the Marriott project to which this project is tied.
 - c. There needs to be a precise definition as to why the blending of the parking between this project and the remaining components of the Marriott project can be accommodated in the Land Management Code and any other project in any other location in town for RC zoning.

This Condition of Approval has been met with the original construction of the building and will continue to apply to any new construction. The approved parking management plan can be found in Exhibit K.

22. A pedestrian bridge over Main Street is not part of this application and is not part of this approval for a CUP for the 875 Main Street building.

The pedestrian bridge was not a part of this project and has already been constructed over Main Street.

CUP Review Criteria

According to LMC Section 15-1-10(E), Conditional Uses must meet the criteria below.

1. size and location of the Site;
The size and location of the site will not change. The building height will change in the two proposed expansions of the elevator and stairway areas to provide improved access and secondary access to the roof top.
2. traffic considerations including capacity of the existing Streets in the Area;
The proposed rooftop structure is intended only for existing residents and will not increase the number of residents or patrons to the site. Traffic will not change.
3. utility capacity, including Storm Water run-off;
The proposed additions need to meet standards for utility capacity and for water detention and runoff. These will be reviewed at the building permit stage, and a permit will not be issued without meeting existing standards.
4. emergency vehicle Access;
The applicant is proposing two access points to the rooftop with this project including an elevator shaft with stairs and a second stairway to meet emergency access standards.
5. location and amount of off-Street parking;
The amount of off-Street parking will not change with this addition since it is intended only for existing residents.
6. internal vehicular and pedestrian circulation system;
The proposed additions do not affect vehicular circulation. The proposed two rooftop access points provide pedestrian circulation across the length of the usable deck area.
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
Proper screening of the rooftop areas and of the mechanical equipment proposed to be moved is required as a Condition of Approval.
8. Building mass, bulk, and orientation, and the location of Buildings on the Site;

including orientation to Buildings on adjoining Lots;

The applicant is proposing minor changes to the building mass and bulk in order to provide proper emergency access to the new common roof top area. The orientation of the structure is not proposed to change.

9. usable Open Space;

The usable Open Space for the entire Lift Lodge site is not proposed to be changed.

10. signs and lighting;

Any new signs and lighting must be approved by the Planning Department. All exterior lighting is conditioned to be down directed and shielded and requires approval by the Planning Department prior to installation.

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

The proposed additions will match the existing structure in terms of style, design, and architectural detailing and will comply with the Historic District Design Guidelines upon approval of the HDDR plans.

12. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

The adjacent properties include similar uses including other condominiums, commercial and restaurant uses. The applicant must comply with all screening and noise ordinance requirements within the LMC and proposed conditions of approval limiting use of the roof top deck between the hours of 7 AM and 10 PM.

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

No changes are proposed to loading and unloading zones or to trash and recycling pickup areas.

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

The addition is proposed to be owned and managed by the existing HOA as a part of the Residential Common Areas and Facilities. Currently, the roof structure exists as general Common Area. The proposed condominium plat amendment will identify the specific roof deck improvements within the existing common area.

15. within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and

The proposed addition will not affect the topography of the site. It is located outside of the Soils Ordinance area and is not on a steep slope.

16. reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

This project is consistent with the goals and objectives of the General Plan, especially the following goals:

- *Goal 1: Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods.*
- *Objective 9B: Locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled. Grouping facilities within recreational campuses is desired to decrease trips.*
- *Objective 16E: Encourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant buildings.*

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC Section 1-18.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval. The applicant has also submitted a letter certified by a structural engineer indicating that they have performed a structural review of the existing roof structure (see Exhibit P).

Notice

On July 25, 2018, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on July 21, 2018.

Public Input

As of this date no public input has been received by Staff.

Alternatives

1. The Planning Commission may approve the modification to the CUP as proposed and conditioned; or
2. The Planning Commission may deny the modification to the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

There are no significant negative fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The applicant will not be allowed to construct a rooftop deck on this building. The Lift Lodge would remain as is.

Recommendation

Staff recommends the Planning Commission discuss the proposed application for modification to a CUP for a rooftop deck to be located at 875 Main Street (at the Lift Lodge Condominiums), conduct a public hearing, and consider **approving** the CUP according to the following findings of fact, conclusions of law, and recommended conditions of approval, as follows:

Findings of Fact:

1. In 1991, the Planning Commission and City Council approved a concept plan for the Town Lift Project which included the Lift Lodge Condominium project currently under review.
2. On June 11, 1997, the Planning Commission approved a CUP to allow a mixed use structure at this location. This CUP was subsequently modified on May 26, 1999 concurrent with the condominium plat, and the building was constructed in 1998.
3. The Parking Management Plan for this location was approved by the Planning Commission on July 8, 1998.
4. The subject property falls under the 1982 Huntsman-Christensen Agreement which specified HCB zoning for the site and established an artificial natural grade for height measurements.
5. The 1982 Agreement was amended on April 16, 1992 to redefine artificial natural grade.
6. The Lift Lodge at Town Lift condominium conversion plat was recorded on August 3, 1999.
7. On January 30, 2018, the City received a complete application for a modification of the approved CUP.
8. The proposed rooftop deck is a significant change to the common area approved with the original CUP and needs Planning Commission approval.
9. The modifications include the addition of 2,431.8 square feet of "Residential Common Area and Facilities."
10. Modifications also include a conversion of 196 total square feet of common area to private area incorporating hallway entry areas into private space for 11 units.
11. The proposed modifications to the existing CUP do not change the number of residential or commercial units within the development.
12. The subject property falls within the HRC zone, but is subject to HCB regulations according to the 1982 Agreement amended in 1992.
13. All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development.
14. The parking structure beneath the building provides a total of 28 code compliant spaces, which is sufficient for the proposed changes. A total of 24 spaces are required for the 16 residential units and retail space.
15. The proposed changes to the rooftop do not add to floor area of any livable space within the development and do not increase parking requirements.
16. Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue.
17. The capacity of the deck requires two separate fire access points which are met with a primary elevator and stairway access and a secondary stairway access.

18. All new structures proposed fall within the 45 feet maximum building height with a 5 foot exception for pitched roof structures and an 8 foot exception for elevator access.
19. A concurrent Historic District Design Review application is under review for these modifications.
20. A concurrent plat amendment application is also under review for these modifications.
21. Proposed exterior lighting proposed is down-directed and shielded.
22. The applicant has not violated any terms of the original CUP approval and all original conditions of approval continue to apply, including restriction of the commercial area to no restaurant uses.
23. As conditioned, the proposed modifications meet the criteria for Conditional Uses as stated in LMC Section 15-1-10(E).
24. On July 25, 2018, the property was posted and notice was mailed to affected property owners within 300 feet.
25. Legal notice was published in the Park Record on July 21, 2018.
26. As of this date, no public input has been received by Staff.
27. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law:

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.
4. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits.

Conditions of Approval:

1. All Conditions of Approval of the McIntosh Mill CUP and any subsequent modifications continue to apply.
2. All construction requires a permit issued by the Building Department. All structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
3. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the CUP becoming void.
4. The rooftop deck shall be used in conjunction with the existing residential units only and shall not be leased out separately, unless leased to residents, to ensure that the use of this space is a residential accessory use, not a commercial use and that the use does not cause overflow parking onto adjacent properties. Any complaints regarding overflow parking issues may result in the CUP becoming void.
5. Prior to issuance of a final certificate of occupancy the owner shall provide a sign on the deck limiting use of the roof top deck area to owners and guests of the residential units and only between the hours of 7AM and 10 PM.

6. All mechanical equipment, vents and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to the public, shall be painted to match the roof and/or the adjacent wall color and shall be screened or integrated into the design of the structure.
7. Community Development Department approval of the final building plans is required prior to building permit issuance.
8. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address construction staging, time lines, special signs, parking, fencing, and other construction related details as required by the Community Development Department.
9. This approval shall expire one year from the date of Planning Commission approval of the Conditional Use permit modification, unless a building permit is issued for this project prior to the expiration date or a one year extension is requested and granted subject to Section 15-1-10 (G) of the LMC. Approval was granted on August 8, 2018.
10. All new construction must match the existing color palette of the building.
11. All proposed changes must meet building volume and height requirements within the HCB zone using artificial natural grade established by the 1992 Agreement and plans approved for the original construction.
12. Any and all damaged public improvements, such as roads, sidewalks, curbs, and gutters on or adjacent to this property shall be repaired to the City's standards prior to issuance of a certificate of occupancy.
13. The City Engineer review and approval of the structural plans for the deck and of all changes to the utility and drainage plans for compliance with City standards is required prior to building permit issuance.
14. The Park City Fire District shall review and approve of the addition, including access and the outdoor kitchen, prior to building permit issuance.
15. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and shall comply with the Land Management Code, including proposed and existing exterior lighting that currently does not comply. All existing exterior lighting shall comply with the Land Management Code.
16. Soffit overhangs (eaves) shall be a minimum of 24" deep.
17. Final Historic District Design Review plans shall be approved prior to issuance of a building permit for these uses.
18. All Standard Project Conditions shall apply.

Exhibits

- Exhibit A – Applicant Statement
- Exhibit B – Applicant Memo: Height Compliance
- Exhibit C – Existing Plat
- Exhibit D – Aerial
- Exhibit E – Proposed Plans
- Exhibit F – Fog Study
- Exhibit G – 1982 Agreement
- Exhibit H – 1992 Agreement Amending the 1982 Agreement

Exhibit I – Town Lift Project Conceptual Approval
Exhibit J – McIntosh Mill CUP Action Letter
Exhibit K – McIntosh Mill CUP Parking Management Plan Action Letter
Exhibit L – Lift Lodge Condominium Conversion Action Letter
Exhibit M – Lift Lodge Condominium Conversion Staff Report
Exhibit N – McIntosh Mill CUP Building Height Memo
Exhibit O – Site Photos
Exhibit P – Roof Structure: Engineer’s Letter
Exhibit Q – Standard Project Conditions

THE LIFT LODGE AT THE TOWN LIFT-FIRST AMENDED
(875 Main Street)
November 13, 2017

PROJECT INTENT

The Lift Lodge at Town Lift was constructed in the late 1990's as a 19-unit condominium building (3 commercial units and 16 residential units). At the present time Units 101, 102, 103, 201, 202, 204, 302, 304 and Commercial Unit B each have more than one entrance. The owners of these units are proposing to eliminate an entry where there is an alcove in the hallway and convert the space in this alcove in the common hallway to private ownership and incorporate it into their respective units.

Units 305 and 306 are at the end of the hallway and are both owned by the same entity. The proposal for these units is to enclose the end of the common hallway adjacent to these units and create a vestibule where access will be gained by a separate entryway to each of the units as currently exists. This vestibule would be converted to private ownership. The water heaters for Units 305 and 306 are currently accessed from a common ownership mechanical room. This plat amendment also proposes to include the water heater space as private ownership in Units 305 & 306.

A sheet showing the roof area will also be a part of this plat amendment. The intent of this sheet is to have a reference in the CC&R's regarding the use of a portion of the roof area as a common meeting area and for a hot tub for the residential units.



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

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

MEMO

To: Tippe Morlan, MS, AICP
Park City Planning Department

Re: Lift Lodge revised CUP height compliance

Date: 7-12-18

The Lift Lodge building height is based on a '91 approval of the Town Lift project that applied HCB height to this development parcel. In addition, it established the plane from which "natural" grade was to be measured, which is referred to in the approvals as the "artificial natural grade". The establishment of the "artificial natural grade" consisted of a plane that is a few feet above existing grade and was part of a settlement agreement that completed the entitlements for the project prior to its approval through the CUP process. Both Staff and the applicants team have reviewed the approved drawing set for the original project that clearly shows the artificial natural grade line paralleling the existing street and running around 3' higher than top back of curb (TBC). Building height compliance has been clearly indicated in the notes made by Staff at the time of building permit application and approval in 1998.

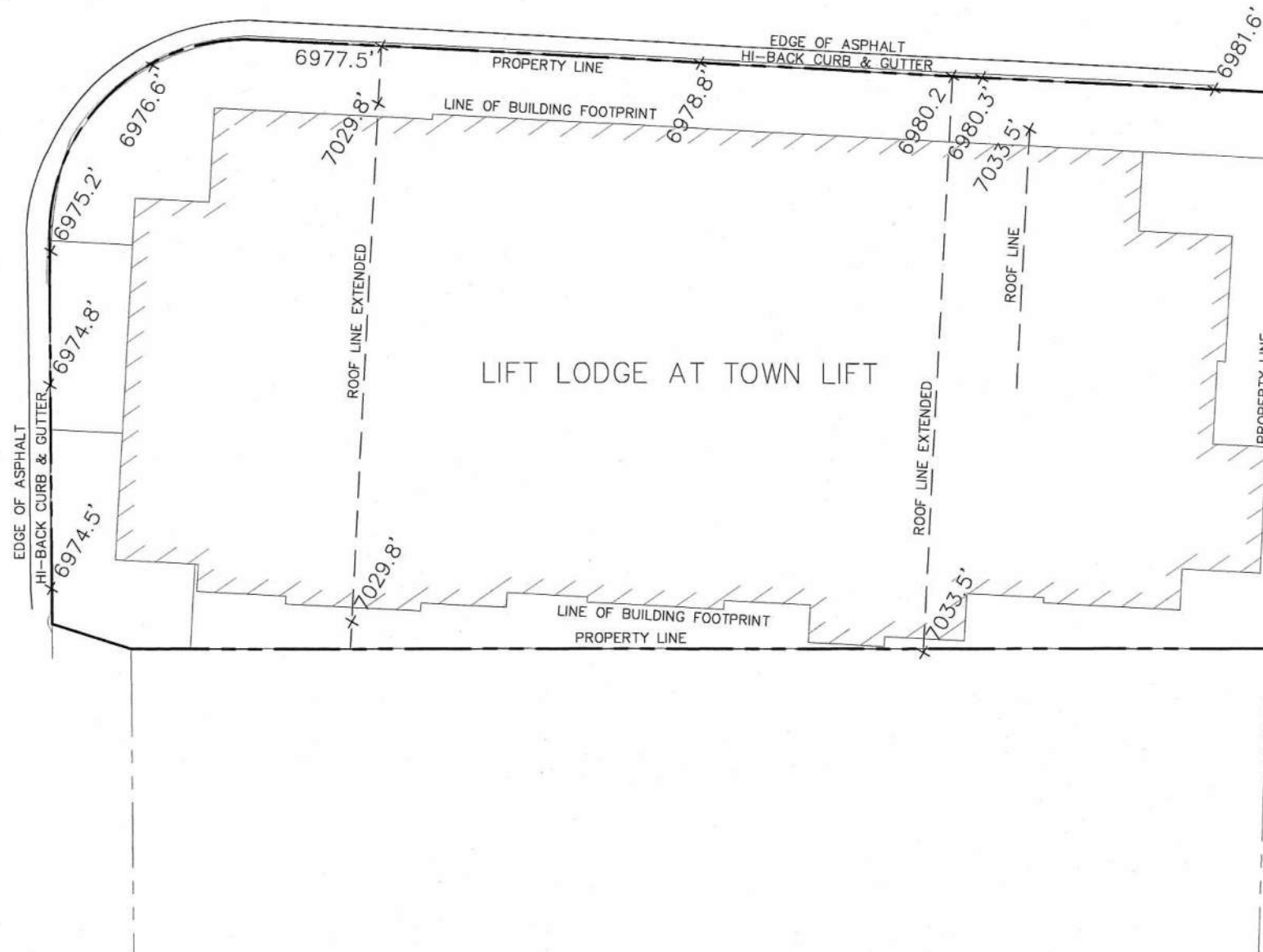
In order to verify that the building was constructed as drawn and approved, an engineer's survey of the TBC and ridge heights was completed along Main and 9th street (copy attached). The results of this survey demonstrated that the building, as constructed, was consistent with the height diagram of the original approval. The original approval identified the maximum heights for the building at 45' above artificial natural grade and the additional 5' allowance for pitched roofs beyond that. Consistent with the code at the time and the current LMC, an additional 3' is allowed for elevator overruns. These lines of the original ridge heights and the proposed modifications are represented in the Fog Study attached in the updated and revised drawing set accompanying the current application which demonstrate compliance with the basic entitlement regarding height.

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

Lift Lodge at Town Lift

Elevation Exhibit

BENCHMARK
BRASS CAP STREET MONUMENT
ELEV.=6976.0'



NOTE

1. Elevations for this exhibit are NAVD 88 and were determined using the Utah Turn GPS network.

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

Alliance
Engineering Inc.

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

6/14/18

X: \SnydersAddition\dwg\sr\srvy2018\190617\190617.dwg

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that McINTOSH MILL, LTD., a Utah limited partnership, as the undersigned owner of the hereon described tract of land to be known hereafter as THE LIFT LODGE AT TOWN LIFT, a Utah condominium project, hereby certifies that it has caused this survey to be made and this Record of Survey map to be prepared. McINTOSH MILL, LTD. hereby consents to the recordation of this Record of Survey map. Also, the owner, or its representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication. The Owner hereby certifies that all units shall be built as shown.

IN WITNESS WHEREOF, the undersigned set his hand this 15 day of July, 1999.

McINTOSH MILL, LTD., a Utah Limited Partnership
Harry F. Reed
General Partner

ACKNOWLEDGMENT

State of Utah
County of Summit

On the 15th day of July, 1999, personally appeared before me, the undersigned Notary Public in and for said state and county, Harry F. Reed, being duly sworn, acknowledged to me that he is the general partner of the above McINTOSH MILL, LTD. and that the said McINTOSH MILL, LTD. is the owner of the herein described tract of land and that Harry F. Reed signed the above Owner's Dedication and Consent to Record on behalf of, and at the authorization of McINTOSH MILL, LTD.

Mary L. Leacock
Notary Public

My Commission Expires: 8-28-2002
Residing in Summit County

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, 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(s), this Record of Survey map of THE LIFT LODGE AT TOWN LIFT, a Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify the information shown hereon is accurate.

John Demkowicz, LS #163931

7-16-99
Date



NOTES:

- 1. THE CONDOMINIUM PLAT WAS PREPARED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER/ROBERTS ARCHITECT AND PROVIDED BY THE OWNER.
2. THE UNITS IN THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS ARE SERVICED BY A COMMON PRIVATE SANITARY SEWER LATERAL. THE RESPONSIBILITY FOR MAINTENANCE, REPAIR, AND REPLACEMENT OF SAID LATERAL BELONGS TO THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS HOMEOWNERS ASSOCIATION.

BOUNDARY DESCRIPTION

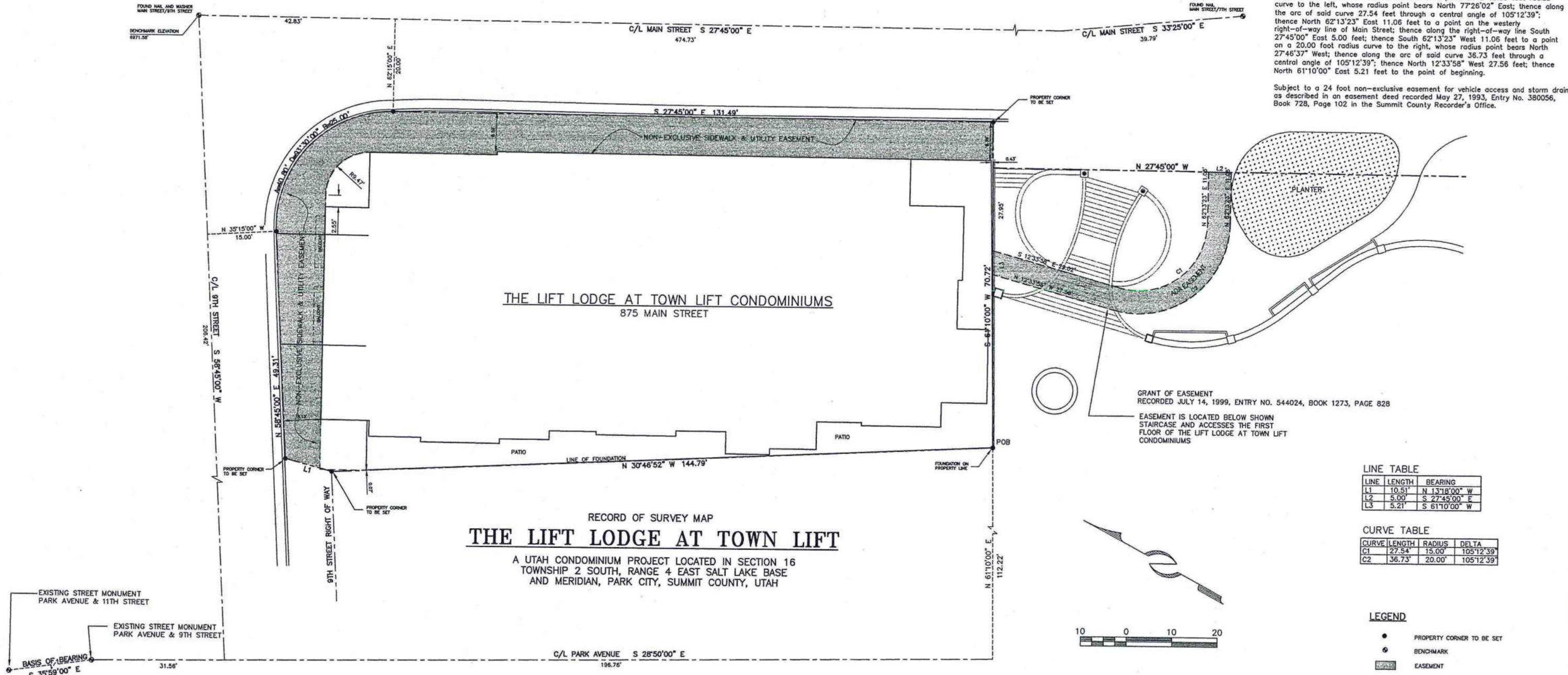
Beginning at a point North 28°50'00" West 593.95 feet along the west line of Block 7, Park City Townsite Plat and along the west line of Block 53, Synder's Addition and North 61°10'00" East 90.71 feet from the Southwest corner of Block 7, Park City Townsite Plat, said point is also located South 28°50'00" East 196.76 feet and North 61°10'00" East 112.22 feet from the monument located at Park Avenue and 9th Street; and running thence North 30°46'52" West 144.79 feet; thence North 13°18'00" West 10.51 feet; thence North 58°45'00" East 49.31 feet to a point on a 25.00 foot radius curve to the right, whose radius point bears South 31°15'00" East; thence along the arc of said curve 40.80 feet through a central angle of 93°30'00"; thence South 27°45'00" East 131.49 feet; thence South 61°10'00" West 70.72 feet to the point of beginning.

Together with a 24 foot non-exclusive easement for vehicle secondary access as described in an easement deed recorded May 27, 1993, Entry No. 380058, Book 728, Page 127 in the Summit County Recorder's Office.

Also, together with an access easement to the first floor of THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS described as follows:

Beginning at a point North 440.05 feet and West 461.41 feet from the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point also being South 27°45'00" East 173.94 feet along the center line of Main Street and South 61°10'00" West 47.95 feet from an existing survey monument at the intersection of Main Street and 9th Street; and running thence South 12°33'58" East 29.02 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears North 77°26'02" East; thence along the arc of said curve 27.54 feet through a central angle of 105°12'39"; thence North 62°13'23" East 11.06 feet to a point on the westerly right-of-way line of Main Street; thence along the right-of-way line South 27°45'00" East 5.00 feet; thence South 62°13'23" West 11.06 feet to a point on a 20.00 foot radius curve to the right, whose radius point bears North 27°46'37" West; thence along the arc of said curve 36.73 feet through a central angle of 105°12'39"; thence North 12°33'58" West 27.56 feet; thence North 61°10'00" East 5.21 feet to the point of beginning.

Subject to a 24 foot non-exclusive easement for vehicle access and storm drain as described in an easement deed recorded May 27, 1993, Entry No. 380056, Book 728, Page 102 in the Summit County Recorder's Office.



THE LIFT LODGE AT TOWN LIFT
875 MAIN STREET

RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LINE TABLE
Table with 3 columns: LINE, LENGTH, BEARING. Rows include L1, L2, L3.

CURVE TABLE
Table with 4 columns: CURVE, LENGTH, RADIUS, DELTA. Rows include C1, C2.

- LEGEND
• PROPERTY CORNER TO BE SET
• BENCHMARK
[Symbol] EASEMENT



SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS DATE OF JULY 1999 A.D.
BY S.B.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 28 DAY OF JULY 1999 A.D.
BY [Signature] CHAIRMAN

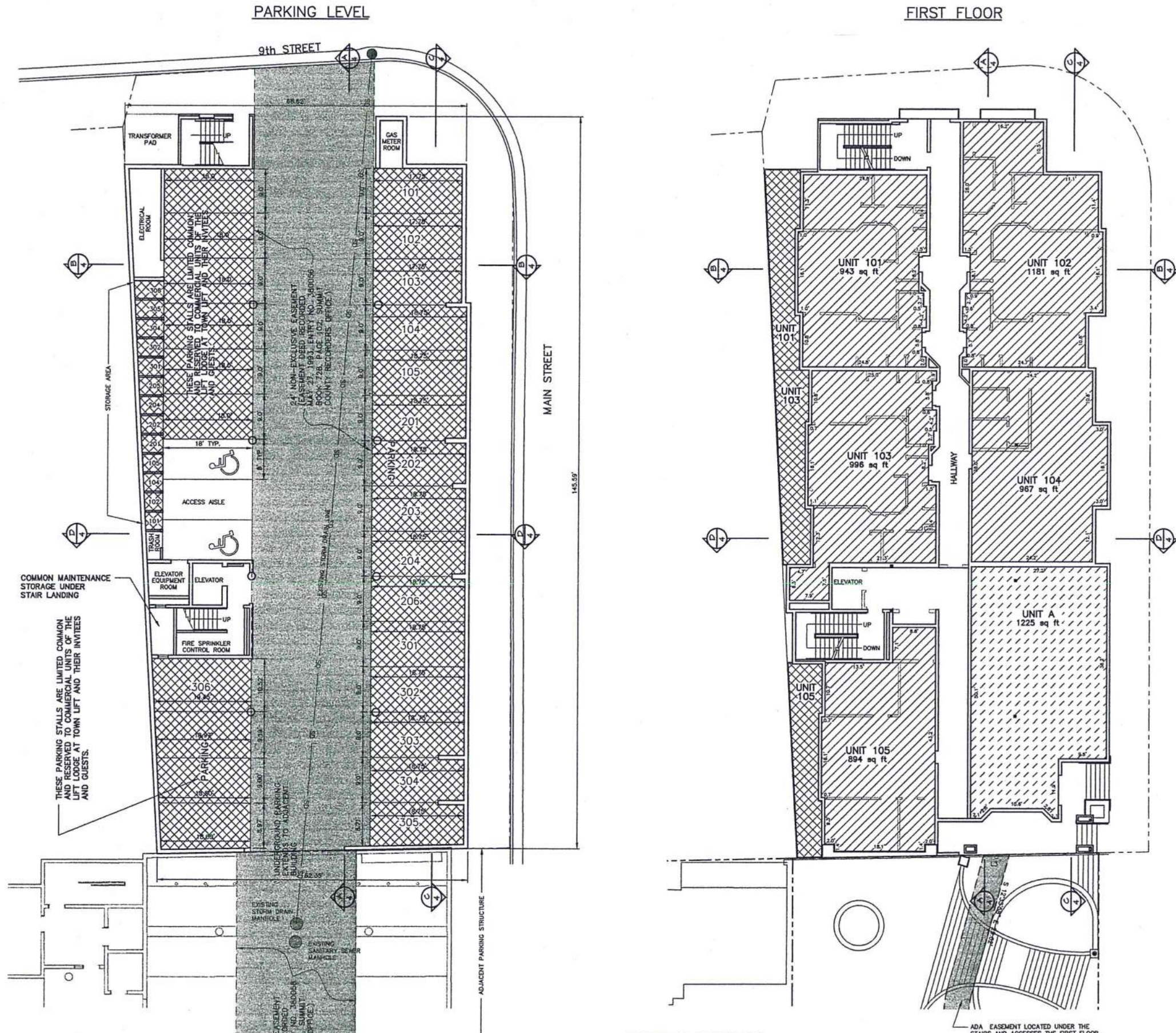
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 19th DAY OF JULY 1999 A.D.
BY [Signature] PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 29th DAY OF JULY 1999 A.D.
BY [Signature] PARK CITY ATTORNEY

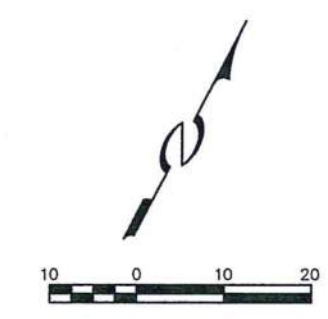
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 4th DAY OF MARCH 1999 A.D.
BY [Signature] PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 4th DAY OF MARCH 1999 A.D.
BY [Signature] MAYOR

JOB NO.: 1-6-98 FILE: Z:\T\Reed\Condos\Plots\P1.dwg
545622
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF [Signature] TITLE DATE 8-3-99 TIME 09:24 AM BOOK 728 PAGE 139



NOTES:
 1. THE HALLWAY BETWEEN UNITS 101 THRU 104 IS RESTRICTED TO THE USE BY RESIDENTIAL OWNERS AND THEIR INVITEES AND GUESTS.



- LEGEND
- COMMON AREAS AND FACILITIES
 - PRIVATE RESIDENTIAL OWNERSHIP
 - LIMITED COMMON AREAS
 - PRIVATE COMMERCIAL OWNERSHIP

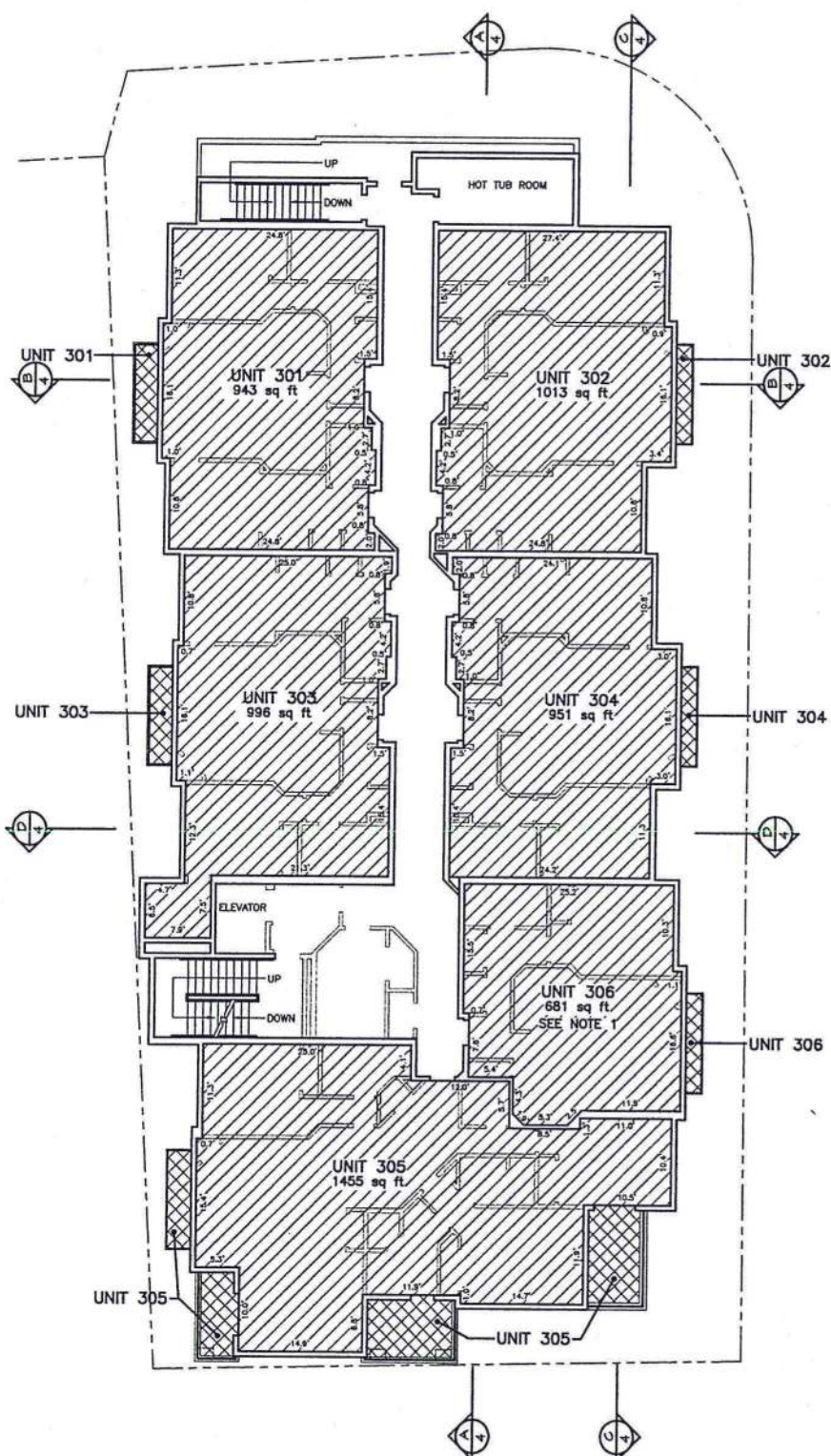
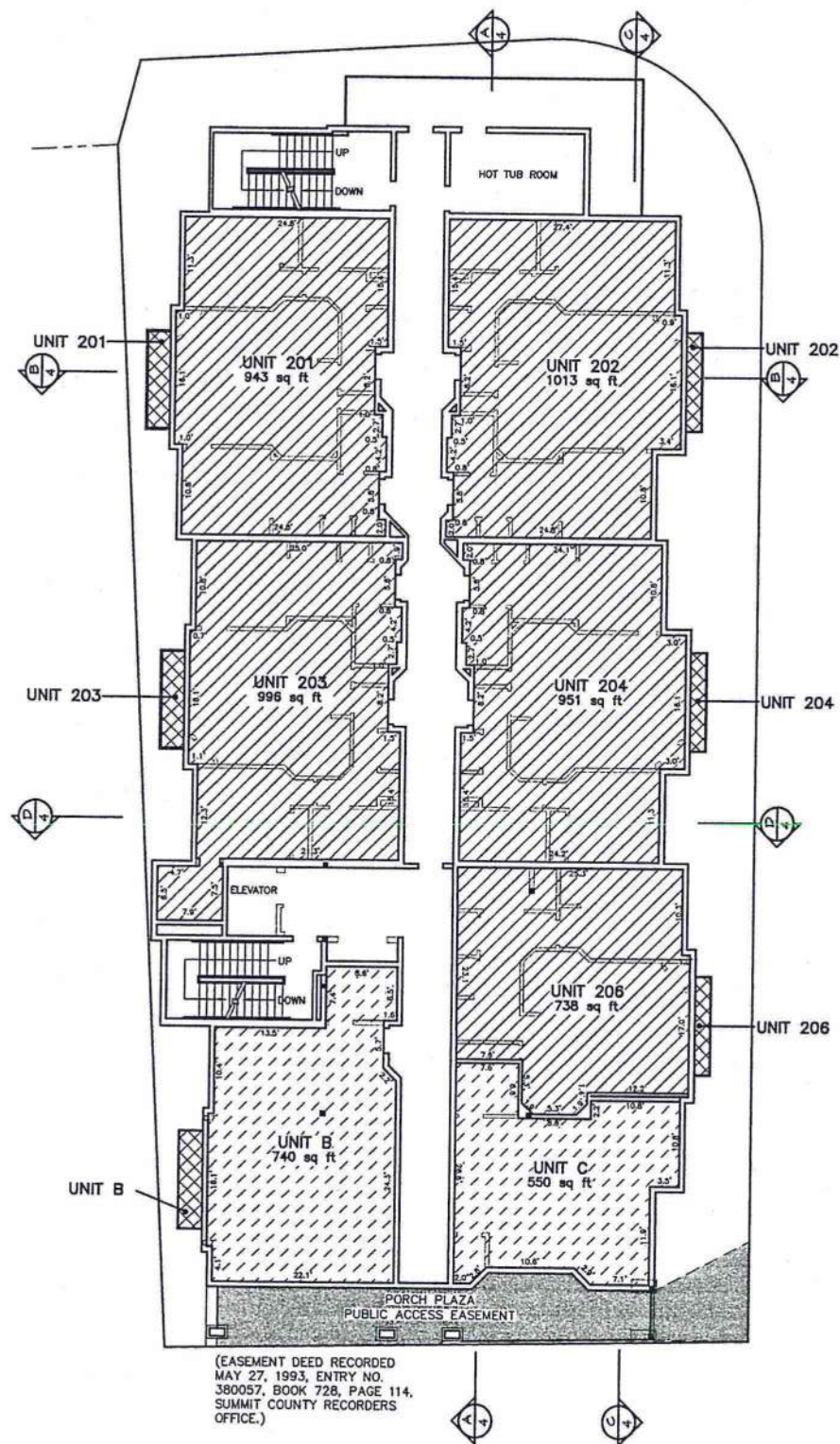
RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

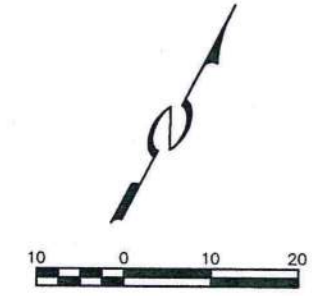
RECORDED
 AT THE REQUEST OF Coalition Title
 DATE 8-3-99 TIME 9:43 AM BOOK PAGE
 \$ 1.39 FEE Deena M. Dunn RECORDER Deena

SECOND FLOOR

THIRD FLOOR



- NOTES:
1. UNLESS AND UNTIL SUBSTITUTED BY ANOTHER UNIT IN THE LIFT LODGE AT TOWN LIFT PROJECT, UNIT 306 IS RESTRICTED IN PERPETUITY TO COMPLY WITH THE REQUIREMENTS OF THE FEDERAL AMERICANS WITH DISABILITIES ACT IN EFFECT ON THE DATE OF RECORDATION OF THIS RECORD OF SURVEY MAP.
 2. ALL HALLWAYS AND HOT TUB ROOMS ON THE SECOND AND THIRD FLOORS ARE RESTRICTED TO USE BY RESIDENTIAL OWNERS AND INVITEES AND GUESTS.

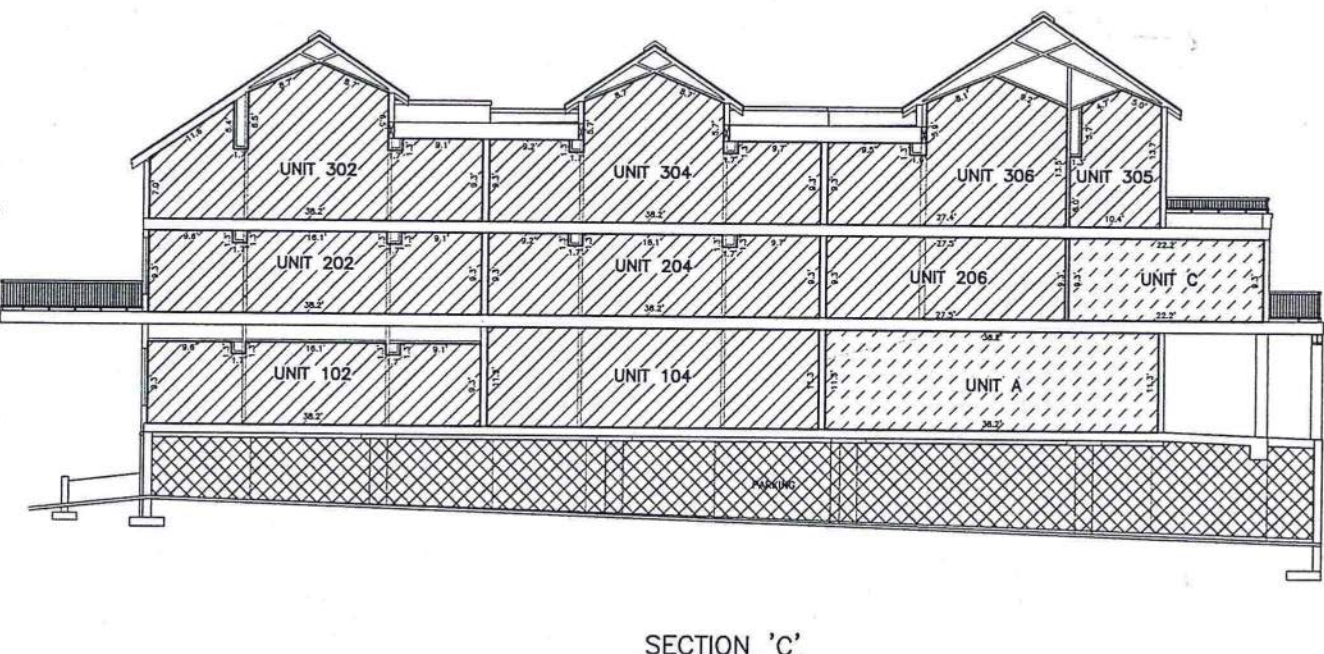
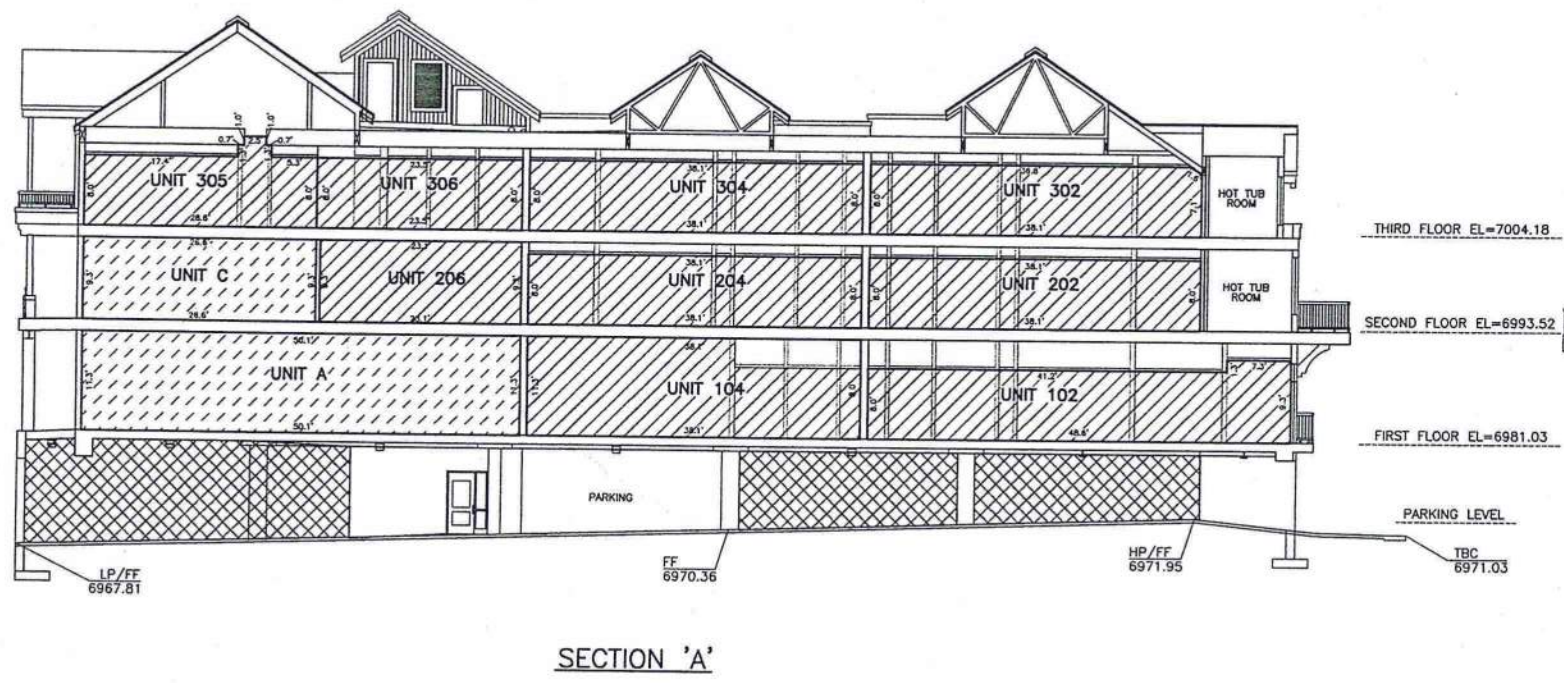


- LEGEND
- COMMON AREAS AND FACILITIES
 - PRIVATE RESIDENTIAL OWNERSHIP
 - LIMITED COMMON AREAS
 - PRIVATE COMMERCIAL OWNERSHIP

RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT

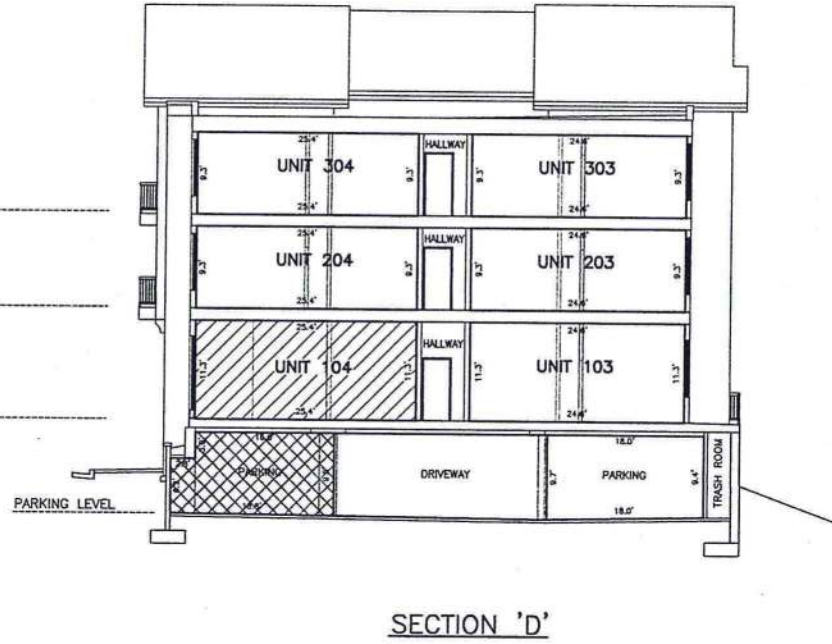
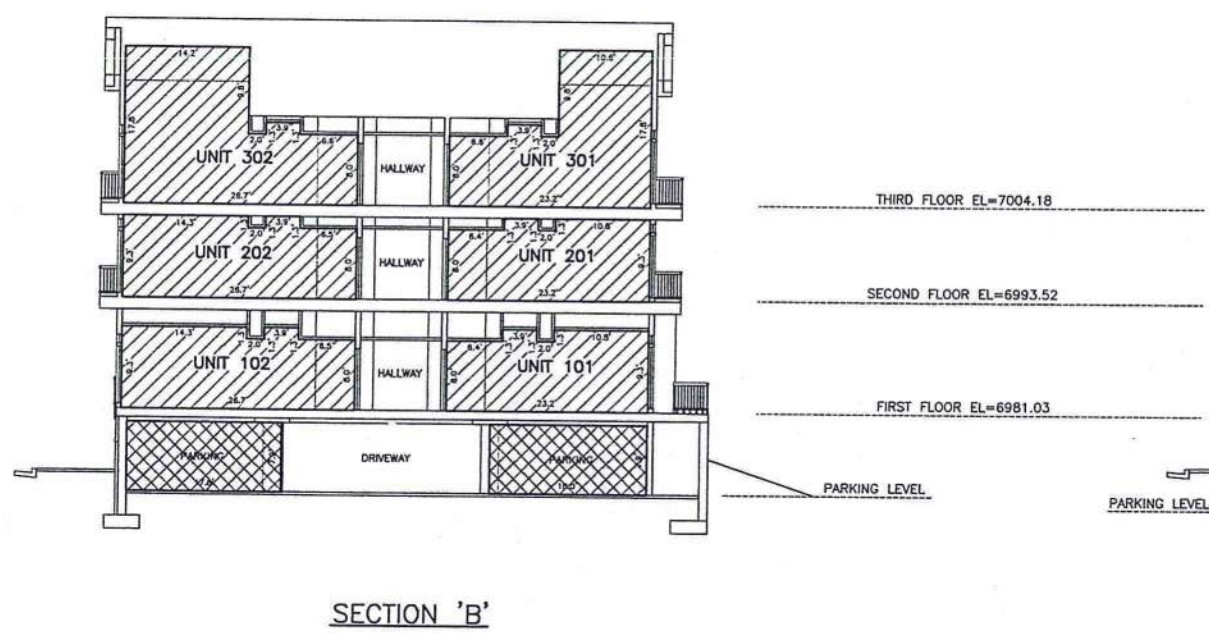
A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

545622 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF Coalition Title
 DATE 8-3-99 TIME 9:23 AM BOOK --- PAGE ---
139 *Deanna M. Deppa*
 RECORDER



SECTION 'A'

SECTION 'C'



SECTION 'B'

SECTION 'D'



- LEGEND**
- COMMON AREAS AND FACILITIES
 - PRIVATE RESIDENTIAL OWNERSHIP
 - LIMITED COMMON AREAS
 - PRIVATE COMMERCIAL OWNERSHIP

RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

545622 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF *Coalition Title*
 DATE 8-3-99 TIME 9:34 BOOK PAGE
 139 *Dalene M. Denny*



SUBJECT PROPERTY




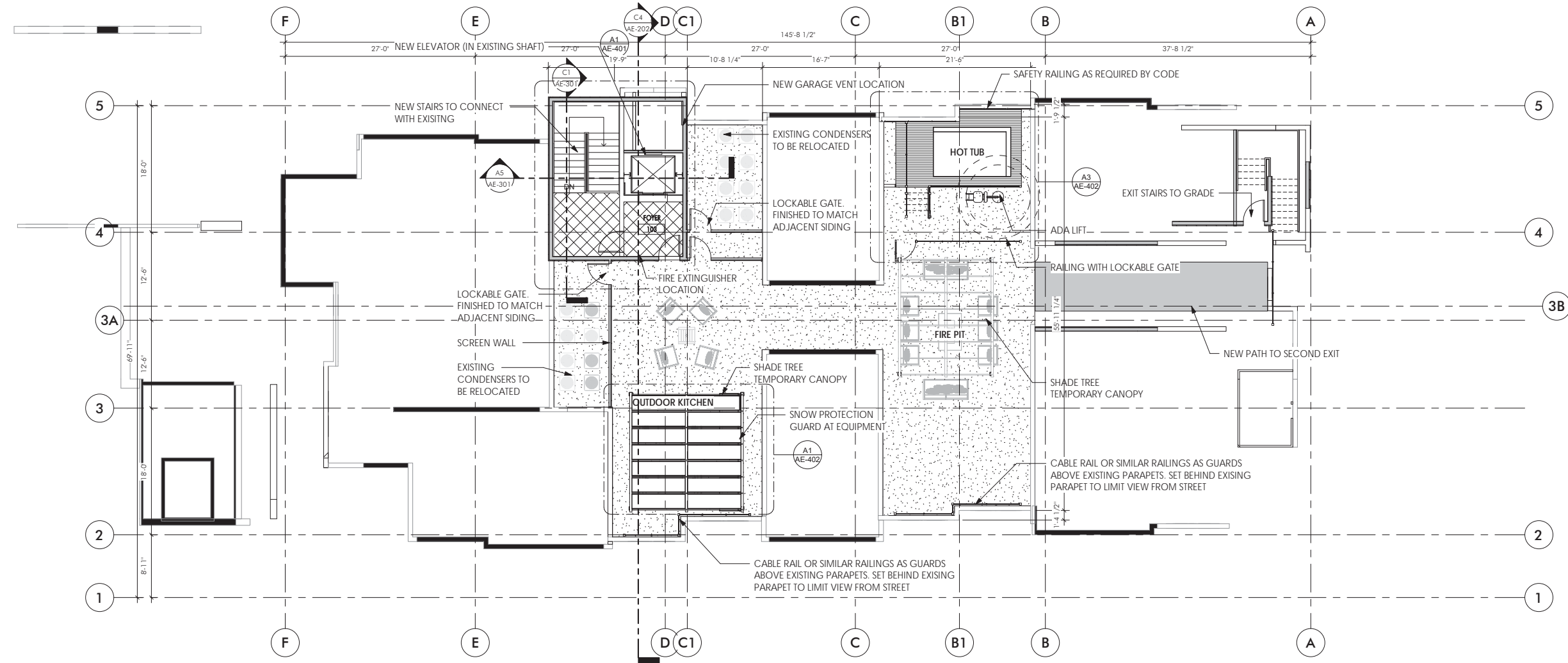
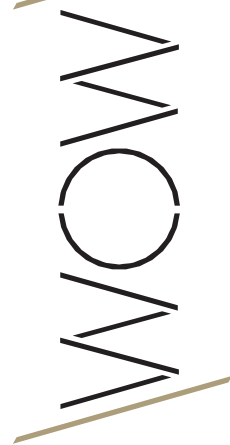
 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small> <small>323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</small>	<small>(435) 649-9467</small> STAFF: RYAN BETZ MARSHALL KING	AERIAL PHOTOGRAPH LIFT LODGE AT TOWN LIFT CONDOMINIUMS BLOCK 53, SNYDER'S ADDITION	SHEET 1 OF 1
	DATE: 11/1/17	FOR: THE LIFT LODGE ASSOCIATION, INC. JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\Exhibits\Lift Lodge-ortho.dwg	

Exhibit E - Proposed Plans

The concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:53:09 AM



B1 ROOF DECK - FLOOR PLAN
SCALE: 1/8" = 1'-0"



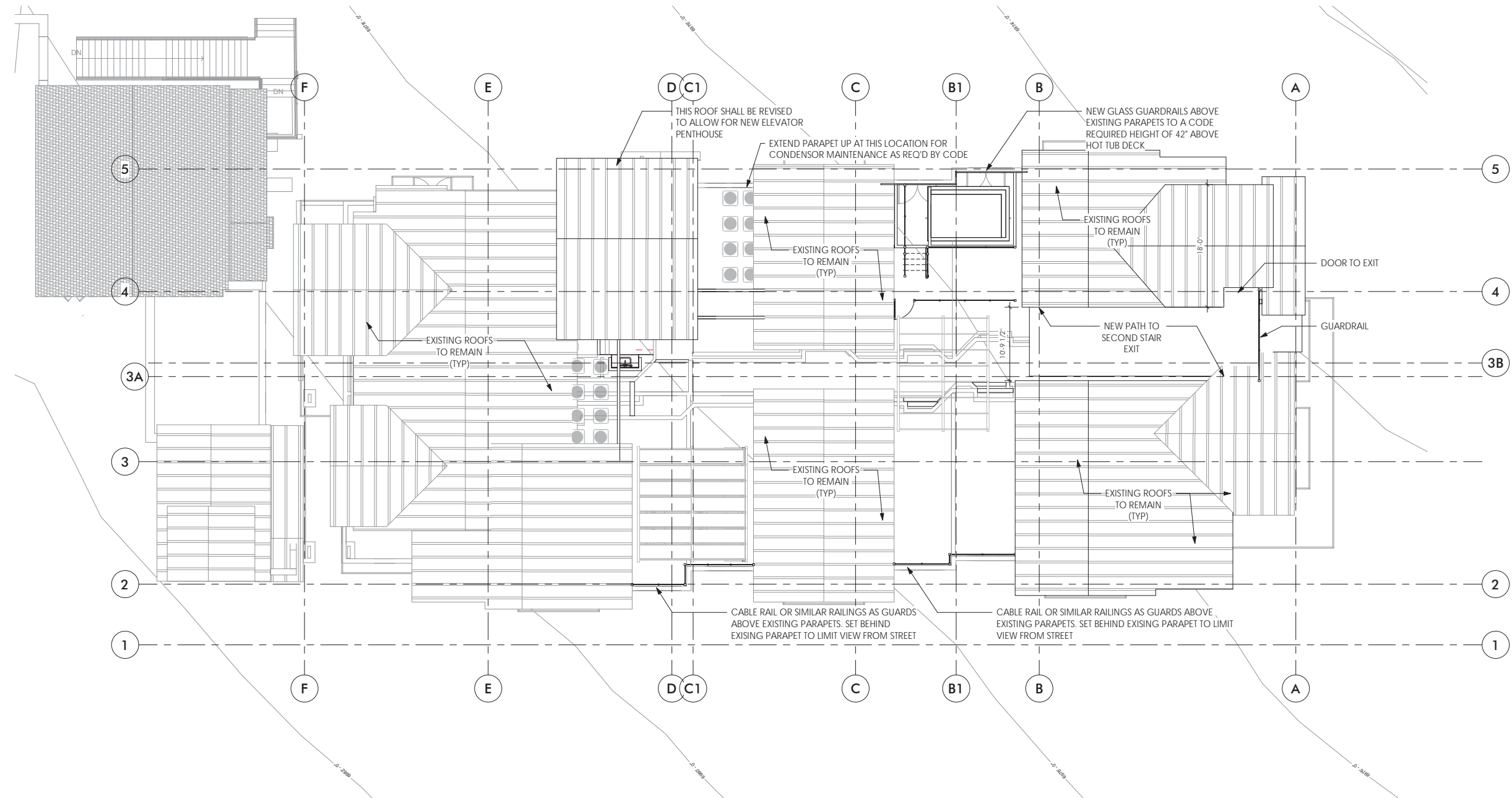
CIVIL:
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE
ELECTRICAL: PVE
LANDSCAPE: INTERIOR

LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL
875 Main St
Park City, UT 84060

PROJECT #:
2016-35
ISSUE DATE:
07.10.2018
ISSUE:
HDDR
REVISIONS

ROOF DECK PLAN
AE-102

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:53:19 AM



B1 ROOF PLAN
SCALE: 1/8" = 1'-0"



CIVIL:
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE
ELECTRICAL: PVE
LANDSCAPE: PVE
INTERIOR:

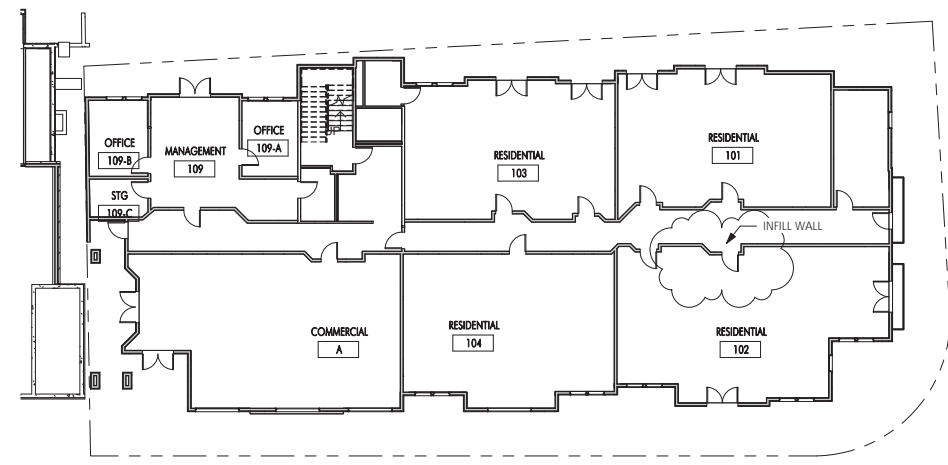
LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL
875 Main St
Park City, UT 84060

PROJECT #:
2016-35
ISSUE DATE:
07.10.2018
ISSUE:
HDDR
REVISIONS

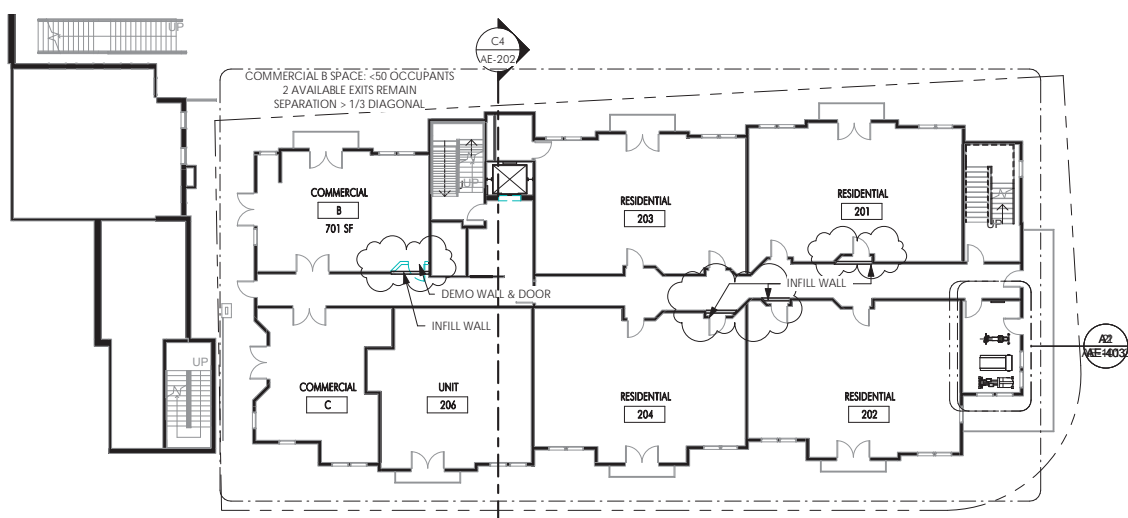
ROOF PLAN

AE-107

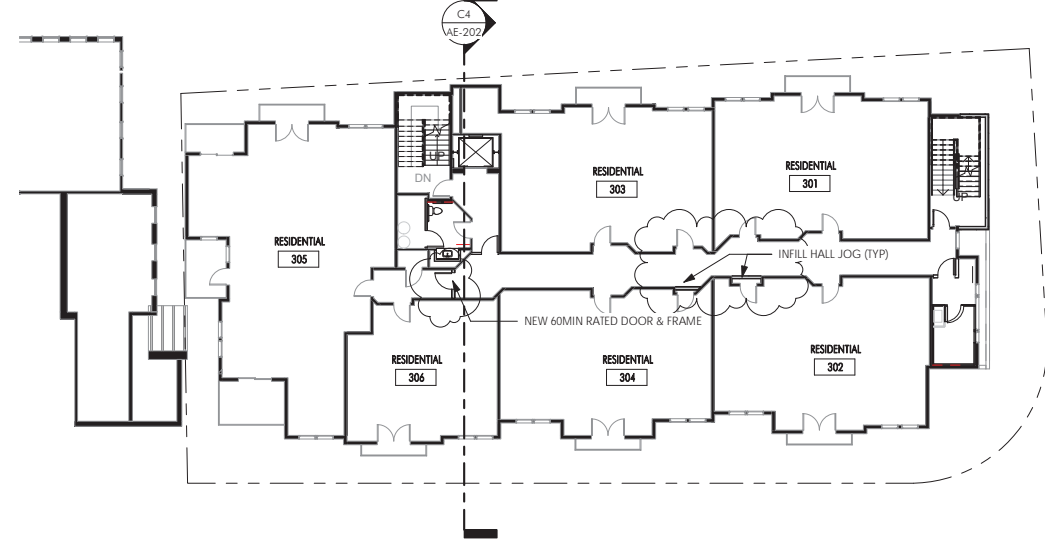
the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Ateller, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:52:08 AM



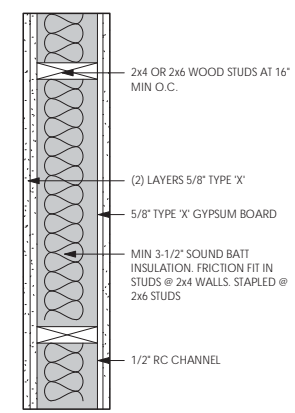
1 LEVEL 1 KEY PLAN
SCALE: 1/16" = 1'-0"



2 LEVEL 2 KEY PLAN
SCALE: 1/16" = 1'-0"



3 LEVEL 3 KEY PLAN
SCALE: 1/16" = 1'-0"



INTERIOR WALL INFILL
FIRE RATING: 1 HOUR UL #U-305
STC RATING: 55

WALL INFILL TYPE
SCALE: 1 1/2" = 1'-0"

WOW

CIVIL:
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE
ELECTRICAL: PVE
LANDSCAPE: INTERIOR:

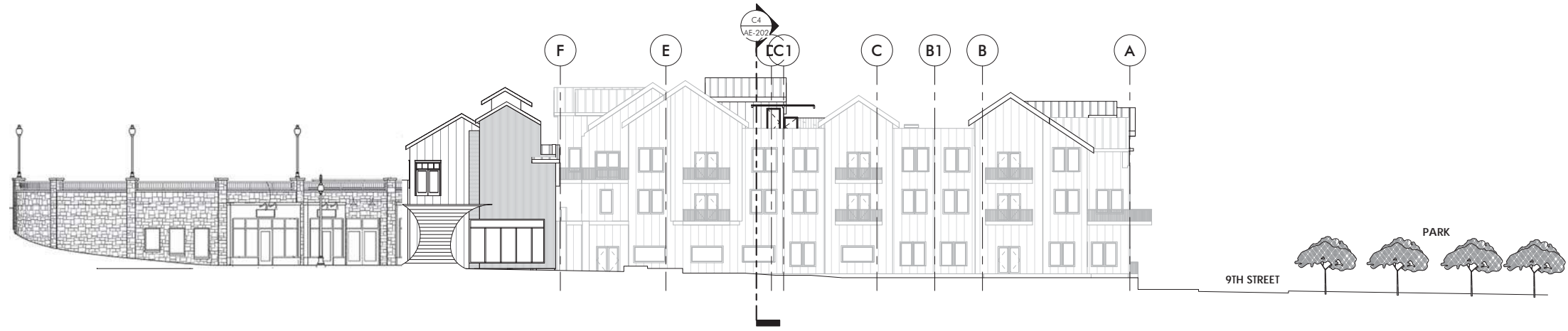
LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL
875 Main St
Park City, UT 84060

PROJECT #:	ISSUE DATE:	ISSUE:	REVISIONS
2016-35	07.10.2018	HDDR	1
			description
			date

KEY PLAN/WALL DETAIL

AE-100

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:53:20 AM



1 EAST ELEVATION STREETSCAPE
SCALE: 1/16" = 1'-0"

STREETSCAPE

AE-200

COPYRIGHT: WOW atelier, LLC. 2016

PROJECT #:
2016-35

ISSUE DATE:
07.10.2018

ISSUE:
HDDR

REVISIONS

LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL

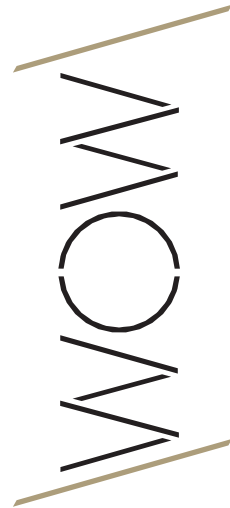
875 Main St
Park City, UT 84060

CIVIL:
STRUCTURAL:
JARRATT ENGINEERING

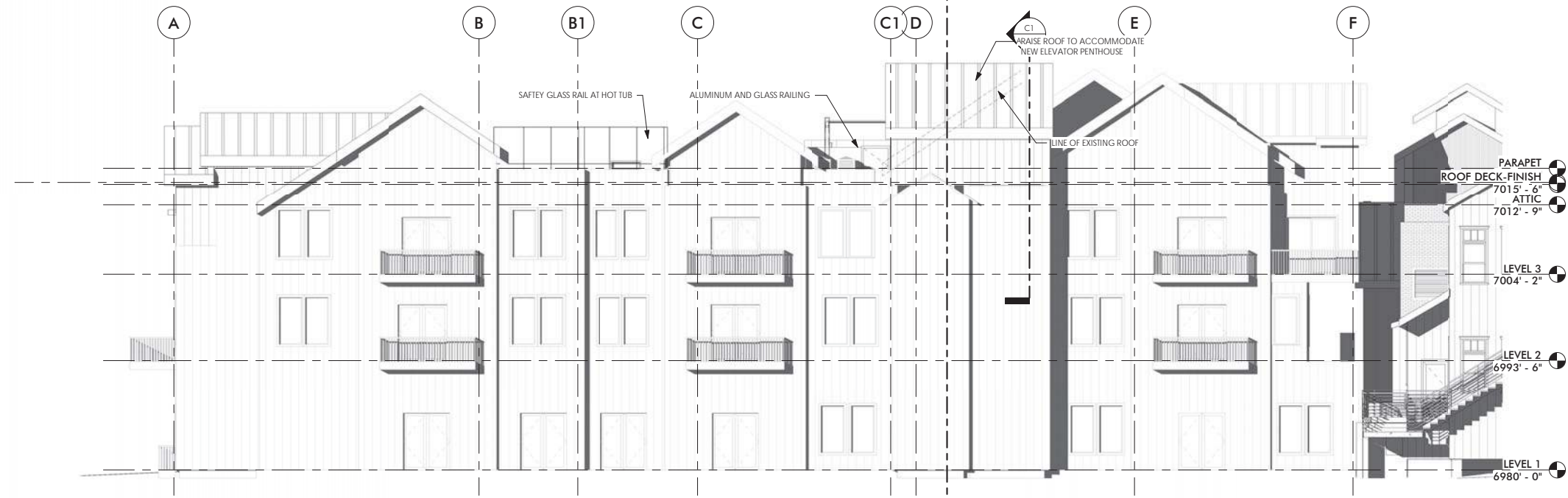
MECHANICAL:
PVE

ELECTRICAL:
PVE

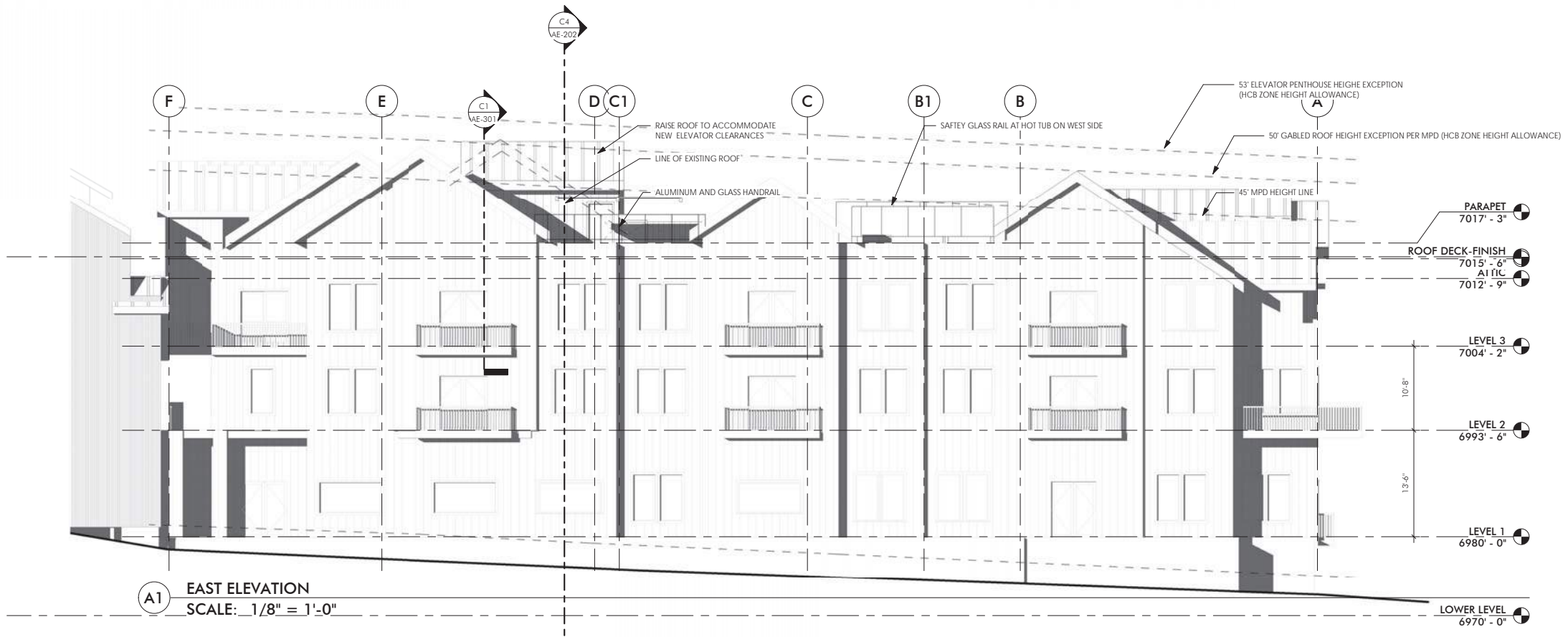
LANDSCAPE:
INTERIOR:



The concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:53:29 AM



C1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



A1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

WOW

CIVIL:
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE
ELECTRICAL: PVE
LANDSCAPE: PVE
INTERIOR:

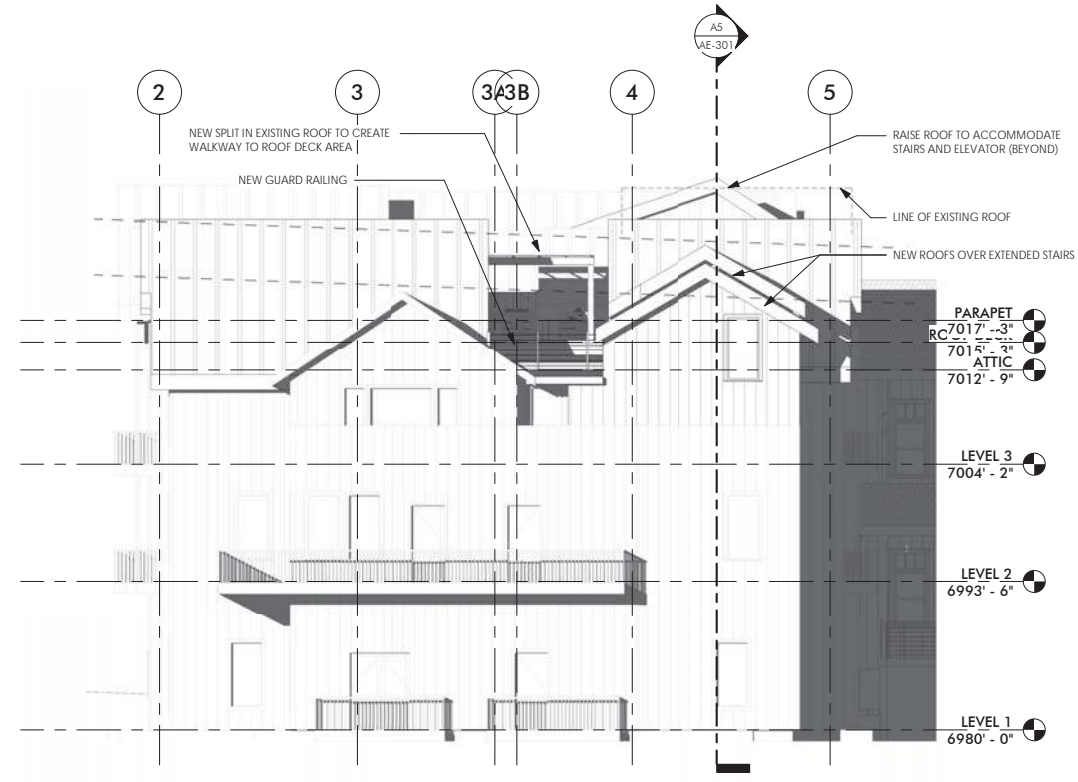
LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL
875 Main St
Park City, UT 84060

PROJECT #:
2016-35
ISSUE DATE:
07.10.2018
ISSUE:
HDDR
REVISIONS

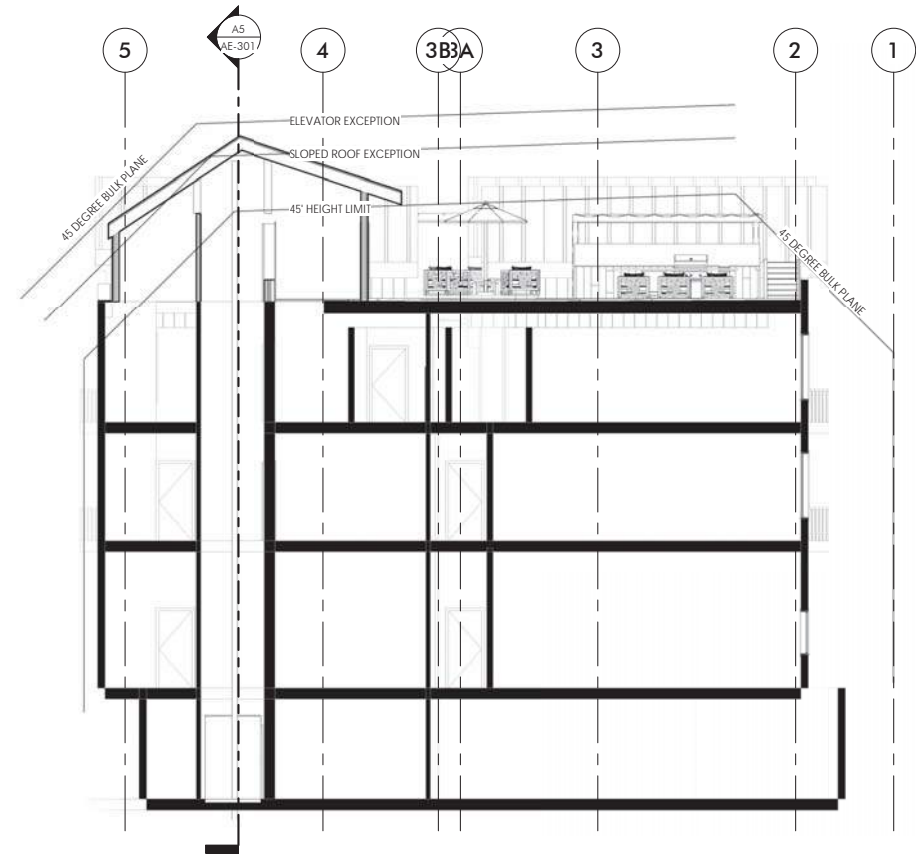
ELEVATIONS

AE-201

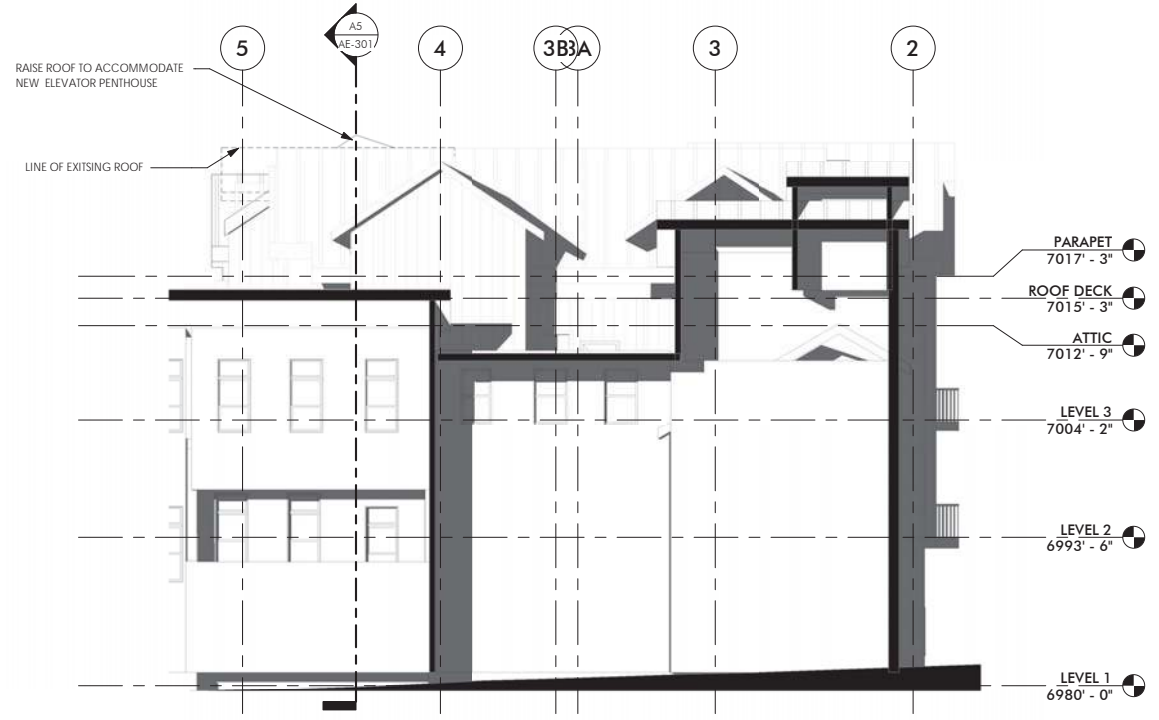
the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:53:41 AM



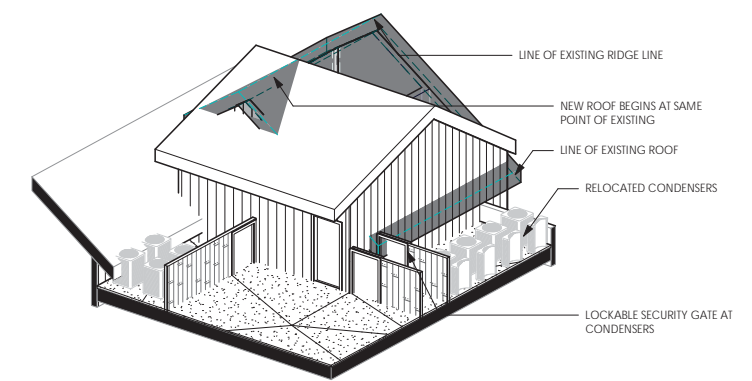
C2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



C4 BULK PLANE SECTION AT ELEVATOR PENTHOUSE
SCALE: 1/8" = 1'-0"



A2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



A4 EXISTING/NEW ROOF DIAGRAM
SCALE:

WOW

CIVIL:
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE
ELECTRICAL: PVE
LANDSCAPE: PVE
INTERIOR:

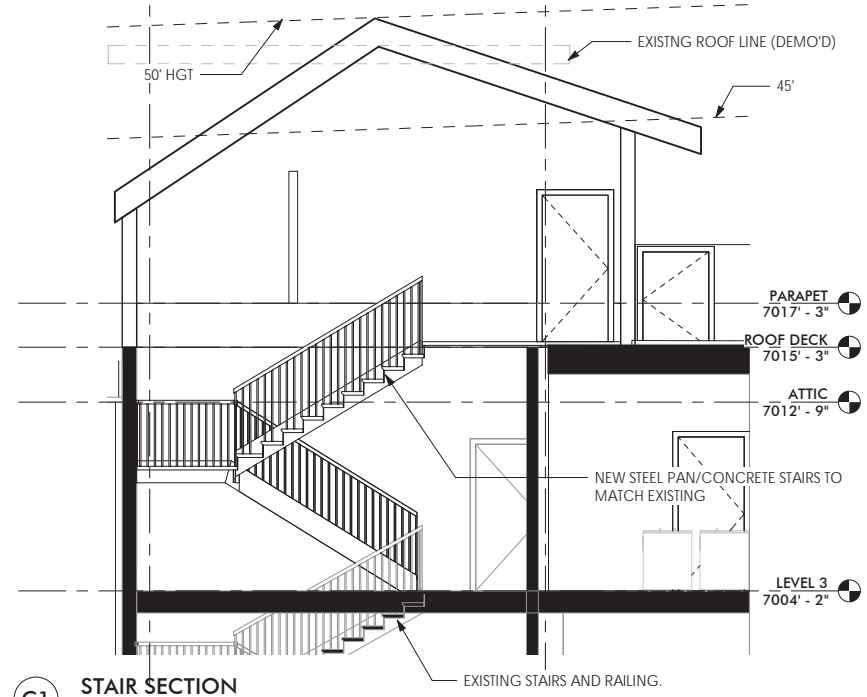
LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL
875 Main St
Park City, UT 84060

PROJECT #:
2016-35
ISSUE DATE:
07.10.2018
ISSUE:
HDDR
REVISIONS

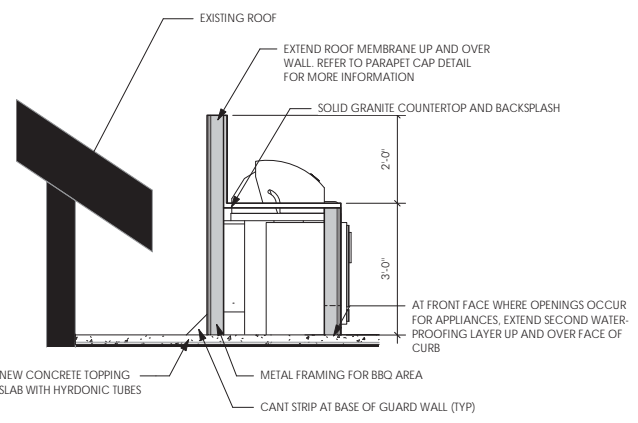
ELEVATIONS

AE-202

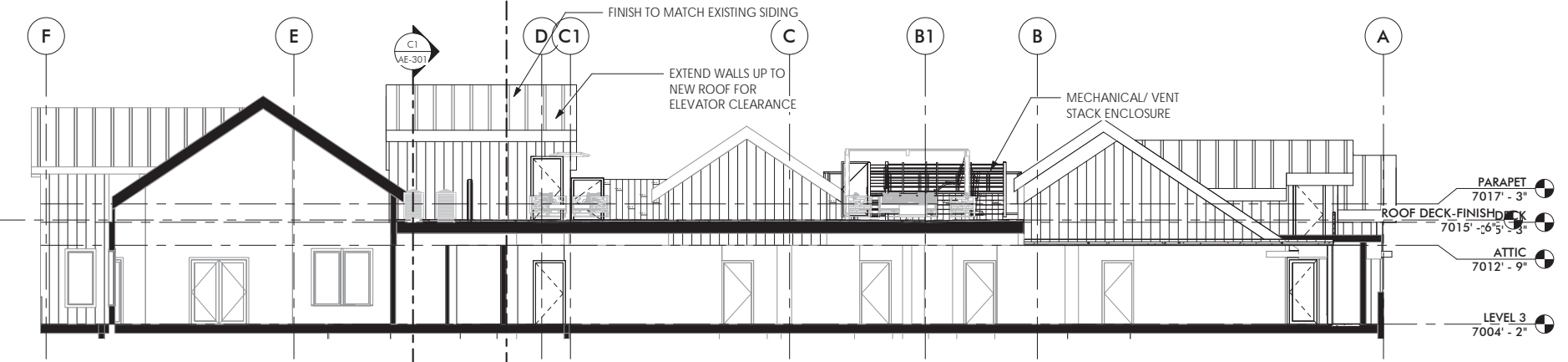
the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:54:02 AM



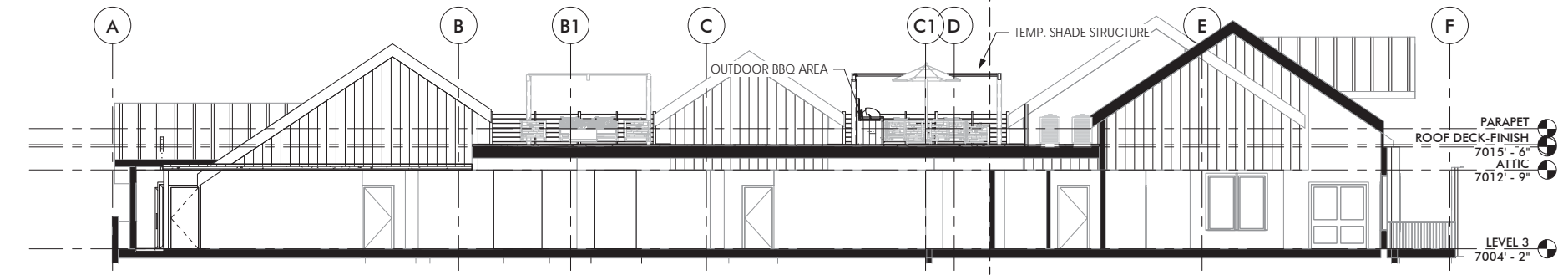
C1 STAIR SECTION
SCALE: 1/4" = 1'-0"



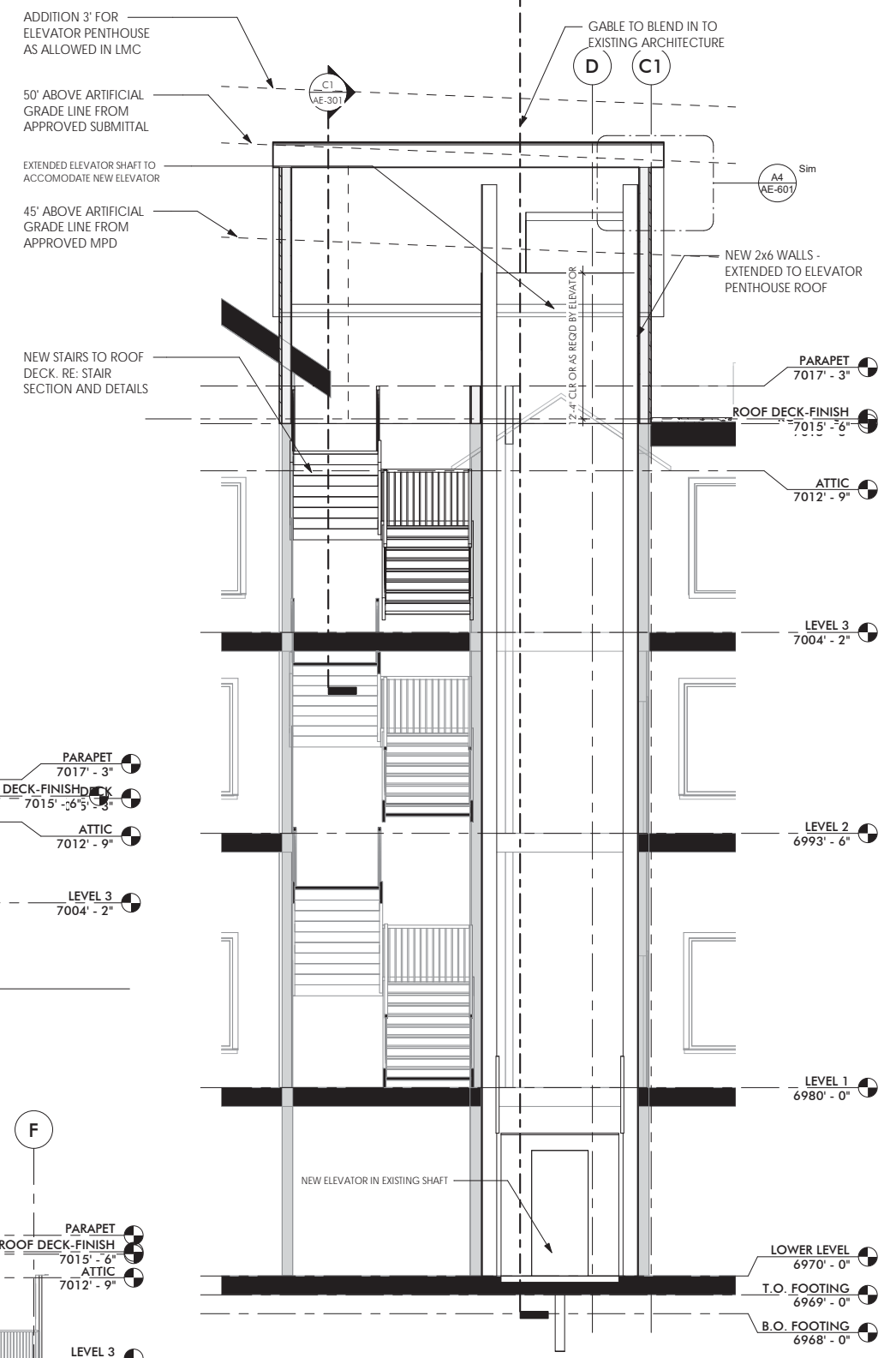
C2 OUTDOOR BBQ WALL SECTION
SCALE: 1/2" = 1'-0"



B1 INTERIOR ROOF DECK ELEVATION - NORTH
SCALE: 1/8" = 1'-0"



A1 INTERIOR ROOF DECK ELEVATION - SOUTH
SCALE: 1/8" = 1'-0"



A5 ELEVATOR SECTION
SCALE: 1/4" = 1'-0"

CIVIL:
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE
ELECTRICAL: PVE
LANDSCAPE: PVE
INTERIOR:

LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL
875 Main St
Park City, UT 84060

PROJECT #:
2016-35
ISSUE DATE:
07.10.2018
ISSUE:
HDDR
REVISIONS

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Ateller, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 11:54:59 AM



WOW

CIVIL:
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE
ELECTRICAL: PVE
LANDSCAPE: PVE
INTERIOR:

LIFT LODGE ROOF DECK
HDDR/CUP SUBMITTAL
875 Main St
Park City, UT 84060

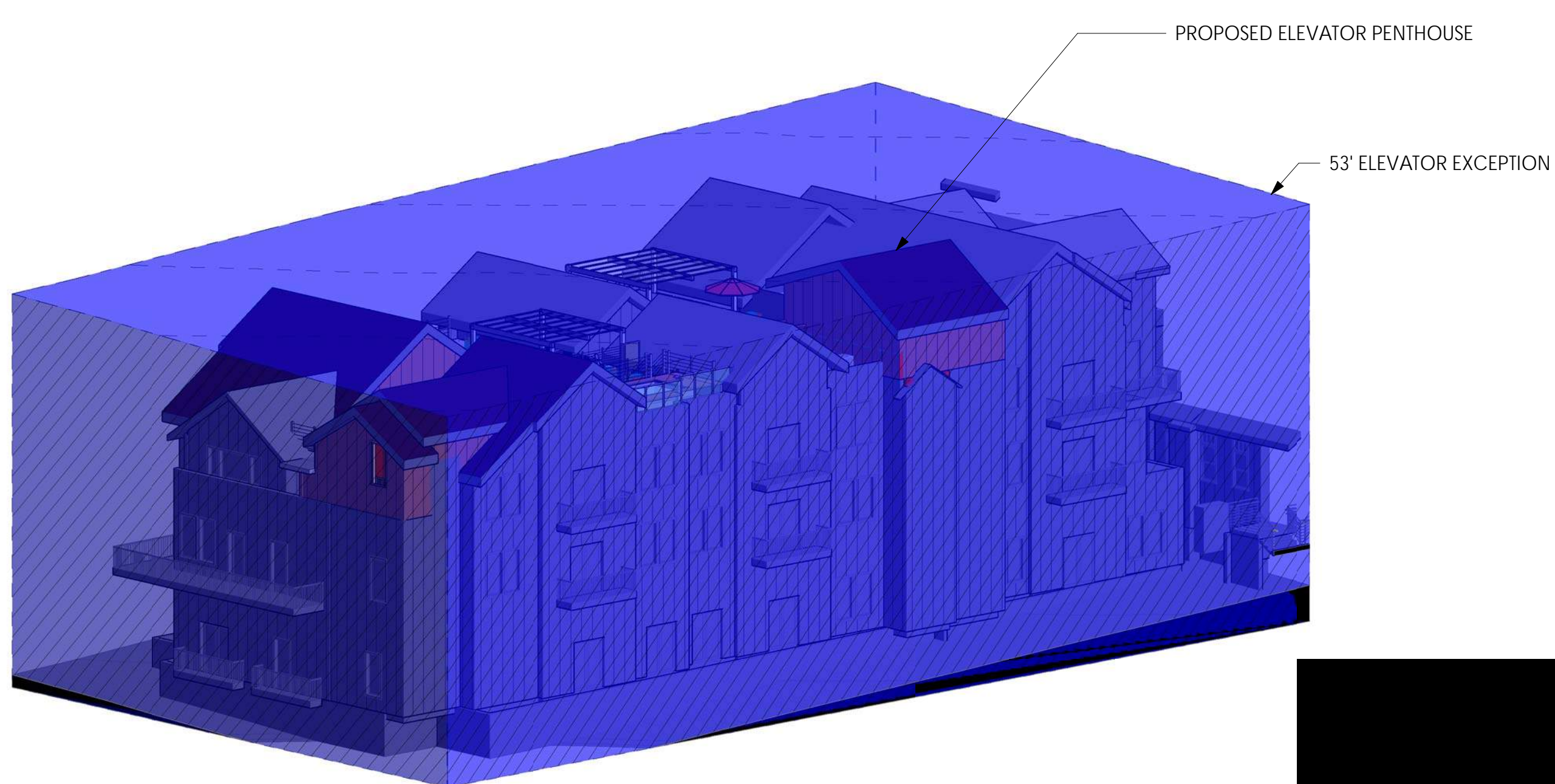
PROJECT #:
2016-35
ISSUE DATE:
07.10.2018
ISSUE:
HDDR
REVISIONS

CONTEXT IMAGES

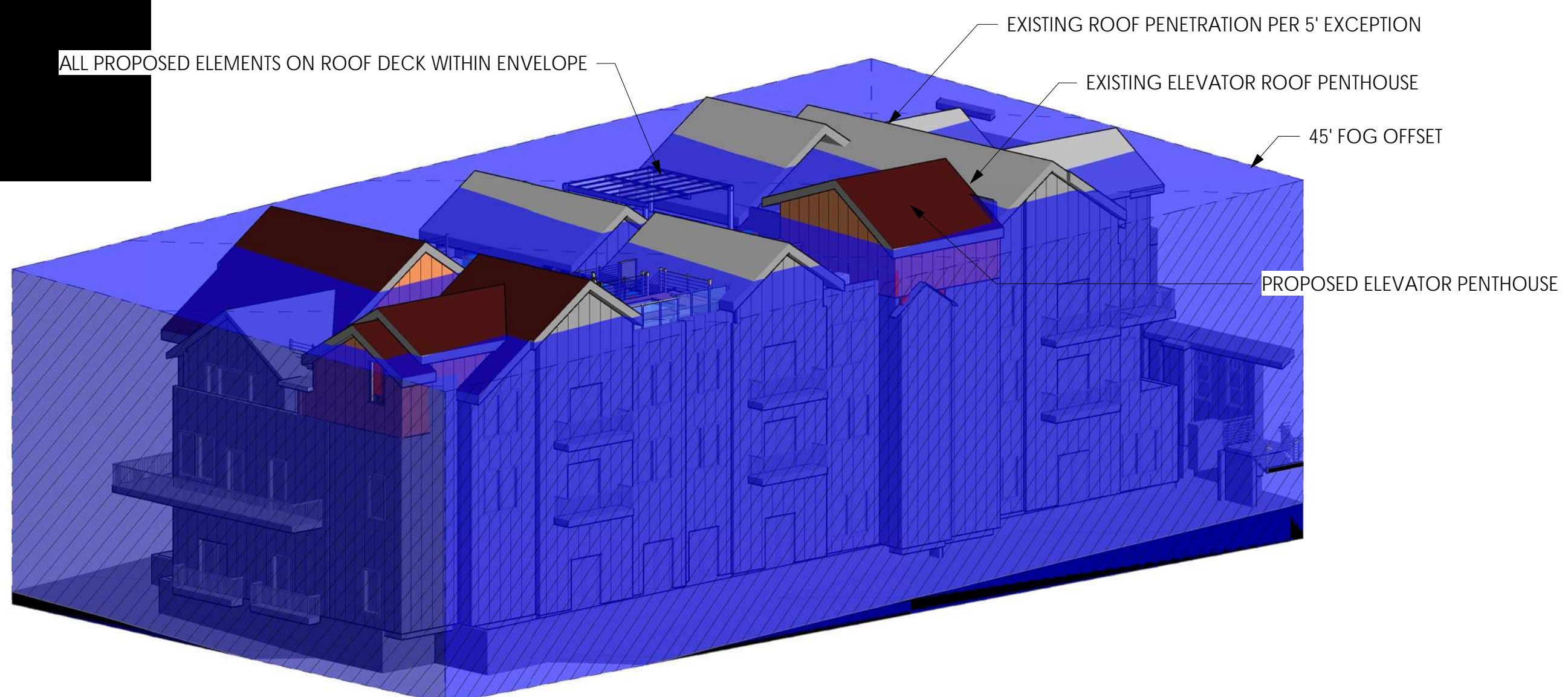
AE-901

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 2:49:11 PM

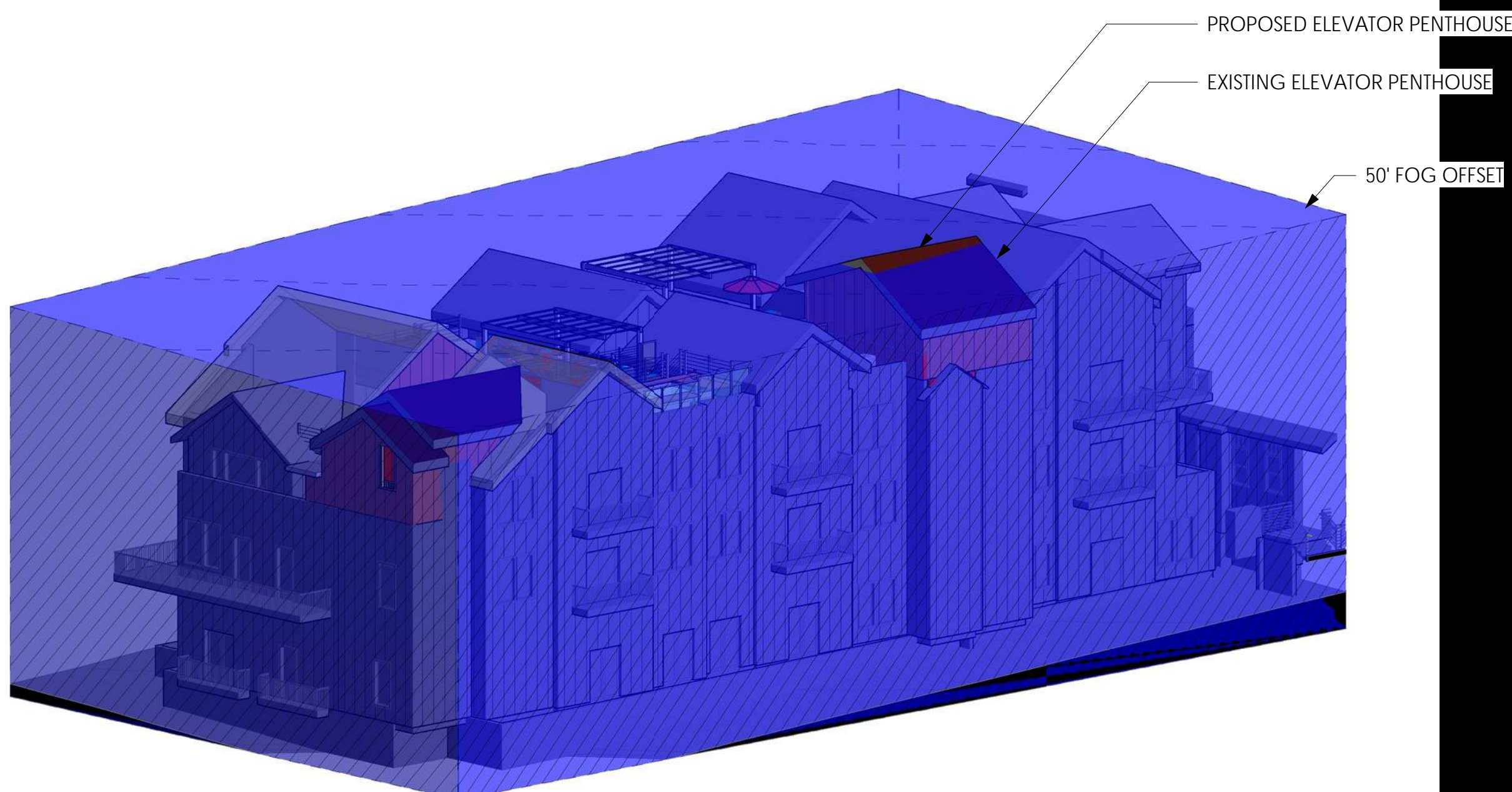
1 2 3 4 5 6



3 53' FOG STUDY
SCALE:



1 45' FOG STUDY
SCALE:



2 50' FOG STUDY
SCALE:

RESOLUTION

Resolution No. 22-82

A RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY
BETWEEN PARK CITY MUNICIPAL CORPORATION
AND HUNTSMAN-CHRISTENSEN
TO ACQUIRE A SEGMENT OF THE RIGHT-OF-WAY NECESSARY FOR THE
CONSTRUCTION OF THE U-224 BELT ROUTE

WHEREAS, Huntsman-Christensen Corporation, Blaine
Huntsman, Ladd Christensen, Park City Depot, Inc., and the
Depot partners are the owners of certain real property known
as the Depot Property, required by the City for the
construction of the U-224 Belt Route, and

WHEREAS, the City is the owner of land adjoining
the portion of the Depot Property that is not required for
the Belt Route, and

WHEREAS, owners of the Depot Property are willing
to convey the necessary property to the City for the Belt
Route construction in exchange for a conveyance of a portion
of the City-owned land to them which solves some title
discrepancies and provides additional land, and other
covenants as set forth in the agreement between the parties,
and

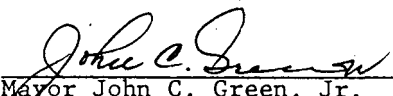
WHEREAS, the values of the parcels to be exchanged
are substantially similar,

NOW THEREFORE, be it resolved by the City Council
of Park City, Utah that:

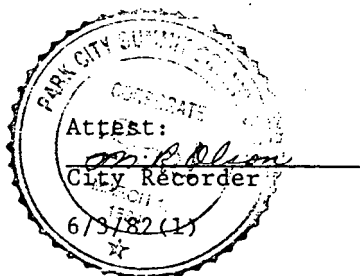
1. The exchange of real property described in detail
in the attached contract be, and is hereby approved.
2. The Recorder shall have the appropriate documents
necessary to complete the exchange recorded upon execution.

PASSED AND ADOPTED this 3rd day of June, 1982

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



2. Condemnation for Mellow Mountain Road Extension - Tom Clyde, City Attorney, commented that the developers would appreciate it if Council would adopt a Resolution of Condemnation because they are concerned that the belt route construction will prevent them from using the access road they now have. They are sensitive to the planning process going on in that area by other developers. They do need this document available if present negotiations fall through. Arlene Loble explained that the condemnation action has to be taken by the public body, but under the terms of the Nielsen lawsuit, settlement would be fully reimbursable by the purchasers of that property, Aerie Development Company. Tom Clyde explained that the road cannot be built until BLM grants right-of-way in two places. Bill Coleman, "I move we adopt the Resolution of Condemnation for Mellow Mountain Road Extension, simultaneous with the Aerie Development application prepared and submitted by them, for the right-of-way for both BLM properties". Bob Wells seconded. Motion carried.

NEW BUSINESS

Resolution Approving the Land Exchange and Settlement with Huntsman-Christensen Regarding U-224 Belt Route - Bob Wells stated he has not been able to make contact with Huntsman-Christensen regarding the form of the agreement, but the substance of it has orally been agreed to. He suggested approval of the resolution which will enable him to enter into an agreement. Tina Lewis, "I move approval of the Resolution of land exchange and settlement of the Huntsman-Christensen Company regarding the U-224 Belt Route". Helen Alvarez seconded. Motion carried, with Bill Coleman abstaining for the reason of having a security interest in the property.

Bill Coleman moved for adjournment.

* * * * *

MEMORANDUM OF CONVENING EXECUTIVE SESSION
CITY HALL, PARK CITY, UTAH
JUNE 3, 1982

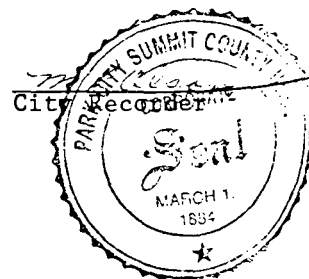
Members Present: Bill Coleman
(motion to close) Helen Alvarez
(motion to open) Helen Alvarez
Bob Wells
Mayor Green

Members Absent: Tina Lewis
Tom Shellenberger

Also Present: Arlene Loble, City Manager
Tom Clyde, City Attorney

Subjects Discussed: Litigation
Copperbottom Inn Lawsuit
Fire District Lawsuit
Highway Right-of-Way

Prepared by M. R. Olson



as Mayor P
Tina Lewis
p.m. at Ci
Members pr
Shellenber
and Bob We
Manager; M
Clyde, Cit
suggested
COMMUNICAT
since at t

PUBLIC INF

any item
because
rather t
category
sequence

Tom H
area)
the s
objec
payin
inter
would
the s
Hurd
that

road align
for water

Denni
his b
Compa
has b
becau
Avenu
obstr
ordin
thore
conte
more

was declar

MINUTES OF

as written

APPROVAL O

Bills". T

RESIGNATIO

AMENDMENT TO AGREEMENT

WHEREAS, Park City Municipal Corporation ("Park City") and Huntsman-Christensen Corporation, and Park City Depot Corporation entered into an Agreement dated June 9, 1982 (the "1982 Agreement") under which Huntsman-Christensen Corp. and Park City Depot Corp. conveyed approximately three acres of land to Park City for the right-of-way for Deer Valley Drive, in consideration of which Park City granted to Huntsman-Christensen certain zoning and regulatory concessions; and

WHEREAS, the benefits under the 1982 Agreement pertain to land (the "Property") retained by Huntsman-Christensen Corp.; and

WHEREAS, the Property is now owned by McIntosh Mill, Ltd. a Utah limited partnership ("McIntosh"); and

WHEREAS, McIntosh received approval for the Town Lift Project ("Project") through approval by Park City of the Town Lift Concept Plan ("Concept Plan") and Master Plan Development ("MPD") for development of the Property and the Concept Plan and MPD restrict building heights below those allowed in the 1982 agreement; and

WHEREAS, development beyond Phase 1 of the Project requires a comprehensive renegotiation of the 1982 Agreement according to the Concept Plan approval of September 5, 1991, and as part of this comprehensive renegotiation, the parties will determine the appropriate level of mitigation necessary to achieve the desired heights for the project, and

WHEREAS, certain disputes and uncertainties have arisen between McIntosh and Park City concerning the interpretation and application of some provisions of the 1982 Agreement with respect to building height on the affected Property; and

WHEREAS, the present parties to the 1982 Agreement now desire to resolve their differences and the uncertainties by amending the 1982 Agreement;

NOW, THEREFORE, in consideration of the mutual agreements and promises contained in this agreement and to settle the disputes

concerning interpretation of the 1982 Agreement, the parties agree that the 1982 Agreement is amended as follows:

1. NATURAL GRADE ESTABLISHED. The 1982 Agreement stipulated the elevation of the plane of natural grade on the Property with reference to the east retaining wall on Deer Valley Drive, with the plane of the grade sloping from the top of the east retaining wall to the curb on the east side of Park Avenue. This was depicted on Exhibit H to the 1982 Agreement. The parties hereby agree to strike the original Exhibit H, and replace it with the drawing attached to this Amendment and entitled "Designation of Natural Grade", which lowers the highest elevation of the plane of natural grade from the top of the east retaining wall to the top of the west retaining wall on Deer Valley Drive.

2. STREET CONSTRUCTION. The 1982 Agreement did not address the internal circulation within the Property. Based on the plans prepared by McIntosh, it appears that the following streets need to be constructed and dedicated to the public: (1) Main Street extending from Heber Avenue north through the Property to Ninth Street; (2) Ninth Street extending east from Park Avenue to the extension of Main Street, (3) a new Street connecting from the extension of Main Street east to Deer Valley Drive at the north end of the Property; (4) Seventh Street between Main Street and Park Avenue; and (5) a cul-de-sac extending southeasterly from approximately Seventh Street to access the Redevelopment Agency of Park City ("RDA") and McIntosh properties located south of the subject Property, the final location of which will be determined by the parties at the time site plans for the properties are prepared. These streets, and their widths, are shown on the attached exhibit entitled "Street Plan".

3. PHASING OF STREET CONSTRUCTION.

- (a) McIntosh agrees to construct and dedicate the Main Street and Ninth Street extensions (identified as (1) and (3) above) simultaneously with the Phase 1 of the Project.
- (b) The parties desire to connect the extension of Main Street to Deer Valley Drive at the northern end of the

Property. McIntosh agrees that it will grant a temporary easement for this connecting road in Phase 1 of the Project and construct this connecting road to a width of 40 feet, prior to, or simultaneously with, the construction of the Phase 2 of the Project. Phase 1 of the Project is shown on the "Street Plan", and consists of three buildings on the east side of extended Main Street. The connection to Deer Valley Drive will be constructed without financial participation by Park City, and dedicated to the public.

- (c) The cul-de-sac (referred to in (5) above) will be constructed at a mutually agreeable time in conjunction with development of the RDA parcel, provided that a temporary easement has been granted, and vehicular access will be possible even though the street has not been constructed. In addition to these public streets, McIntosh will grant to the owner of the Avise parcel a 20 foot wide easement over the McIntosh Property (and if necessary, over the proposed cul-de-sac) to connect the Avise Parcel through to Main Street along the new cul-de-sac. When built, this cul-de-sac will be constructed without financial participation by Park City, and dedicated to the public.
- (d) The design and ownership of Seventh Street are uncertain at this time. Prior to commencing any construction in phase 2 the design, construction standards and schedule must be approved by Park City. This agreement does not modify any current requirements for Seventh Street.

4. PUBLIC UTILITY EXTENSIONS. In addition to the construction and dedication of the public streets, McIntosh will construct the water, sewer, storm drainage and similar public utilities and improvements necessary for service to the Project as proposed by McIntosh, and also in such capacities as necessary for the proposed uses of the RDA property to the south. Construction

of the utilities will be simultaneous with the construction of the streets in which they are located.

5. PARK CITY'S PARTICIPATION IN INFRASTRUCTURE CONSTRUCTION. Park City agrees to the following:

- (a) Park City, acting through the RDA, will pay the total sum of \$700,000 toward the construction of the necessary streets through the Property described above. It is expected that the construction will be substantially completed by December 1, 1992.
- (b) Park City will appropriate the money in the 1992-93 RDA Budget and hold it in a trust account that will accrue interest. Withdrawals from the account will be made upon the joint signatures of McIntosh and Park City for the sole purpose of paying the costs of construction of the streets and other public improvements shown on the "Street Plan", and as outlined in the construction budget. Payment will be made on the basis of monthly draws for work actually completed, and subject to a retention of 10% until the construction work is complete and accepted by the City Engineer.
- (c) The maximum obligation of Park City for the construction of the improvements shown on the Street Plan is \$700,000. Prior to construction, the City will determine the costs for construction of public improvements ("Costs") based on engineer's estimate and a contractor's fixed bid contract for the completion of construction, if available. The security required for these public improvements will be the difference between 125% of the Costs and \$700,000. McIntosh will secure the difference by a cash escrow or letter of credit as required by Park City ordinance. The difference will be funded by McIntosh simultaneously with Park City funding its share of the obligation.
- (d) Upon acceptance of the improvements and right of way dedication by the City Council upon recommendation of the

City Engineer Park City will assume maintenance and management obligations according to standard practice.

6. TEMPORARY PARKING. To the extent its Property is not being used for either actual building or road construction or construction staging, McIntosh agrees that it will lease its vacant Property to Park City for temporary surface parking lots. At its expense, and in conjunction with the paving of the extension of Main Street, McIntosh will grade and gravel an area of approximately 30,000 square feet located north of the base of the Project suitable for parking. This lot will be accessed from Main Street or Ninth Street. Park City will pay McIntosh the sum of \$10 annually for the lease of this parking, and indemnify and hold McIntosh harmless from any and all claims and costs arising from the public parking use of this portion of the Property, including reasonable attorney's fees incurred by McIntosh defending any claim. The lease will run from year to year, and is terminable upon notice from McIntosh that it needs the Property. Any landscaping associated with the parking lots will be installed and maintained by Park City at its expense.

7. CONVENTION CENTER SPACE. In subsequent phases of the Project, McIntosh agrees to favorably consider allocating approximately 20,000 square feet of interior space to accommodate a convention center. This convention space will not be Main Street frontage space. Neither party is able to commit to the construction of a convention center at this time, but it is the intent of this provision to evidence a desire to preserve future flexibility to include such a facility in a subsequent phase, provided it does not result in increased costs or delays to McIntosh in the development of the Project.

8. REDEVELOPMENT AGENCY FUNDING. The proposed source of the funds committed by Park City is the Redevelopment Agency of Park City. Park City agrees to cause the RDA to appropriate funds in a manner consistent with this Amendment. The availability of RDA funds is contingent upon obtaining an amendment to the Stipulated Judgment entered by the Third District Court in Board of

Education of the Park City School District v. Redevelopment Agency of Park City, Civil No. 7051, Summit County, Utah. This amendment would raise the present ceiling on tax increment paid to the Main Street Redevelopment Project Area ("Project Area") from \$1 million annually to \$1.3 million over the remaining life of the Project Area. Park City agrees to use its best efforts to obtain that amendment. The RDA has joined in this Agreement as a party for the purpose of acknowledging the commitment of its funds to the construction of public improvements as detailed above. In any event, Park City agrees that, in the event it does not fund its portion of the infrastructure construction referred to in paragraph 5 on or before August 1, 1992, this Amendment to Agreement shall be null and void and of no further effect.

9. FUTURE IMPROVEMENTS. Park City and the RDA agree to cooperate with improvements in the area adjoining the Property, including stream corridor enhancements and bike path improvements along Silver Creek. McIntosh will enhance the stream corridor on and adjacent to its property with landscaping and park amenities, such as benches. Improvements will be installed along the existing channel without relocating the stream.

Park City's long-range plans for the south end of City Park can accommodate storm run-off from the areas around Main Street including the Project. McIntosh will offer to Park City, a temporary easement on the Project site sufficient to accommodate storm run-off from the first phase of development. Park City will relinquish the easement when storm retention improvements are installed at the south end of City Park or when development is approved that would displace the easement, whichever comes first. The easement is intended to provide an option for storm retention in the event that the Project is not completed and shall have no bearing on approvals of subsequent development phases. Park City will not require McIntosh to construct or pay for any other retention facilities.

10. PROJECT APPROVAL. On April 22, 1992, Park City granted preliminary plat approval of Phase 1 of the project. Since

that time, McIntosh has revised its plans for Phase 1 which have not been reviewed by Park City. Park City will expeditiously review the Phase 1 plans, as revised, and if the plans substantially conform to the approved plans, will review of those plans as a permitted use as called for under the 1982 Agreement. In order to move forward with street construction so that substantial completion before the 1992-93 ski season is reasonably possible, Park City will approve the street design and construction in advance of the approval of the buildings in Phase 1.

11. EMPLOYEE HOUSING. McIntosh agrees to construct or have constructed and manage or have managed residential units which will be offered to employees in Park City under the terms outlined in this agreement ("Obligation"). The Obligation will be established according the following ratio: one unit of employee housing for each 12,500 square feet (net) of commercial space and one unit of employee housing for each 25,000 square feet (net) of residential space constructed in the Project. An employee housing unit is defined as an independent residential unit of at least 650 square feet with at least one bedroom that is regulated to give priority to local employees (demonstrated by current employment in Park City and/or work history in Park City) when the unit is rented or sold. The unit shall be restricted so that this priority is protected for at least 20 years. Actual construction of the units will occur in no more than three phases with the first phase occurring before more than 50,000 square feet (net) of commercial space or more than 150,000 square feet (net) total space is constructed (see examples below). Each phase shall be of a size that would bring the Obligation current with the construction that is completed or has received a building permit. The employee housing units shall be offered for sale or rent at a rate that returns the cost of construction, financing and management but without any profit to McIntosh. The Obligation is contingent upon Park City selling or otherwise making available sufficient land to accommodate the proposed phase of employee housing and approving that phase for construction. This Obligation satisfies all

requirements for this project to provide employee or affordable housing.

EXAMPLES

Phase	Completed construction or building permits (square feet)		Employee units required
	Commercial	Residential	
1	50,000	100,000	4 + 4 = 8
2	30,000	135,000	2.4 + 5.4 = 7.8 = 8
Total	80,000	235,000	16

12. POCKET PARK. If McIntosh is able to acquire a leasehold interest in the Utah Power & Light parcel (adjoining the subject Property on the northwest corner, north of Ninth Street) for a nominal consideration, Park City agrees to accept an assignment of that lease and to maintain the area as a pocket park.

13. REMAINDER OF AGREEMENT UNCHANGED. Except as specifically provided in this Agreement, or except as new provisions have been added, the balance of the 1982 Agreement remains in full force and effect in all respects. No additional exactions, impositions, or off-site improvements will be required, provided that McIntosh will pay fees validly imposed by an ordinance of general application in Park City to the extent that such fees are not waived by the 1982 Agreement.

14. SUCCESSORS AND ASSIGNS - NO PARTNERSHIP. The parties and all successors in interest to McIntosh in any portion of the Property are expressly bound by, and are entitled to rely upon, this Amendment to Agreement. No joint venture, association or partnership is created between the parties by this Amendment to Agreement, and the parties expressly agree that the liability of Park City and the RDA is limited to the covenants contained in the 1982 agreement, as amended by this Amendment to Agreement.

15. FURTHER ASSURANCES. The parties recognize that there will be a continuing governmental review process on the Project as construction drawings are submitted for street and

utility designs, building proposals, and architectural design review for compliance with Historic District Design Guidelines. Park City agrees that it will review these items in good faith and that approval will not be unreasonably withheld or delayed.

MADE, this 17th day of July, 1992.

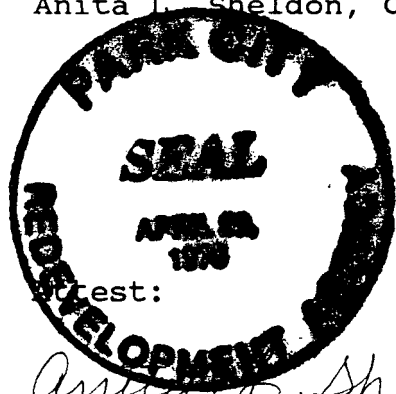
PARK CITY MUNICIPAL CORPORATION



By: Bradley A. Olch
Mayor Bradley A. Olch

Attest:

Anita L. Sheldon
Anita L. Sheldon, City Recorder



REDEVELOPMENT AGENCY OF PARK CITY, UTAH

By: Bradley A. Olch
Chairman Bradley A. Olch

Attest:

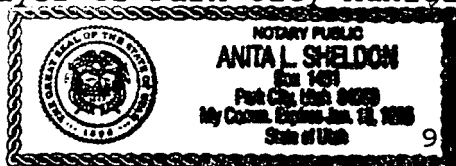
Anita L. Sheldon
Anita L. Sheldon, Secretary

MC INTOSH MILL, LTD. a Utah limited partnership

By: Harry Reed
Harry Reed, General Partner Park City

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Bradley A. Olch, Mayor of Park City Municipal Corporation.



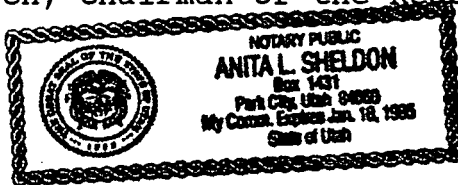
9 of 10

Anita L. Sheldon
Notary Public

Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

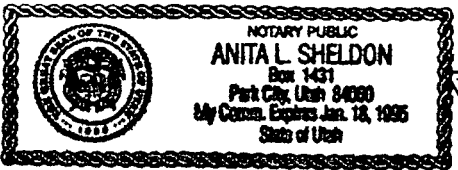
The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Bradley A. Olch, Chairman of the Redevelopment Agency of Park City, Utah.



Anita L Sheldon
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Harry Reed, General Partner of McIntosh Mill, Ltd., a Utah limited partnership.



Anita L Sheldon
Notary Public

9-23-91



Department of Community Development
Engineering • Building Inspection • Planning

September 23, 1991

McIntosh Mill
P. O. Box 1330
Park City, Utah 84060

MPE, Inc.
P. O. Box 2429
Park City, Utah 84060

NOTICE OF CITY COUNCIL ACTION

Project Description: Conceptual Approval of Town Lift Project

Date of Meeting: September 19, 1991

Action Taken By City Council: APPROVED

FINDINGS:

The following principles on development for the Town Lift site were agreed to by the City Council. The proposed concept plans are consistent with the principles:

1. The site is suitable for commercial development. Such development should be massed in the downtown area and anchor projects at both ends of the Main Street district (Brewpub on the south and the Town Lift on the north) is a desirable development pattern.
2. The site is zoned for commercial and resort development.
3. Main Street should be extended through the project and should connect back into Park Avenue. Historic District guidelines should apply to this extension of Main Street.
4. A 1982 Agreement exists for which the City received a quid pro quo, but this Agreement in and of itself is not sufficient to insure either quality development or the rights to develop what was contemplated under the Agreement.
5. The Town Lift chair connecting the ski area to town exists. It was constructed with the expectation that significant commercial development, including tourist housing and retail space, would be built on this site in the future.

6. Open space, pedestrian paths and connections to the neighborhood are important aspects of developing this property.
7. Phasing the development so as to (a) not overwhelm the commercial absorption and viability of current Main Street; and (b) insure that each phase is complete in and of itself, is of utmost importance.
8. A comprehensive concept plan should be a prerequisite of approval and this should modify the 1982 Agreement.
9. Under no circumstances will building height be approved which results in heights in excess of HCB zone height based upon a redefined natural grade from back of curb on the east side of Park Avenue to the back of curb on the west side of Deer Valley Drive. Any height in excess of this cannot be supported as this will overwhelm the scale and feel of the Historic District which is Park City's major tourist draw. The Council may desire to further reduce the building heights as a part of the comprehensive renegotiation of the 1982 Agreement. It is understood that the Sweeney Master Plan is not included in the 1982 Agreement and is therefore not subject to this limitation. The Sweeney MPD sets forth maximum building heights for that portion of the project.
10. It is advantageous for the community to maintain future options for open space, plazas, and a ski run, even if these elements are not decided on at this time.
11. It is in the public interest that development on adjoining properties be coordinated, especially as this relates to the Sweeney properties which have already received master plan approval.
12. It is important that balanced growth is fostered in Park City. The impacts and demands on facilities and services generated by residential development (including primary and secondary homes), tourist and resort facilities, and commercial development must be balanced so that the overall fees and revenues they generate will insure a high quality of living environment.
13. If a comprehensive agreement based on these principles cannot be reached and the applicants seek to develop in a piecemeal fashion, the City will strictly apply all its laws and ordinances to insure that such development is as close to these principles as is legally possible.

CONDITIONS OF APPROVAL:

1. This approval is for a conceptual plan for the Town Lift Project. The Town Lift Project is a mixed use residential and commercial project which includes the extension of Main Street. The maximum square footages for the project are as follows:

	<u>Gross</u>	<u>Net</u>	<u>Cars</u>
Street Level Commercial	56,910	51,220	154
Level 6980 Skier Service	16,710	15,040	45
Podium/Plaza Commercial	78,670	70,800	212
Support/Service	34,550	31,100	31
Resid./Accom. Unit	<u>208,500</u>	<u>166,800</u>	<u>167</u>
Total	395,340	334,960	609

The project is anticipated to be developed in Phases. Attachment A is a breakdown of maximum square footages and associated required parking by phase. These phases represent a preliminary phasing plan for planning purposes only and is referenced in these conditions of approval. The phasing and square footages may change slightly if the Sweeney Master Plan proceeds as currently approved.

The maximum building heights for the project are shown on Exhibit 1. These maximum building heights represent building heights as permitted in the HCB zone with a redefinition of natural grade. Natural grade is redefined as a grade extending from the back of curb on the east side of Park Ave. to the back of the curb on the west side of Deer Valley Drive. The Planning Commission has considered the requirements for height exceptions in Section 10.9.c of the Land Management Code and no further height exceptions will be considered. In no case shall any building exceed the maximums set forth except as specifically excepted in these conditions as it relates to the replication of the Coalition Building and as specified in the Sweeney MPD as it applies to the Sweeney properties included in this project.

2. This approval does not include seasonal or permanent closures of any roadways to accommodate an extension of the Town Lift Ski Run.

3. A number of special agreements are required which are addressed in these conditions of approval. Because of the length and complexity of the necessary negotiations, the City will consider the processing of applications necessary to allow commencement of construction. A subphase of Phases A and B will be permitted to proceed with processing and will be referred to as Phase 1. Phase 1 will require the following discretionary approvals and be subject to the following conditions:

a. Prior to commencement of construction of Phase 1, the 1982 Agreement must be revised to reflect the building height as approved in this conceptual approval.

b. The Planning Commission must review and approve an MPD for Phase I. Phase I must be consistent with the concept plan approval and will include details on public improvements, landscaping, circulation especially as it relates to public transit, street and pedestrian improvements and other items normally reviewed in the MPD process. A preliminary landscape and pedestrian circulation plan will be approved by the Community Development Staff for the entire project. Each phase will have a final landscape plan and public improvements plan approved prior to construction which shall be consistent with the preliminary landscape plan.

As a part of the MPD review process, the Planning Commission will ~~consider the establishment of~~ require an employee housing fund to be established which would contribute a proportionate share of the 26 proposed employee housing units.

c. The Historic District Commission will be required to review and approve volumetrics for Phase I which will address maximum building heights, necessary stepping, acceptable building materials and colors as well as general design features. The HDC will also be required to approve specific building design for the proposed structures prior to construction.

d. The Planning Commission and City Council will review and approve any subdivisions necessary pursuant to the subdivision regulations of the Land Management Code.

e. A Master Property Owners Association will be formed which will be responsible for the maintenance of all landscaping within the project, the walkways and plazas. The City staff shall review and approve the documents which establish this Master Association. The developer and City shall enter into an agreement specifying that the Master Property Owners Association shall be responsible for maintenance of the landscaping and plaza areas. Said agreement shall indicate the minimum level of maintenance acceptable to the City. The developer shall provide the City with an acceptable financial guarantee in the amount of one year's maintenance cost as a part of the agreement.

f. An Open Space Enhancement Plan will be required to be approved as a part of the MPD for phase I. That plan shall address the level of improvement for the open areas which are not to be developed at this time between extended Main Street and Park Ave. and between Park Ave. and Woodside Ave. This plan shall include a comprehensive plan to address the lift base which shall include, but not be limited to, public

restrooms, drinking fountains, signage, landscaping and lighting. It shall also address pedestrian and trail access. When plans are finalized for these areas, trail easements will be required to be dedicated to provide winter and summer access. At some time in the future, these areas may contain development parcels consistent with the existing Sweeney MPD.

g. As a part of the approval of Phase I, a portion of the Sweeney Master Plan will be formally amended. That amendment will include the consolidation of the Coalition East buildings into one structure and will commit to leave the balance of the property open until at least January of 1993. After that time, the Coalition West buildings and a part of the Coalition East North Building within the boundaries of Phase B4 as shown on Exhibit 1 will be allowed to proceed with the conditional use process consistent with the existing Sweeney MPD.

h. Financial guarantees will be required for public improvements associated with the first phase of construction.

i. The City Engineer shall review and approve all grading, drainage and utility plans.

4. Prior to any activity on the Town Lift Project beyond Phase I, the following conditions must be met:

a. The 1982 Agreement shall be comprehensively renegotiated. The revised agreement will contain provisions of the concept approval and will include the revised plan reflecting this approval as an attachment, including a revised phasing plan. A revised phasing plan shall be produced as a part of the revisions of the 1982 agreement which shall indicate an increase in the early phase residential and concurrent reduction in total commercial space for the project. The phasing plan shall consider Hillside Avenue improvements and shall give as much consideration as possible to further reductions in height, not at the expense of residential square footage.

As a part of this comprehensive renegotiation of the 1982 agreement, the City Council will determine the level of appropriate mitigation necessary to achieve the desired building heights for the project.

b. Design Guidelines and building volumetrics will be approved for each building or group of buildings. An independent consultant will be hired to assist in the formulation of these Guidelines. The Planning Commission and Historic District Commission will establish the scope of work for the consultant. Two members of the Planning Commission will work with the HDC in the formulation of the Guidelines. The Planning Commission will be required to approve the final Guidelines.

The Guidelines shall include volumetrics of each building describing necessary stepping and maximum heights. The Guidelines shall also address acceptable building materials and colors as well as general design features which may be reflective of Park City's mining history.

c. Final Phasing Plans, including an economic analysis of commercial demand, shall be submitted and approved by the Community Development Staff. These plans shall include the timing and staging of public improvements and construction staging plans. The construction staging plans shall include staff approval of areas of disturbance and material storage and necessary screening for each phase. Each phase shall be designed to stand on its own and represent a complete project without reliance of future phases for completion. The revised phasing plan shall also include those items listed in condition 4(a).

d. The City Council shall enter into a land trade agreement for the RDA property. This shall include requirements and restrictions for the control of the 26 proposed employee housing units. The employee housing units can be built any time, but shall not occur later than Phase C (as shown on the concept approval plans).

e. Main Street extended shall be completed to Park Ave. and shall be built to standards approved by the City.

f. At least 50% of the buildings and required parking in Phase 1 shall have received certificates of occupancy and 75% of the retail spaces for which certificates of occupancy have been issued shall be occupied with long term leases of not less than 1 year.

5. There are other conditions which refer the preliminary phasing plan as shown on the concept plan. Before future phases commence construction, a minimum build-out is required for previous phases. These conditions refer to the preliminary phasing plan, and shall be revised when the final phasing plan is approved:

a. Prior to commencement of any construction on Phase C:

- Street and utility construction must be 100% complete on Main Street extended and the connection to Deer Valley Drive.

- All public improvements associated with phases A and B shall be completed.

- At least 50% of the buildings and required parking in Phases A and B shall have received certificates of occupancy and 75% of the ~~completed~~ retail spaces for which certificates of occupancy have been issued shall be occupied with long term leases of not less than 1 year.

- Vacant parcels in Phases A and B shall be landscaped according to an approved plan.

- Financial guarantees to assure the installation of public improvements associated with Phase C will be required to be posted.

b. The following conditions are required as a part of construction of Phase C and must be completed prior to any construction commencing on Phase D:

- At least 75% of the buildings and required parking in Phases A and B must have received certificates of occupancy. At least 75% of the ~~completed~~ retail spaces for which certificates of occupancy have been issued must be occupied with long term leases of not less than 1 year.

- The employee housing shall be constructed prior to or concurrent with the commencement of construction for any other structures in Phase C. The employee housing shall be completed no later than Phase C.

- Vacant parcels in Phase C will be landscaped according to an approved plan.

- All public improvements associated with Phase C shall be completed.

- Financial guarantees to assure that installation of public improvements associated with Phase D will be required to be posted.

c. The following conditions are required as a part of construction of Phase D and must be completed prior to any construction commencing on Phase E:

- At least 50% of the buildings and required parking in Phase D must have received certificates of occupancy. At least 75% of the retail spaces for which certificates of occupancy have been issued shall be occupied with long term leases of not less than 1 year.

- Vacant parcels in Phase D shall be landscaped according to an approved plan.

- All public improvements associated with Phase D shall be completed.

- Financial guarantees to assure that installation of public improvements associated with Phase E will be required to be posted.

6. As indicated in attachment A, the minimum parking required is 609 spaces. If building square footages are reduced significantly during project build-out, the Planning Commission may consider reductions in the total amount of parking required. Parking spaces in excess of demand should be designated to accommodate open parking.

7. No density (gross or net square footages or building height) transfers will be allowed between phases. If a project chooses to use less than the maximum densities, it has no effect on any other portion of the project and cannot be used elsewhere in the project.

8. The plans shall be revised to include the possibility of a Coalition Building replica and exclude the small commercial space located in the edge of the originally proposed ski run extension. The Coalition Replica shall require approval by the Historic District Commission and will be as close as possible to the original design and location.

9. The plans shall be modified to address the concerns raised by the traffic report as deemed appropriate by the Staff.

10. The project is in an identified Flood Plain and will be subject to the Flood Plain Ordinance. If the buildings need to be modified to meet the Ordinance, no additional building height and no parking reduction will be considered. If parking is required to be reduced as a result of compliance with the Flood Plain Ordinance, associated reductions in square footage will also be required.

11. Before, after and during all phases of construction, access shall be provided to the Avise property. Plans for each phase shall reflect this access.

12. Amendments to this concept plan will be considered by the Community Development Department. If the amendment is determined to be substantive, the amendment will be referred to the Planning Commission for review and approval. For purposes of amendments, the revised property agreement and this approval shall be considered the base line and no consideration will be given to prior agreements or approvals on the property.

Conceptual Approval of Town Lift Project
September 23, 1991
Page Nine

Nora L. Seltenrich
Nora L. Seltenrich, AICP
Planning Director

9/23/91
Date

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

_____ Date _____

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.



Department of Community Development
Engineering • Building Inspection • Planning

July 16, 1997

Harry Reed
McIntosh Mill
P O Box 1330
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: 875 Main Street, McIntosh Mill

Project Description: Request for a conditional use permit for a mixed use building (residential/retail)

Date of Meeting: June 11, 1997

Action Taken By Planning Commission: Approved in accordance with the findings of fact as amended at the meeting--(the omission of findings #15, 17, and 18); approved in accordance with the conclusions of law as written in the staff report and in accordance with the Findings of Fact, Conclusions of Law and amended Conditions of Approval as follows:

FINDINGS OF FACT

1. This proposal is for a mixed use building consisting of 13 condominium units averaging 950 sf in area (12,381 net square feet), 842 sf of support commercial uses, and 3,554 sf of net leasable commercial space (4,442 sf gross). In addition there are 8,654 sf of parking and storage and 7,128 sf of common area (hallways, stairs, elevators, etc). The total building floor area is 37,001 square feet.
2. The site, at 875 Main Street, is a 0.26 acre (11,535 sf) vacant lot previously used as a construction staging and parking area for the Summit Watch project.
3. The maximum floor area ratio permitted in the HCB district is 4.0, which results in a maximum building size of 46,148 sf in total floor area.
4. The site is located within the Park City Historic District and is therefore subject to the Historic District Design Guidelines, as well as Chapter 9 of the Land Management Code, regarding architectural review. The Historic District Commission has reviewed the architecture and design and forwards a positive recommendation. The HDC added conditions of approval related to compliance with the Historic District Design Guidelines and exterior materials, colors, and finishing details.

5. The site is currently zoned HRC, Historic Resort Commercial. The site is subject to a "1982 Agreement" between the property owners of the original Town Lift Conceptual Plan and the City. This agreement was later amended in 1992. The amended "1992 Agreement" provides this property owner the option to utilize requirements of the HCB, Historic Commercial Business District, in designing this structure. These agreements are on file at the Planning Department.
6. An attachment to the "1982 Agreement" describes the artificial "natural" grade that is to be used to measure heights on this parcel. This artificial grade is generally described as the topography resulting from extending a straight line from the back of curb of Deer Valley Drive to the back of curb of Park Avenue.
7. The maximum height allowed in the HCB district is determined by Section 7.2.7 of the LMC, which describes the maximum building envelope as "defined by a plane that rises vertically at the front lot line to a height of 30' ... then proceeds at a 45 degree angle toward the rear of the property until it intersects with a point 45' above the natural grade." The rear portion of the bulk plane is similarly defined. No part of the building may be erected to a height greater than 45' from the established "natural grade".
8. Zoning on surrounding adjacent properties is either HCB-MPD, HRC-MPD, or HRC. Non-adjacent property approximately half a block away, to the north of 9th Street and on the west side of Park Avenue, is zoned HR-1, Historic Residential. Properties on Park Avenue to the south of 9th Street are zoned HRC and are primarily small historic homes.
9. This property is adjacent to the three and four story Town Lift and Caledonian Condominium projects currently under construction. Across Main Street is the three and four story Marriot Summit Watch project. Adjacent, to the west, is the site of a small scale two story historic structure currently housing the Zions Bank. Residential structures along Park Avenue are typically small scale one and two story historic miner houses.
10. Ninth Street and the Trolley turn around form the terminus of "lower" Main Street. This area is generally a transition area from the intensive commercial uses on "upper" Main Street and the residential uses of Park Avenue.
11. Commercial uses proposed for 875 Main Street are located on the first and second floors at the south end of the building. The first floor commercial space has direct access to Main Street. The second floor commercial spaces have direct access to the future skier plaza. Residential uses are proposed for the top floor, as well as the north end of the first and second floors with access from internal hallways and elevators. Residential uses at the north end are located about a story above Main Street, which is typical of historic design.
12. The north end of this proposed building is situated at the visual "gateway" to Main Street. Vehicular and pedestrian traffic from Park Avenue, Deer Valley Drive, and the

- bike trail will see this building first as they enter Main Street. At the direction of staff and the Commission the applicant has provided a north facade that somewhat steps down the scale of the building and minimizes the parking structure and "service" entry appearance. Balconies, modified window and door treatment, gabled dormers, lowered roof eaves, detailing of the parking entrance, landscaping, and pedestrian scale rock walls were added from the initial design at the direction on the HDC and staff.
13. As part of the Town Lift Conceptual Master Plan development, this proposal requires a Conditional Use Permit approved by the Planning Commission. Any HDC approval is subject to all conditions of approval required by the Planning Commission.
 14. There is a parking structure currently under construction on the lot immediately adjacent to the south. It is in the public's interest, for access and enhanced vehicular circulation in this area, for this development to tie its parking structure to the neighboring structure, provided all engineering and technical issues related to storm water, flood plains, and other utilities can be resolved.
 15. Twenty-seven parking spaces (27) are shown on the plans (subject to final review by the Community Development Department for compliance with the LMC in terms of size, dimension, and usefulness). The LMC requires a total of 20 parking spaces for 13 hotel suites and the retail uses, provided that none of the retail space is utilized for restaurants or bars.
 16. No formal MPD or CUP approval was granted for a bridge connecting the applicant's property to the Summit Watch development. The property is not a part of the approved and amended Town Lift Large Scale MPD (Summit Watch project) which also did not formally grant any form of CUP or MPD approval for a pedestrian bridge over Main Street. This pedestrian bridge is not mentioned in the City Council approved September 17, 1991 Findings of Fact, Conclusions of Law, or Conditions of Approval for the Town Lift MPD.
 17. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
 18. A construction mitigation and phasing plan is required to protect the adjacent properties and buildings from construction disturbance and to minimize the impact of construction activity in the surrounding area.
 19. The plans submitted on April 22, 1997 are the plans that have been reviewed and approved in substantial form by the Historic District Commission. Plans submitted on June 9, 1997 are the plans that have been reviewed and approved in substantial form by the Planning Commission.
 20. The applicant stipulates to all conditions of approval.
 21. Planning review of a pedestrian bridge connecting 875 Main Street to the Summit Watch pedestrian plaza has not occurred, as no plans were submitted with this current

application. Staff has not reviewed the potential impacts due to construction staging of a bridge built over City ROW between two existing buildings, snow removal from a bridge suspended over ROW, or compatibility in terms of design with respect to the Historic District Design Guidelines. Visual and design impacts of such a bridge have not been discussed by the Historic District Commission.

CONCLUSIONS OF LAW

1. The plans as submitted on April 22, 1997 and reviewed and approved by the HDC on May 5, 1997, subject to the following conditions of approval, are in compliance with the Land Management Code and the Historic District Design Guidelines for new commercial construction in the Historic District.
2. The proposed project, through planning and architectural detailing, is compatible with structures in the vicinity in mass, use, scale, and circulation.
3. The proposed use is consistent with the Park City General Plan.
4. Any effects in difference in use or scale have been mitigated to the best extent possible through careful planning and conditions of approval.

CONDITIONS OF APPROVAL

1. All standard project conditions shall apply to this project.
2. The final building plans shall be in substantial compliance with the elevations and plans submitted and reviewed by the Historic District Commission on May 5, 1997. Exterior materials and colors shall be in substantial compliance with the descriptions submitted and reviewed by the Historic District Commission on May 5, 1997. At the Planning Department's discretion, modifications to the approved plans may be remanded to the HDC for further review and approval.
3. All roof materials shall be matte finish to minimize glare.
4. A master sign plan and lighting plan shall be submitted and approved by the Planning Department prior to building permit issuance.
5. The inside walls of the parking structure shall be finished in a siding material or painted as approved by the Planning Department. No standard florescent lighting is allowed in the parking structure or as exterior building lighting. High Pressure sodium bulbs of low wattage and low glare shall be used in cut-off, shielded, or refracted type fixtures.
6. A final landscape plan shall be submitted and approved by the Planning Department prior to building permit issuance.
7. All mechanical equipment, vents and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to public, shall be painted to match the roof and/or the adjacent wall color and shall be screened or integrated into the design of the structure.

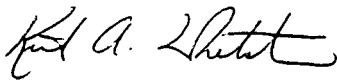
8. Community Development Department approval of the final building plans is required prior to building permit issuance.
9. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address construction staging, time lines, special signs, parking , fencing, and other construction related details as required by the Community Development Department.
10. This approval shall expire one year from the date of Planning Commission approval of the Conditional Use permit, unless a building permit is issued for this project prior to the expiration date. Approval was granted on June 11, 1997.
11. All corner trim shall be 8" in width.
12. A test color palette shall be painted on the building before painting the whole structure.
13. The final color palette shall be presented to the HDC as an information item at a future meeting.
14. The Planning Department shall approve all exterior materials, including windows, doors, store fronts, roofing, stone, siding, trim, and railings. If there is a disagreement with the applicant's choice, then these materials shall be reviewed and approved by the HDC.
15. Soffit overhangs (eaves) shall be a minimum of 24" deep.
16. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to building permit issuance or plat recordation whichever may come first.
17. An existing conditions survey that identifies and determines the artificial grade points shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This survey shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code.
18. Any and all damaged public improvements, such as roads, sidewalks, curbs, and gutters on or adjacent to this property shall be repaired to the City's standards prior to issuance of a certificate of occupancy.
19. The City Engineer review and approval of grading, utility, public improvements, and drainage plans for compliance with City standards, is a condition precedent to building permit issuance.
20. The Snyderville Basin Sewer Improvement District review and approval of the sewer plans for this project is a condition precedent to building permit issuance.
21. A parking management plan shall be approved by the Planning Commission which addresses the following:
 - a. A blended parking rate of one parking space per thousand square feet for residential and three parking spaces per thousand square feet for all commercial and retail throughout the project.

Harry Reed
Page 6
July 16, 1997

- a. A blended parking rate of one parking space per thousand for residential and three parking spaces per thousand for all commercial and retail throughout the project.
 - b. The parking plan will identify the perpetual and continued use of other parking in connection with the Marriot project to which this project is tied.
 - c. There needs to be a precise definition as to why the blending of the parking between this project and the remaining components of the Marriott project can be accommodated in the Land Management Code and any other project in any other location in town for RC zoning.
22. A pedestrian bridge over Main Street is not part of this application and is not part of this approval for a CUP for the 875 Main Street building.

Date of Expiration: June 11, 1998

Sincerely,



Kirsten A. Whetstone, AICP
City Planner

KAW/rr



Department of Community Development
Engineering • Building Inspection • Planning

October 27, 1998

Harry Reed
McIntosh Mill Ltd
P O Box 1330
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name 875 Main Street-McIntosh Mill CUP

Project Description Parking Management Plan

Date of Meeting July 8, 1998

Action Taken By Planning Commission Approved in accordance with the findings of fact,
conclusions of law, and conditions of approval.

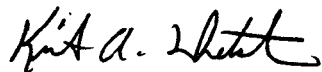
Conditions of Approval

1. All standard project conditions shall apply to this project.
2. All conditions of the May 5, 1997, Historic District Commission approval shall continue to apply to this project.
3. All conditions of the June 11, 1997, Planning Commission approval shall continue to apply to this project.
4. Any change in the proposed Parking Management Plan and Parking Agreements between 875 Main Street and the Summit Watch-Marriott project and/or the Town Lift/Caledonian project shall be reviewed by the Community Development Department (CDD). Significant changes may require review and approval by the Planning Commission as determined by the CDD Director.
5. The Parking Agreement between Marriott Ownership Resorts, Inc., McIntosh Mill, LTD; and
6. GKM, LTD, shall be signed and executed prior to issuance of a certificate of occupancy for the 875 Main Street building.

Harry Reed
Page two
October 27, 1998

Date of Expiration July 8, 1999

Sincerely,

A handwritten signature in cursive script that reads "Kirsten A. Whetstone".

Kirsten A. Whetstone, AICP
City Planner

KAW/rr



Department of Community Development
Engineering • Building Inspection • Planning

October 18, 1999

Harry Reed
McIntosh Mill
P O Box 1330
Park City UT 84060

NOTICE OF CITY COUNCIL ACTION

<u>Project Name</u>	875 Main Street, Baselodge @ Town Lift
<u>Project Description</u>	Modification of an approved record of survey plat
<u>Date of Meeting</u>	June 3, 1999
<u>Action Taken By City Council</u>	Approved in accordance with the findings of fact and conclusions of law as outlined in the staff report and the conditions of approval as listed below.

Conditions of Approval

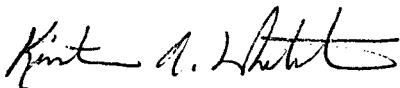
1. City Attorney and City Engineer review and approval of the final form and content of the record of survey and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the record of survey.
2. All conditions of approval for the McIntosh Mill CUP, approved by the Planning Commission on June 11, 1997, shall apply.
3. All Park City Standard Project Conditions shall apply.
4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to record of survey recordation, if not already provided. All public improvements, including landscaping, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
5. A note shall be added to the plat referencing the cross access agreements for the parking garage and plaza. A note shall be added to the plat addressing the Building Departments requirements for ADA units.
6. As a condition precedent to recording this plat, the cross access agreements for the parking garage and plaza shall be signed and recorded at the County.

Harry Reed
Page two
October 18, 1999

7. The final condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

Please call me if you have questions. My phone number is 615-5066.

Sincerely,



Kirsten A. Whetstone, AICP
City Planner

KAW/rr



CITY COUNCIL STAFF REPORT

DATE: June 1, 1999 (June 3, 1999 meeting)
DEPARTMENT: Planning Department
AUTHOR: Kirsten A. Whetstone, AICP
TITLE: 875 Main Street
TYPE OF ITEM: Record of Survey plat-Legislative

SUMMARY RECOMMENDATIONS: Approve as conditioned.

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant: Harry Reed
Location: 875 Main Street
Zoning: HRC/HCB-MPD
Adjacent Land Uses: Retail, Condominiums, Town Lift Skier Plaza
Date of Application: April 23, 1999
Project Planner: Kirsten A. Whetstone

B. Background

On March 12, 1997, the Planning Commission approved a Conditional Use Permit (CUP) for 13 residential units and 4 commercial units (5,100 sq.ft) on the .26 acre site, known as 875 Main- McIntosh Mill CUP (Exhibits A and B).

On March 4, 1999 the City Council approved a request for a final condominium plat for the mixed use building currently under construction at 875 Main Street. On April 23, 1999 the applicant submitted a request to modify the approved record of survey plat and the CUP to reduce the commercial component by 2,510 square feet and create three small residential units in exchange. The approved plat was not recorded, therefore this is a request for approval of the modified record of survey plat.

On May 26, 1999 the Planning Commission held a public hearing and voted to forward a positive recommendation on proposed modifications to both the CUP and the approved record of survey plat for 875 Main Street.

The building is under construction and final building permits have been issued. Final color and materials details will be reviewed by the Historic District prior to painting and/or installation. A final record of survey must be recorded with the County in order for the current owner to sell ownership interests in this building to other parties.

C. Project Description

Uses

The building now consists of 16 residential units. The units average less than 1,000 sq. ft and range in floor area from 681 sq. ft. to 1,455 sq. ft. There are now approximately 2500 sq. ft. of commercial uses (reduced from 5,100 sf) and located at the south end of the building.

Parking

All parking associated with this building is accommodated within the common parking structure. The parking structure provides a total of 28 code compliant spaces, which is sufficient for the proposed change in use. A total of 24 spaces are required for the 16 residential units and retail space. Restrictions placed on the property, at the time of CUP and plat approval, regarding restaurant use continue to apply.

Access

Access to the underground parking structure is off of Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue. All cross access agreements between this property owner and the adjacent owners shall be signed and recorded at the County prior to recordation of this plat.

Conditional Use Permit

On May 26, 1999 the Planning Commission approved the proposed modifications to the existing Conditional Use Permit for 875 Main Street. The proposed changes are internal to the building, are consistent with the Land Management Code and do not effect the exterior of the building. The proposed change from commercial to residential results in a decreased parking demand. All conditions of approval of the McIntosh Mill CUP continue to apply. A final detailed landscape plan shall be submitted and approved by the Planning Department prior to recordation of this plat. Please note that no bridge over Main Street has been applied for or approved in any way.

ADA

Units designated as ADA (Americans with Disabilities Act) compatible or adaptable shall be shown on the plat as common area, once the Building Department has determined the number of ADA units required to meet federal regulations regarding these units.

D. Department Review

The City Staff reviewed this project at a staff review meeting on May 4, 1999. The City Engineer and City Attorney's office will review and approve the plat and CC&R's for final form and compliance with the LMC and State Law prior to recordation.

RECOMMENDATIONS:

Staff recommends approval of the amended record of survey plat for 875 Main Street, based upon the following:

Findings of Fact

1. The property is located in the HRC-MPD (contract HCB) zoning district.
2. The property is subject to the June 11, 1997 McIntosh Mill CUP approval.
3. The proposed plat changes the type of ownership of this property to condominium ownership.
4. A financial guarantee, if not already posted, for all public improvements, including all public trails, sidewalks and landscaping, is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

Conclusions of Law

1. The record of survey complies with the Park City Land Management Code and with the Utah Condominium Ownership Act.
2. The record of survey is consistent with the June 11, 1997 Planning Commission approval of the McIntosh Mill CUP as modified by this action.
3. There is good cause for this record of survey.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of record of survey, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the record of survey and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of

approval, is a condition precedent to recording the record of survey.

2. All conditions of approval for the McIntosh Mill CUP, approved by the Planning Commission on June 11, 1997, shall apply.
3. All Park City Standard Project Conditions shall apply.
4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to record of survey recordation, if not already provided. All public improvements, including landscaping, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
5. All conditions of approval from the March 4, 1999 City Council record of survey approval shall continue to apply.
6. As a condition precedent to recording this plat, the cross access agreements for the parking garage and plaza shall be signed and recorded at the County.
7. The final condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

EXHIBITS:

Exhibit A- Proposed record of survey

Exhibit B- Location map

M:\CDD\KAW\CC\CC99\MAIN875\modify.ccr.wpd

Ordinance No. 99-

**AN ORDINANCE APPROVING A
RECORD OF SURVEY PLAT
FOR 875 MAIN STREET,
PARK CITY, UTAH**

WHEREAS, the owners, McIntosh Mill Ltd., of the property at 875 Main Street, Park City, Utah, have petitioned the City Council for approval of a record of survey plat; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on May 26, 1999 the Planning Commission held a public hearing to receive public input on the record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 3, 1999 the City Council reviewed the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the HRC-MPD (contract HCB) zoning district.
2. The property is subject to the June 11, 1997 McIntosh Mill CUP approval.
3. The proposed plat changes the type of ownership of this property to condominium ownership.
4. A financial guarantee, if not already posted, for all public improvements, including all public trails, sidewalks and landscaping, is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats. The plat is consistent with the June 11, 1997 Planning Commission approval of and May 26, 1999 modifications to the McIntosh Mill CUP.

SECTION 3. PLAT APPROVAL. The record of survey plat for 875 Main Street is hereby approved as shown on Exhibit A, with the following conditions:

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the record of survey and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the record of survey.
2. All conditions of approval for the McIntosh Mill CUP, approved by the Planning Commission on June 11, 1997, shall apply.
3. All Park City Standard Project Conditions shall apply.
4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to record of survey recording, if not already provided. All public improvements, including landscaping, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
5. All conditions of approval from the March 4, 1999 City Council record of survey approval shall continue to apply.
6. As a condition precedent to recording this plat, the cross access agreements for the parking garage and plaza shall be signed and recorded at the County.
7. The final condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recording has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3 rd day of June, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

M:\CDD\KAW\CC\CC99\MAIN875modify.ORD.wpd



MEMORANDUM
PARK CITY PLANNING DEPARTMENT

TO: File
DATE: September 3, 1998
RE: 875 Main Street, Calculation of Building Height

At the time of building plan review for the new building at 875 Main Street questions came up regarding the calculation of height for the front and rear facades with respect to Section 7.2.7 Height and Bulk Plane and Section 8.17 Height Provisions of the Land Management Code. Staff has determined that the 5' exception for pitched roofs does apply to the height and bulk plane calculations. In addition, because the building is situated back from the property line, the total height of the facade may exceed 30' plus a 5' exception for a pitched roof. In simple terms, if the building is set back 10' from the property line, the facade may be 40' (30 + 10) plus 5' for a pitched roof. If the building is set back 8' the facade may be 38' (30 + 8) plus 5' for a pitched roof. This is due to the 45 degree angle provision in the HCB zone.

In calculating building heights staff determined that several areas, for very short distances (1' to 3' over the length of a 60' to 65' ridge, ie. less than 5%), exceed the height allowed by 1' to 2' with one short pitch exceeding the height by 4'7". Please see a Height and Bulk Plane Diagram (G103) and a letter from Cooper/Roberts Architects further explaining these exceptions.

Staff finds that the height exceptions are minor and that there is a provision in the LMC, Section 8.17 (f), whereby the Community Development Director may grant additional building height, provided that no more than 20% of the ridge line exceeds the height requirements. The Director may grant such exceptions provided the following findings can be made:

1. The proposal complies with all requisite policies in the Historic District Design Guidelines. *The building was approved by the HDC and complies with all requisite policies in the Guidelines.*
2. The proposal results in a better overall architectural design. *In order to bring the roof lines into conformance with the allowed height, the end gables would need to be terminated at an angle foreign to architecture in Park City and/or the roof pitch would need to be lessened, also not in compliance with the standard roof pitch of historic Park City.*
3. The proposal does not substantially interfere with sight lines of adjacent properties. *The exceptions being requested are minor with respect to the overall mass and scale of the building and will not substantially interfere with sight lines of adjacent properties.*

ok
ALP
Sept. 3/1998



Lift Lodge At Town Lift - looking southerly



Lift Lodge At Town Lift - looking easterly



Lift Lodge At Town Lift - looking northwesterly



Lift Lodge At Town Lift - looking northerly

Jarratt Engineering Inc.

Structural Engineering Consultant

8830 N. Upper Lando Lane, · Park City, Utah 84098, (435) 655-9557

Email-pjarratt@qwestoffice.net

April 25, 2018

Chimso Onwuegbu

W.O.W.

Re: Review of roof structure
The Lift Lodge
Park City, Utah

Chimso:

As per your request, I have performed a structural review of the existing roof framing for the above referenced building. It is my understanding the following modifications will be performed:

1. Some of the flat roof areas will be used as roof decks with a 3" lightweight concrete topping slab added.
2. A new hot tub will be added.
3. The south and north stairs will be extended up with new roofs added above the stairs and elevator. The new roofs will be stick framed with 11 7/8" TJI joists.
4. There will need to be a portion of the existing sloped trussed roof removed to accommodate a new walkway to access the north stairs. Based on the existing roof framing plan, there are 18" TJI flat joists in this area below the roof trusses, so this will be no problem.

I reviewed the existing roof framing in the drawings provided, and the areas in question have 18" deep TJI L60 joists. The roof was designed for 100 pounds per square foot snow load. The new roof deck live load will be 60 pounds per square foot, but this does not need to be concurrent with the snow loading. Therefore, snow loading will control the design. I checked the 18" roof joists and determined the roof framing is sufficient to support the deck snow loading and the new topping slab. I also concluded the joists supporting the hot tub are sufficient. Also, the new stick framed roof extensions can easily be incorporated with no need to reinforce the existing roof framing.

Sincerely,

Peter N. Jarratt P.E.



**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

Planning Commission Staff Report

Subject: The Lift Lodge at Town Lift, First Amended Plat
Author: Tippe Morlan AICP, Planner
 Kirsten Whetstone AICP, Senior Planner
Date: August 8, 2018
Type of Item: Legislative – Plat Amendment

Project Number:	PL-17-03722
Applicant:	The Lift Lodge Condominium Association, Inc.
Location:	875 Main Street
Zoning:	Historic Resort Commercial (HRC) → regulated under Historic Commercial Business (HCB) per the 1992 Agreement
Adjacent Land Uses:	Residential/Commercial/Retail
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The proposed Lift Lodge at Town Lift, First Amended Plat seeks to establish a new common area on the rooftop of the structure and to convert approximately 196 square feet of common hallway area to private area affecting 11 units in total. Proposed new floor area for units ranges in size from 2 square feet to 118 square feet, averaging an addition of approximately 18 square feet per unit (see Table below). The existing non-historic mixed use building on this site was constructed in 1998 with a Conditional Use Permit, and the building was condominiumized in 1999.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lift Lodge at Town Lift, First Amended Condominium Plat and consider forwarding a **positive** recommendation to the City Council based on the findings of fact, conclusions of law, and recommended conditions of approval as found in the draft ordinance.

Background

June 9, 1982 – The City entered into the 1982 Huntsman-Christensen Agreement, also known as the “1982 Agreement,” in which Park City exchanged property and promised to allow development within specified parameters on the Huntsman-Christensen property in exchange for title to Deer Valley Drive (see Exhibit I). This included the subject property of this application and granted additional building height by redefining natural grade for the site and vested the HCB zoning for the site (regardless of any future rezones).

September 19, 1991 – The City Council issued a conceptual approval for the Town Lift Project area. This included the property which has become the Summit Watch, Town Lift, and Lift Lodge developments.

April 16, 1992 – As a part of the Sweeney Town Lift project approval, the 1982 Agreement was modified, becoming the “1992 Agreement” (see Exhibit J). This

amendment clarified interpretation and application of Building Height according to the redefined natural grade. Staff reports from this project have indicated that the purpose of the amendment was to “establish a new baseline and the old agreement would have no relevance even if the [Lift Lodge] MPD was never developed.”

June 11, 1997 – The Planning Commission approved the McIntosh Mill CUP for a mixed use building (the Lift Lodge) at this location. The building was constructed in 1998.

July 8, 1998 – The Planning Commission approved the Parking Management Plan for the McIntosh Mill CUP at this location.

May 26, 1999 – The Planning Commission approved modifications to this CUP for 875 Main Street converting some of the approved commercial space to residential space, decreasing parking demand. The changes were internal to the building and consistent with the LMC; they did not affect the exterior of the building.

June 3, 1999 – The City Council approved The Lift Lodge at Town Lift condominium conversion plat which was recorded on August 3, 1999 (see Exhibit B and Exhibit K).

November 29, 2017 – The City received a complete application for the subject condominium plat amendment application. The proposed Conditional Use Permit modification submitted concurrent to the proposed plat amendment was not deemed complete until January 30, 2018. The applicant agreed to delay the subject plat application to be reviewed concurrently with the CUP modification at Planning Commission.

Purpose

The purpose of the Historic Recreation Commercial (HRC) District can be found in [LMC Section 15-2.5](#), and the purpose of the Historic Commercial Business (HCB) District can be found in [LMC Section 15-2.6](#).

Analysis

The proposed plat amendment serves two purposes: the first is to create a new common area on the rooftop, and the second is to convert the small common entry spaces in front of 11 units into private space within their respective units.

The proposed change to the rooftop area adds 2,431.8 square feet to the structure as a new type of common area called “Residential Common Areas and Facilities.” This area is common only to the residential owners. This area will not be accessible to the commercial unit owners or to the public. Since this is a deck area and does not increase the occupancy of the structure as common space, it does not add to the parking requirements. This area is not enclosed space.

The proposed changes to the common hallway areas range in size from 2 square feet to 118 square feet as indicated in the chart below.

Unit	Existing	Proposed	Addition
------	----------	----------	----------

101	943 SF	948 SF	5 SF
102	1181 SF	1186 SF	5 SF
103	996 SF	1000 SF	4 SF
104	967 SF	No Change	
105	894 SF	No Change	
201	943 SF	949 SF	6 SF
202	1013 SF	1018 SF	5 SF
203	996 SF	No Change	
204	951 SF	956 SF	5 SF
206	738 SF	No Change	
301	943 SF	No Change	
302	1013 SF	1018 SF	5 SF
303	996 SF	No Change	
304	951 SF	956 SF	5 SF
305	1455 SF	1457 SF	2 SF
306	681 SF	799 SF	118 SF
A	1225 SF	No Change	
B	740 SF	776 SF	36 SF
C	550 SF	No Change	

The original Conditional Use Permit approval for the subject Lift Lodge building was for the construction of a mixed use building with a total building floor area of 37,001 square feet. This was approved with 13 condominium units averaging 950 square feet in area (and 12,381 net square feet), 842 square feet of support commercial uses, and 3,554 square feet of net leasable commercial space (4,442 gross square feet of commercial space). This approval included 8,654 square feet of parking and storage, as approved with the Parking Management Plan.

The Lift Lodge was ultimately constructed with 16 residential units after a previous modification to the CUP. The units averaged less than 1,000 square feet and ranged in floor area from 681 square feet to 1,455 square feet. There were approximately 2,515 square feet of commercial uses (reduced from 5,100 square feet) and located at the south end of the building.

The proposed changes do not change the number of units, and the size of the units still average less than 1,000 square feet. The units now range in size from 799 square feet to 1,457 square feet. The size of the commercial space has also increased to 2,551 square feet. These are minimal changes which do not increase the parking requirements.

Parking

All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development. The parking structure beneath the Lift Lodge provides a total of 28 code compliant spaces, which is sufficient for the proposed change in use. A total of 24 spaces are required for the 16 residential units and retail space. The proposed changes to the rooftop do not add to floor area of any livable space within the development and do not increase parking requirements. Restrictions placed on the property, at the time of CUP and plat approval, regarding restaurant use continue to apply.

Access

Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue. Cross access agreements between this property owner and the adjacent owners have been signed and recorded at the County before the condominium plat was recorded.

HCZ Regulations

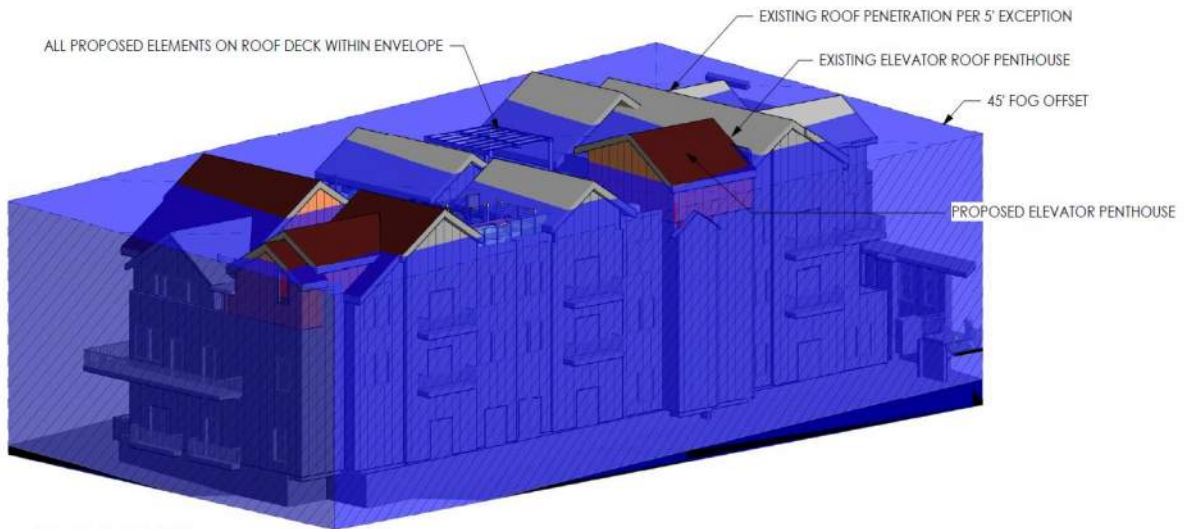
This property falls under the 1992 Agreement which amended the original 1982 Agreement between the Hunstman-Christensen properties and the City in exchange for property dedication for Deer Valley Drive. This Agreement allows affected properties, including 875 Main Street, to apply LMC regulations for the HCZ Zoning District for development regardless of any future zone changes (including the Frontage Protection Overlay Zone).

The existing building met all LMC requirements as allowed by the 1992 Agreement as detailed in the original action letter (see Exhibit J). Because the proposed rooftop space is an unenclosed exterior deck, the changes will not increase the overall square footage of the structure. The proposed changes only affect the rooftop of the structure and the access structures; all other exterior features of the structure will remain the same.

The capacity of the deck requires two separate fire access points. To satisfy this requirement, the applicant is proposing to increase the height of the existing stair access to the rooftop on the north side of the building and to increase the height of the existing elevator shaft and staircase to allow elevator access to the rooftop on the south side of the building. All proposed structures are within the height allowances of the HCZ zone which allows an 8 foot height exception for elevators.

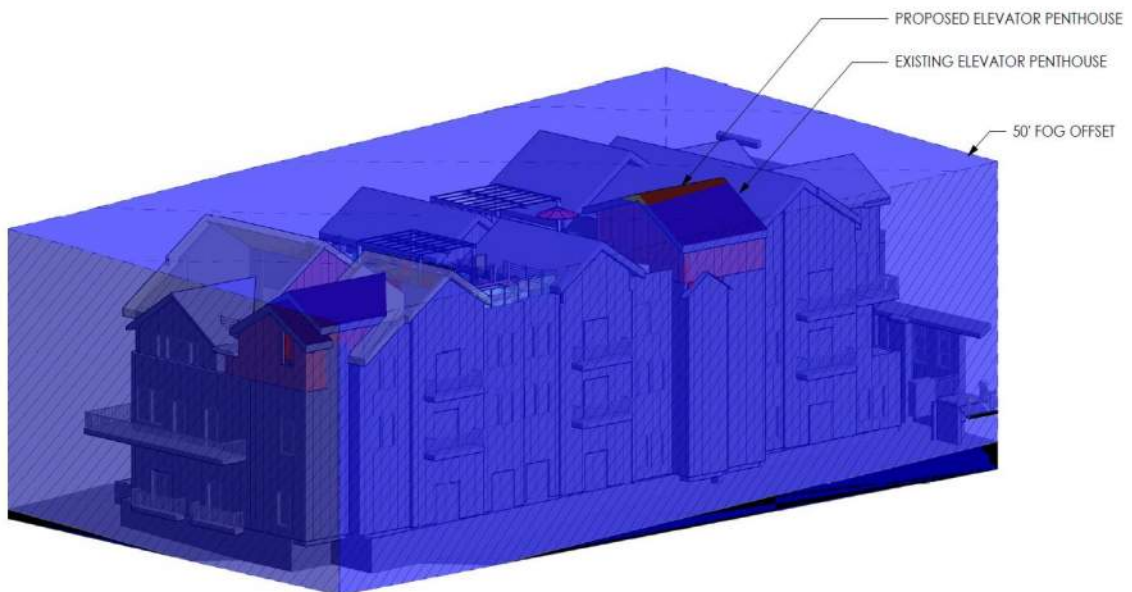
Building height is one of the only features of the structure that is proposed to be changed. The 1992 Agreement determined an "artificial natural grade" established from a line measuring from an invented plane drawn between Deer Valley Drive and Main Street. The applicant has worked with staff to determine the true elevation of this line as described in the applicant's memo regarding height compliance (Exhibit E). Descriptions of how the existing structure complied with building height regulations can be found in the McIntosh Mill CUP building height memo from the original CUP approval (Exhibit G).

The applicant has also provided a fog study (Exhibit F) to show a 3D rendering of how the structure fits into a box created by the height requirements. The fog study shown below indicates that all structures proposed with the addition fall within the 45 feet maximum building height with the access additions meeting the building height with the allowable exceptions.



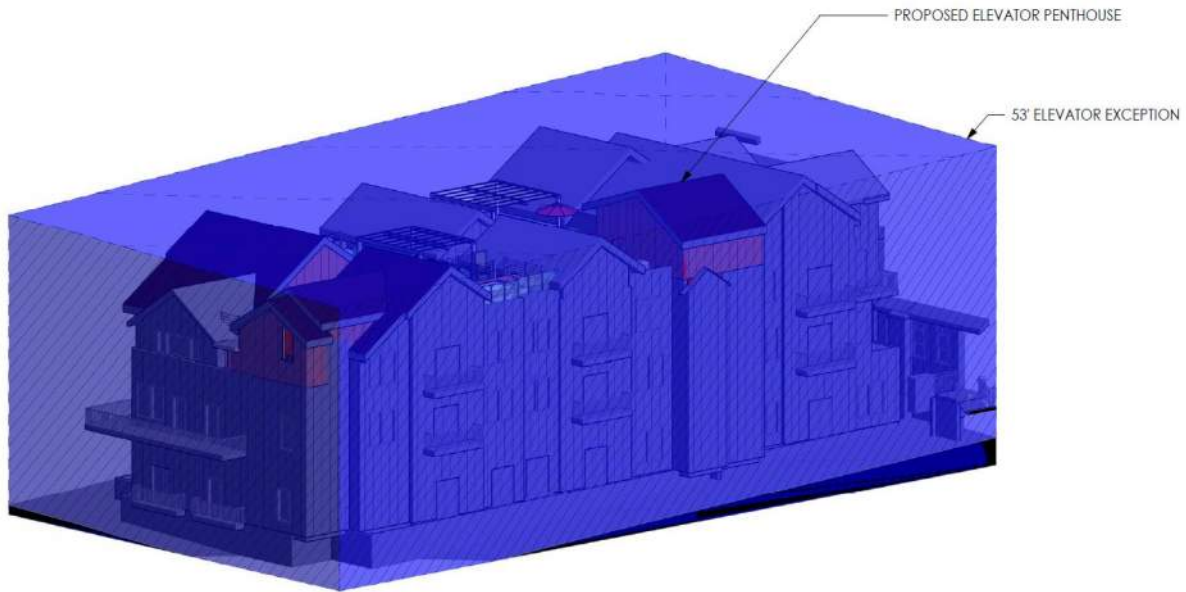
1 45' FOG STUDY
SCALE:

The applicant also provides an image showing that the roof structures extending beyond the maximum building height fall within the 5 foot height exception for pitched roof structures.



2 50' FOG STUDY
SCALE:

Additionally, the proposed elevator shaft falls within the 8 foot height exception to allow for elevator access to the roof, as shown below.



3 53' FOG STUDY
SCALE:

In addition to the HCB zoning requirements, all conditions of approval of the McIntosh Mill CUP continue to apply. The project is also subject to a Historic District Design Review process; a concurrent application for this has been submitted and will need to be approved before any building permits may be issued. There is also a concurrent CUP Modification application for the Lift Lodge Condominiums which must be approved before this plat can be recorded identifying the rooftop space.

Good Cause

Staff finds good cause for this plat amendment in that, if the CUP Modification to allow the rooftop deck is approved, this plat amendment would create a legal usable common space on the rooftop. Additionally, the incorporation of common hallway entry areas into private units does not affect the use or the exterior design of the structure. This amendment will allow the property owner to make improvements and changes to the existing structure as allowed by the LMC and Historic District Design Guidelines.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18. A Historic District Design Review application will need to be approved by Planning Staff prior to issuance of building permits.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval. The applicant has also submitted a letter certified by a structural engineer indicating that they have performed a structural review of the existing roof structure (Exhibit H).

Notice

On July 25, 2018, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on July 21, 2018.

Public Input

As of this date no public input has been received by Staff.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Lift Lodge at Town Lift, First Amended plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Lift Lodge at Town Lift, First Amended plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Lift Lodge at Town Lift, First Amended plat.

Significant Impacts

There are no significant negative fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The applicant will not be allowed to construct a rooftop deck on this building. The Lift Lodge would remain as is.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lift Lodge at Town Lift, First Amended Plat and consider forwarding a **positive** recommendation to the City Council based on the findings of fact, conclusions of law, and recommended conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance and Proposed Plat
- Exhibit B – Existing Plat
- Exhibit C – Aerial
- Exhibit D – Applicant Statement
- Exhibit E – Applicant Memo: Height Compliance
- Exhibit F – Fog Study
- Exhibit G – McIntosh Mill CUP Building Height Memo
- Exhibit H – Roof Structure: Engineer's Letter
- Exhibit I – 1982 Agreement
- Exhibit J – 1992 Agreement Amending the 1982 Agreement
- Exhibit K – Lift Lodge Condominium Conversion Action Letter
- Exhibit L – Site Photos

Exhibit A – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE APPROVING THE LIFT LODGE AT TOWN LIFT, FIRST AMENDED PLAT LOCATED AT 875 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 875 Main Street have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on July 25, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on July 21, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on August 8, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on August 8, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on August 30, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lift Lodge at Town Lift, First Amended plat located at 875 Main Street.

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

SECTION 1. APPROVAL. The Lift Lodge at Town Lift, First Amended plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. In 1991, the Planning Commission and City Council approved a concept plan for the Town Lift Project which included the Lift Lodge Condominium project currently under review.
2. On June 11, 1997, the Planning Commission approved a CUP to allow a mixed use structure at this location. This CUP was subsequently modified on May 26, 1999. The existing building was constructed in 1998.
3. The Parking Management Plan for this location was approved by the Planning Commission on July 8, 1998.
4. The subject property falls under the 1982 Huntsman-Christensen Agreement which specified HCB zoning for the site and established an artificial natural grade for height measurements.

5. The 1982 Agreement was amended on April 16, 1992 to redefine artificial natural grade.
6. The Lift Lodge at Town Lift condominium conversion plat was approved by City Council on March 4, 1998 and recorded on August 3, 1999.
7. On November 29, 2017, the City received a complete application for the subject plat amendment.
8. On January 30, 2018, the City received a complete application for a modification of the approved CUP.
9. The proposed change to the rooftop area adds 2,431.8 square feet to the structure as a new type of common area called "Residential Common Areas and Facilities." This area is common only to the residential owners.
10. Since this is unenclosed deck area and does not increase the occupancy of the structure as common space, it does not add to the parking requirements.
11. The proposed changes to the common hallway areas range in size from 2 square feet to 118 square feet.
12. The Lift Lodge was constructed with 16 residential units averaging less than 1,000 square feet and ranging in floor area from 681 square feet to 1,455 square feet.
13. The Lift Lodge was constructed with approximately 2,515 square feet of commercial uses (reduced from 5,100 square feet) and located at the south end of the building. The CUP included a condition that does not allow restaurant use in the commercial area.
14. The proposed changes amount to units which still average less than 1,000 square feet.
15. The units now range in size from 799 square feet to 1,457 square feet.
16. The size of the commercial space has increased to 2,551 square feet.
17. The proposed changes do not increase the parking requirements.
18. The proposed rooftop deck is a significant change to the common area approved with the original CUP and needs Planning Commission approval through a CUP Modification.
19. The proposed modifications to the existing CUP do not change the number of residential or commercial units within the development.
20. The subject property falls within the HRC zone, but uses the HCB regulations according to the 1982 Agreement amended in 1992.
21. All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development.
22. The parking structure beneath the Lift Lodge provides a total of 28 code compliant spaces, which is sufficient for the proposed change in use. A total of 24 spaces are required for the 16 residential units and retail space.
23. The proposed changes to the rooftop do not add to floor area of any livable space within the development and do not increase parking requirements.
24. Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue.
25. The capacity of the deck requires two separate fire access points which are met with a primary elevator and stairway access and a secondary stairway access.

26. All new structures proposed fall within the 45 feet maximum building height with a 5 foot exception for pitched roof structures and an 8 foot exception for elevator access.
27. A concurrent Historic District Design Review application is currently under review for these modifications.
28. A concurrent Conditional Use Permit application is also currently under review for these modifications.
29. No signs or lighting are proposed with this application.
30. The applicant has not violated any terms of the original CUP approval.
31. On July 25, 2018, the property was posted and notice was mailed to affected property owners within 300 feet.
32. Legal notice was published in the Park Record on July 21, 2018.
33. As of this date, no public input has been received by Staff.
34. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. All Conditions of Approval of the original Lift Lodge at Town Lift condominium plat and any subsequent modifications continue to apply.
2. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
3. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
4. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
5. Approval of this plat amendment is subject to the concurrent approval of the modification to the Conditional Use Permit to allow the unenclosed rooftop common area.

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

PASSED AND ADOPTED this 30th day of August, 2018.

MAYOR

ATTEST:

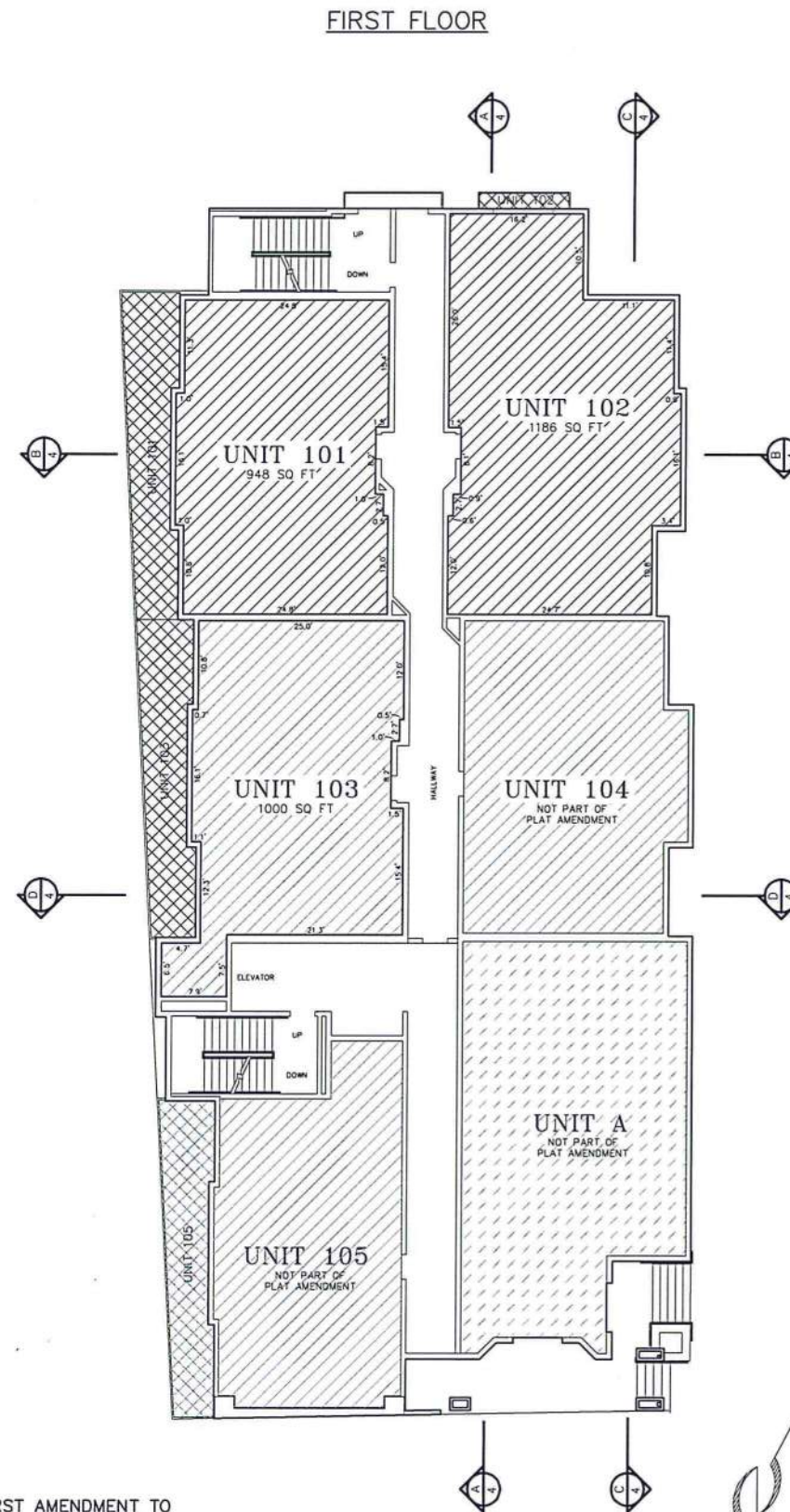
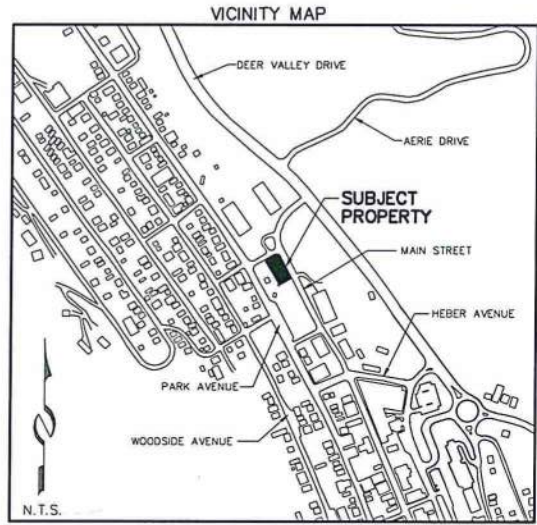
City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat

Exhibit A - Proposed Plat



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 owners, this First Amendment to THE LIFT LODGE AT TOWN LIFT, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

LEGAL DESCRIPTION

Units 101, 102, 103, 104, 105, 201, 202, 203, 204, 206, 301, 302, 303, 304, 305, 306, A, B and C, THE LIFT LODGE AT TOWN LIFT, a Utah Condominium Project, together with each unit's appurtenant undivided interest in the Common Areas and Facilities, according to the Record of Survey Map recorded August 3, 1999 as Entry No. 545622 and in the Declaration of Condominium for The Lift Lodge at Town Lift recorded August 3, 1999 as Entry No. 545623 in Book 1279 at Page 260 and in the First Amendment to Condominium Declaration recorded July 29, 2011 as Entry No. 927222 in Book 2089 at Page 1822, records of Summit County, Utah.

ASSOCIATION CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of The Lift Lodge at Town Lift Owners Association, having complied with the requirements of both Statutes and the Recorded Declaration as amended hereby consents to the recording of this amended record of survey map.

Dean Peters, Secretary/Treasurer
The Lift Lodge at Town Lift Owners Association

ACKNOWLEDGMENT

State of Utah: _____
County of Summit: _____

On this _____ day of _____, 2018, personally appeared before me, the undersigned Notary Public, in and for said County and State, Dean Peters, being duly sworn, acknowledged to me that he is the Secretary/Treasurer of the Lift Lodge at Town Lift Homeowners Association and that he signed the above Owner's Declaration and Consent to Record for, on, and in behalf of all of the unit owners at The Lift Lodge at Town Lift acting as a group (under the name of The Lift Lodge at Town Lift Homeowners Association) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift.

A Notary Public Commissioned in Utah

Printed Name: _____

Residing in: _____

My commission expires: _____

NOTES

- This sheet amends Units 101, 102 and 103 of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 in the Summit County Recorder's Office.
- All Conditions of Approval of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 shall continue to remain in full force and effect.
- This Plat Amendment removes a secondary entry into certain units, and adds a sheet showing the roof level as part of the residential common areas and facilities.

LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- PRIVATE COMMERCIAL OWNERSHIP
- RESIDENTIAL COMMON AREAS AND FACILITIES

THIS SHEET IS A SUPPLEMENT TO
PAGE 2 OF 4 OF "THE LIFT LODGE
AT TOWN LIFT"
RECORDED AUGUST 3, 1999
AS ENTRY NO. 545622

FIRST AMENDMENT TO
THE LIFT LODGE AT TOWN LIFT

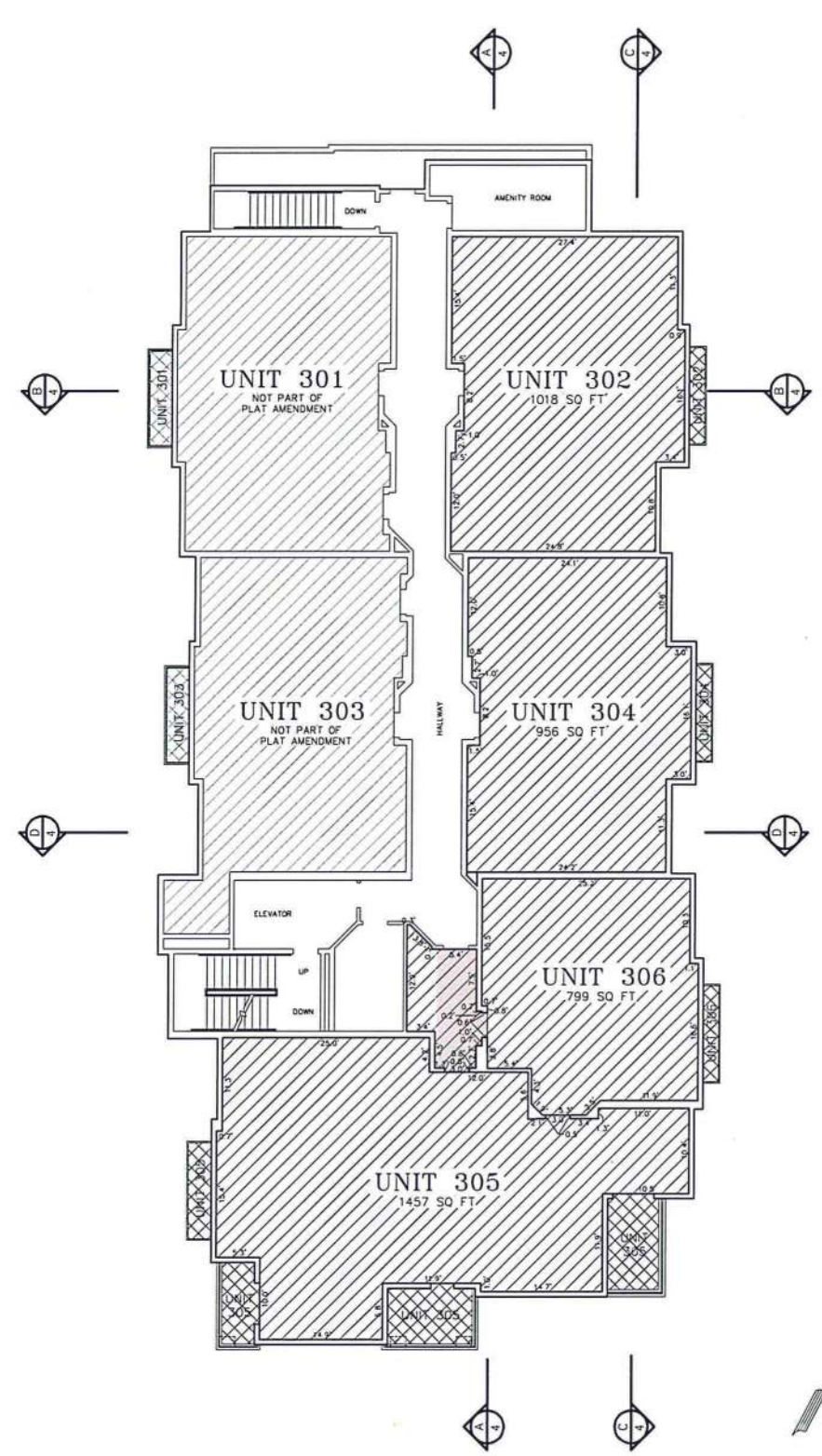
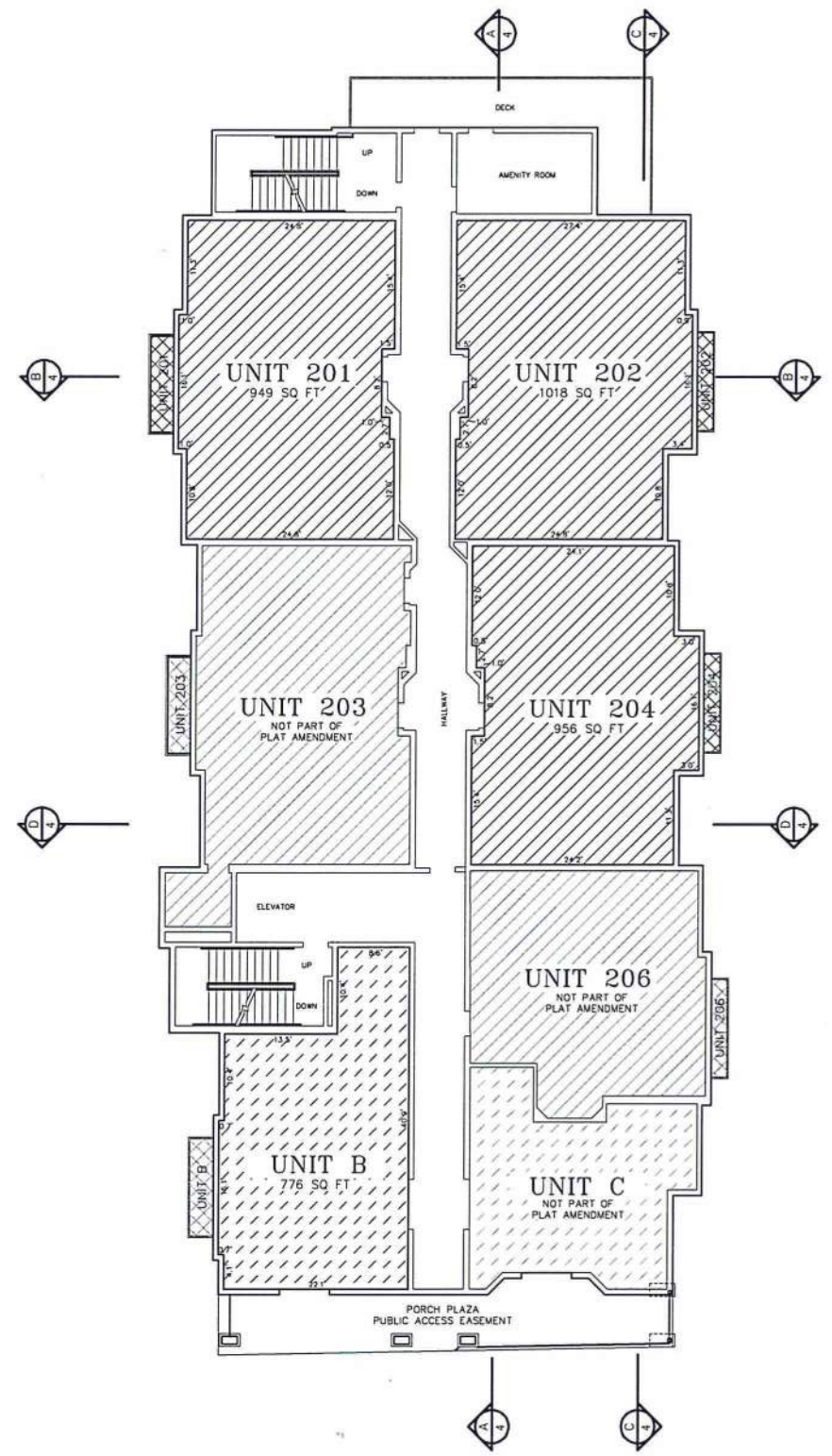
A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	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.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
	11/21/17 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\sr\plat2017\190617.dwg						

SECOND FLOOR

THIRD FLOOR



NOTES

1. This sheet amends Units 201, 202, 204, Unit B, Units 302, 304, 305 and 306 of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 in the Summit County Recorder's Office.
2. Unless and until substituted by another unit in The Lift Lodge at Town Lift project, Unit 306 is restricted in perpetuity to comply with the requirements of the federal Americans with Disabilities Act in effect on the date of recordation of this record of survey map.
4. Access to Unit 305 is by separate easement, as granted by that certain Declaration of Hallway Access Easement, as may be amended from time to time by the owners of Unit 305 and Unit 306.
5. The amenity rooms on the second and third floors are residential common areas and facilities for the exclusive use of residential unit owners only.
6. All Conditions of Approval of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 shall continue to remain in full force and effect.

LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- PRIVATE COMMERCIAL OWNERSHIP
- RESIDENTIAL COMMON AREAS AND FACILITIES
- ACCESS EASEMENT (SEE NOTE 4)

THIS SHEET IS A SUPPLEMENT TO PAGE 3 OF 4 OF "THE LIFT LODGE AT TOWN LIFT" RECORDED AUGUST 3, 1999 AS ENTRY NO. 545622



FIRST AMENDMENT TO

THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

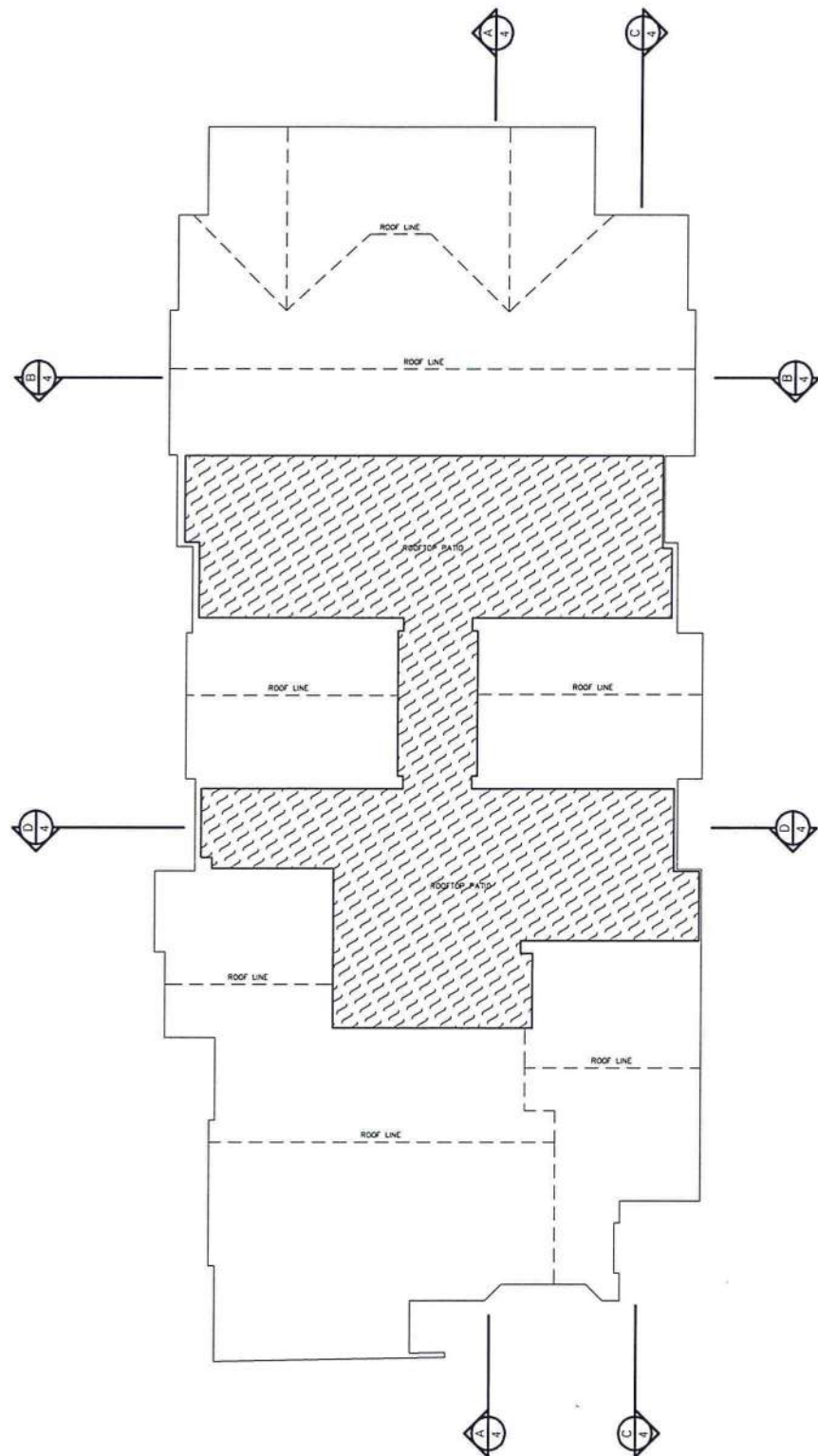
SHEET 2 OF 6

11/21/17 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\sr\plat2017\190617.dwg

(435) 649-9487
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

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






ROOF LEVEL



NOTES

1. All Conditions of Approval of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 shall continue to remain in full force and effect.
2. The rooftop patio is a residential common area and facility for the exclusive use of residential unit owners.

LEGEND

-  COMMON AREAS AND FACILITIES
-  PRIVATE RESIDENTIAL OWNERSHIP
-  LIMITED COMMON AREAS AND FACILITIES
-  PRIVATE COMMERCIAL OWNERSHIP
-  RESIDENTIAL COMMON AREAS AND FACILITIES



FIRST AMENDMENT TO
THE LIFT LODGE AT TOWN LIFT

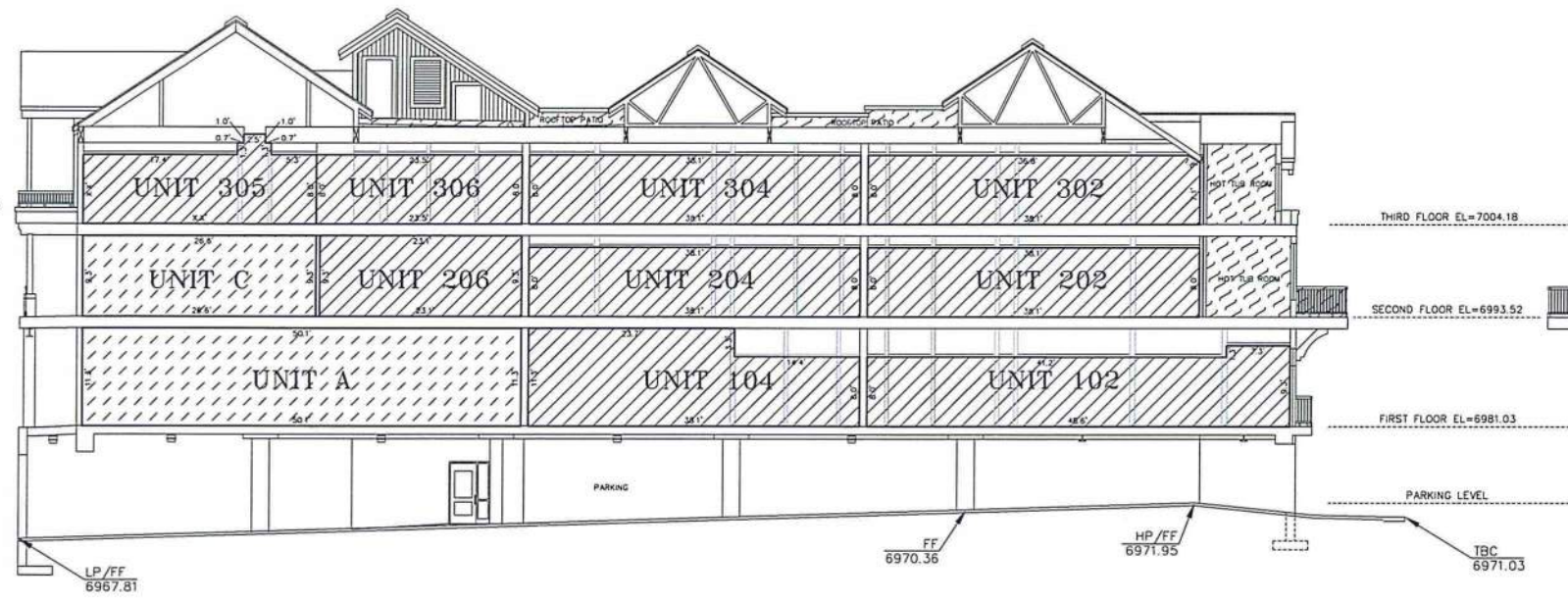
A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

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

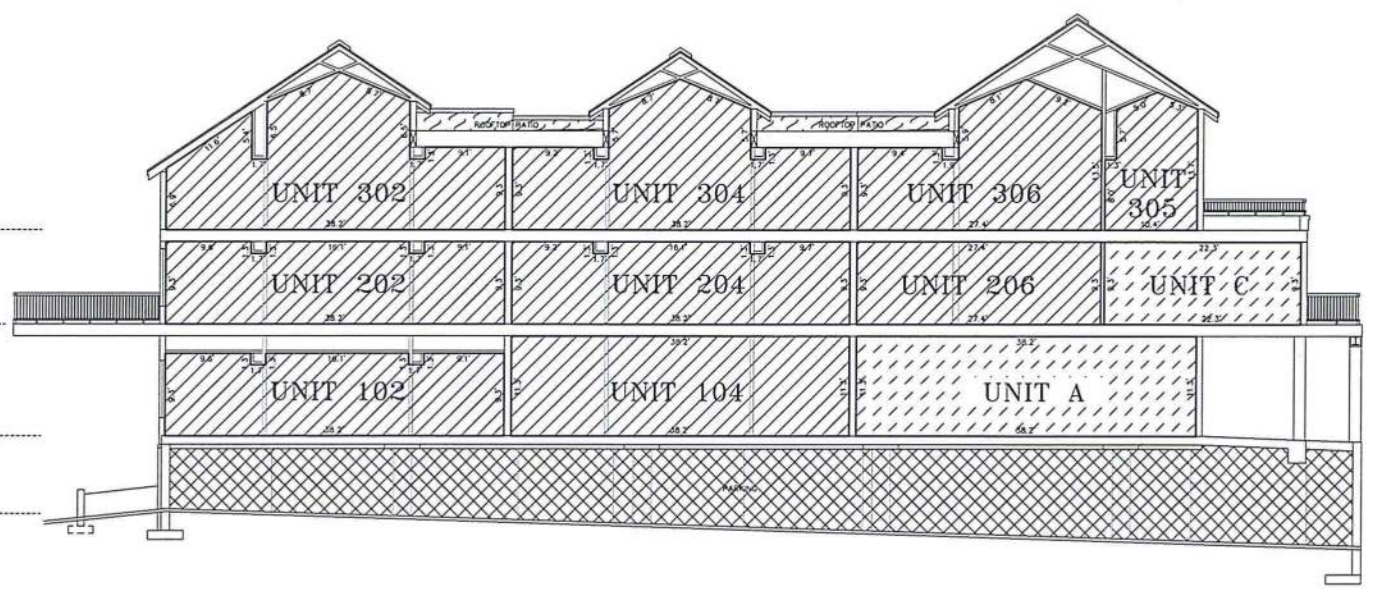
(435) 649-9487



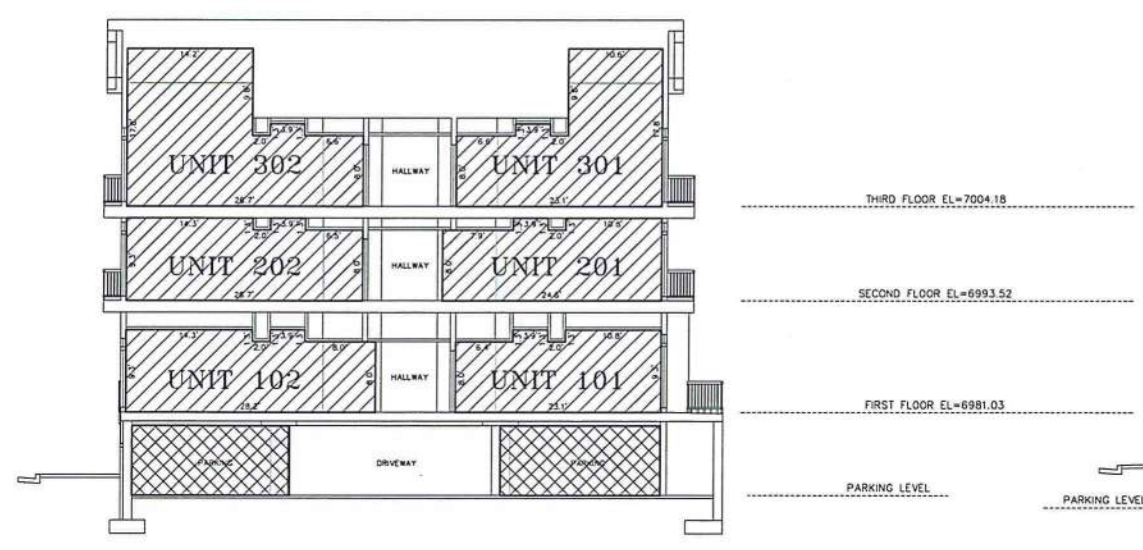
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



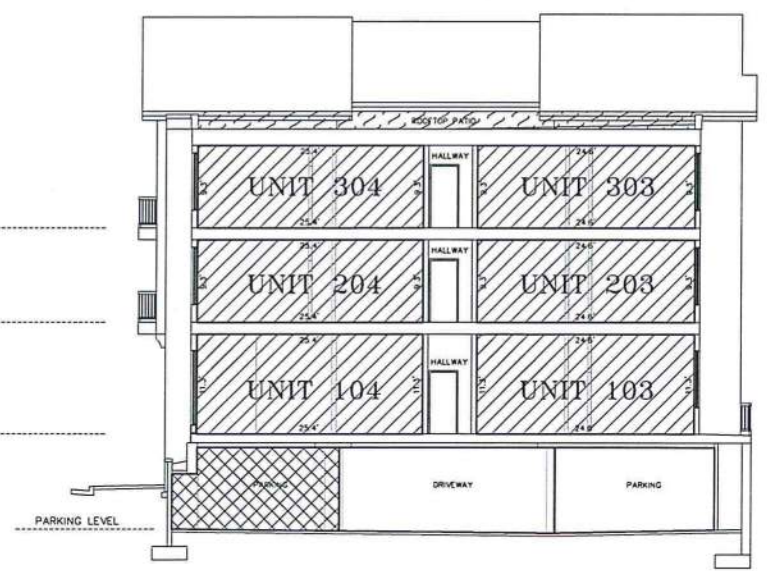
SECTION 'A'



SECTION 'C'



SECTION 'B'



SECTION 'D'

- LEGEND**
- COMMON AREAS AND FACILITIES
 - PRIVATE RESIDENTIAL OWNERSHIP
 - LIMITED COMMON AREAS AND FACILITIES
 - PRIVATE COMMERCIAL OWNERSHIP
 - RESIDENTIAL COMMON AREAS AND FACILITIES

THIS SHEET REPLACES PAGE 4 OF 4
OF "THE LIFT LODGE AT TOWN LIFT"
RECORDED AUGUST 3, 1999
AS ENTRY NO. 545622



FIRST AMENDMENT TO
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

(435) 649-9487
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SHEET 4 OF 6
11/21/17 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\srvt\plat2017\190617.dwg

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

OWNER'S CONSENT TO RECORD

Know all men by these presents that the owners of Unit 101, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certify that they have caused this condominium plat to be prepared, and we, MARTIN A. HORTON and HITOMI KAREN YOSHIMURA, husband and wife, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication

this ____ day of _____, 2018.

Martin A. Horton

Hitomi Karen Yoshimura

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Martin A. Horton personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Hitomi Karen Yoshimura personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that she has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that FIRST TITLE HOLDING 10020R, L.L.C., as to an undivided 71.03 percent interest in the ownership of Unit 102, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this condominium plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication

this ____ day of _____, 2018.

Managing Member
FIRST TITLE HOLDING 10020R, L.L.C.

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, _____ personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he/she is a managing member of FIRST TITLE HOLDING 10020R, L.L.C., and that said document was signed by him/her on behalf of said L.L.C. by authority of its operating agreement and he/she acknowledged to me that he/she executed this First Amendment to THE LIFT LODGE AT TOWN LIFT.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that THOMAS WILSON MULL and LORRAINE SUMMERS MULL, husband and wife, tenants by the entirety, as to an undivided 28.97 percent interest in the ownership of Unit 102, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certify that they have caused this condominium plat to be prepared, and that they do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication

this ____ day of _____, 2018.

Thomas Wilson Mull

Lorraine Summers Mull

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Thomas Wilson Mull personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Lorraine Summers Mull personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that she has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that the owner of Unit 103, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certifies that he has caused this condominium plat to be prepared, and I, WILLIAM N. MITCHELL, a single person, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication

this ____ day of _____, 2018.

William N. Mitchell

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, William N. Mitchell personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that 875MAINST201, LLC, a Utah limited liability company, the owner of Unit 201, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this condominium plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent

this ____ day of _____, 2018.

Managing Member
875MAINST201, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, _____ personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he/she is a managing member of 875MAINST201, LLC, a Utah limited liability company, and that said document was signed by him/her on behalf of said LLC by authority of its operating agreement and he/she acknowledged to me that he/she executed this First Amendment to THE LIFT LODGE AT TOWN LIFT.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that the owners of Unit 202, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certify that they have caused this condominium plat to be prepared, and we, MARK A. RUELLE and SANDRA S. RUELLE, husband and wife as joint tenants, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication

this ____ day of _____, 2018.

Mark A. Ruelle

Sandra S. Ruelle

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Mark A. Ruelle personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Sandra S. Ruelle personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that she has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Residing in: _____
Signature
A Notary Public Commissioned in _____

Printed Name My Commission Expires: _____

FIRST AMENDMENT TO

THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 5 OF 6

11/21/17 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\sr\plat2017\190617.dwg

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

OWNER'S CONSENT TO RECORD

Know all men by these presents that the owners of Unit 204, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certify that they have caused this condominium plat to be prepared, and we, JAMES B. HOESLEY and SANDRA HOESLEY, Husband and Wife, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2018.

James B. Hoestley

Sandra Hoestley

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, James B. Hoestley personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Signature _____ Residing in: _____

A Notary Public Commissioned in _____

Printed Name _____ My Commission Expires: _____

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Sandra Hoestley personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that she has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

Signature _____ Residing in: _____

A Notary Public Commissioned in _____

Printed Name _____ My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that the owners of Unit 302, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certify that she has caused this condominium plat to be prepared, and I, VANESSA C. CARRINGTON, trustee or her successors in trust, under the VANESSA C. CARRINGTON REVOCABLE TRUST, dated July 18, 2007, and any amendments thereto, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2018.

Vanessa C. Carrington, Trustee

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, Vanessa C. Carrington, personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that she is the Trustee of the VANESSA C. CARRINGTON REVOCABLE TRUST, dated July 18, 2007, and that she has signed the above and foregoing Owner's Consent to Record on behalf of said Trust; that she has been duly appointed as Trustee by the Declaration of the Trust and that she has executed this document in her capacity as Trustee as the act of said Trust for the purpose set forth herein.

Signature _____ Residing in: _____

A Notary Public Commissioned in _____

Printed Name _____ My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that OAK BLUFFS, LLC, the owner of Unit 304, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this condominium plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent this ____ day of _____, 2018.

Managing Member
OAK BLUFFS, LLC

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, _____ personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he/she is a managing member of OAK BLUFFS, LLC, and that said document was signed by him/her on behalf of said LLC by authority of its operating agreement and he/she acknowledged to me that he/she executed this First Amendment to THE LIFT LODGE AT TOWN LIFT.

Signature _____ Residing in: _____

A Notary Public Commissioned in _____

Printed Name _____ My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that LIFT LODGE ACCOMMODATIONS, LLC, a Utah limited liability company, the owner of Units 305 and 306, and whose Units are affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this condominium plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent this ____ day of _____, 2018.

Managing Member
LIFT LODGE ACCOMMODATIONS, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, _____ personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he/she is a managing member of LIFT LODGE ACCOMMODATIONS, LLC, a Utah limited liability company, and that said document was signed by him/her on behalf of said LLC by authority of its operating agreement and he/she acknowledged to me that he/she executed this First Amendment to THE LIFT LODGE AT TOWN LIFT.

Signature _____ Residing in: _____

A Notary Public Commissioned in _____

Printed Name _____ My Commission Expires: _____

OWNER'S CONSENT TO RECORD

Know all men by these presents that REMEDIAL PROPERTIES LLC, a Utah limited liability company, the owner of Unit 8, and whose Unit is affected by the contents of this First Amendment to THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this condominium plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent this ____ day of _____, 2018.

Managing Member
REMEDIAL PROPERTIES LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of _____)
County of _____)

On this ____ day of _____, 2018, _____ personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he/she is a managing member of REMEDIAL PROPERTIES LLC, a Utah limited liability company, and that said document was signed by him/her on behalf of said LLC by authority of its operating agreement and he/she acknowledged to me that he/she executed this First Amendment to THE LIFT LODGE AT TOWN LIFT.

Signature _____ Residing in: _____

A Notary Public Commissioned in _____

Printed Name _____ My Commission Expires: _____

FIRST AMENDMENT TO
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
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 _____	
FEE _____	RECORDER _____
TIME _____ DATE _____	ENTRY NO. _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that McINTOSH MILL, LTD., a Utah limited partnership, as the undersigned owner of the hereon described tract of land to be known hereafter as THE LIFT LODGE AT TOWN LIFT, a Utah condominium project, hereby certifies that it has caused this survey to be made and this Record of Survey map to be prepared. McINTOSH MILL, LTD. hereby consents to the recordation of this Record of Survey map. Also, the owner, or its representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication. The Owner hereby certifies that all units shall be built as shown.

IN WITNESS WHEREOF, the undersigned set his hand this 15 day of July, 1999.

McINTOSH MILL, LTD., a Utah Limited Partnership
Harry F. Reed
 Harry F. Reed
 General Partner

ACKNOWLEDGMENT

State of Utah
 County of Summit

On the 15th day of July, 1999, personally appeared before me, the undersigned Notary Public in and for said state and county, Harry F. Reed, being duly sworn, acknowledged to me that he is the general partner of the above McINTOSH MILL, LTD. and that the said McINTOSH MILL, LTD. is the owner of the herein described tract of land and that Harry F. Reed signed the above Owner's Dedication and Consent to Record on behalf of, and at the authorization of McINTOSH MILL, LTD.

Mary L. Leacock
 Notary Public

My Commission Expires: 8-28-2002

Residing in Summit County

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, 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(s), this Record of Survey map of THE LIFT LODGE AT TOWN LIFT, a Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify the information shown hereon is accurate.

John Demkowicz
 John Demkowicz, LS #163931

7-16-99
 Date



NOTES:

1. THE CONDOMINIUM PLAT WAS PREPARED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER/ROBERTS ARCHITECT AND PROVIDED BY THE OWNER.
2. THE UNITS IN THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS ARE SERVICED BY A COMMON PRIVATE SANITARY SEWER LATERAL. THE RESPONSIBILITY FOR MAINTENANCE, REPAIR, AND REPLACEMENT OF SAID LATERAL BELONGS TO THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS HOMEOWNERS ASSOCIATION.

BOUNDARY DESCRIPTION

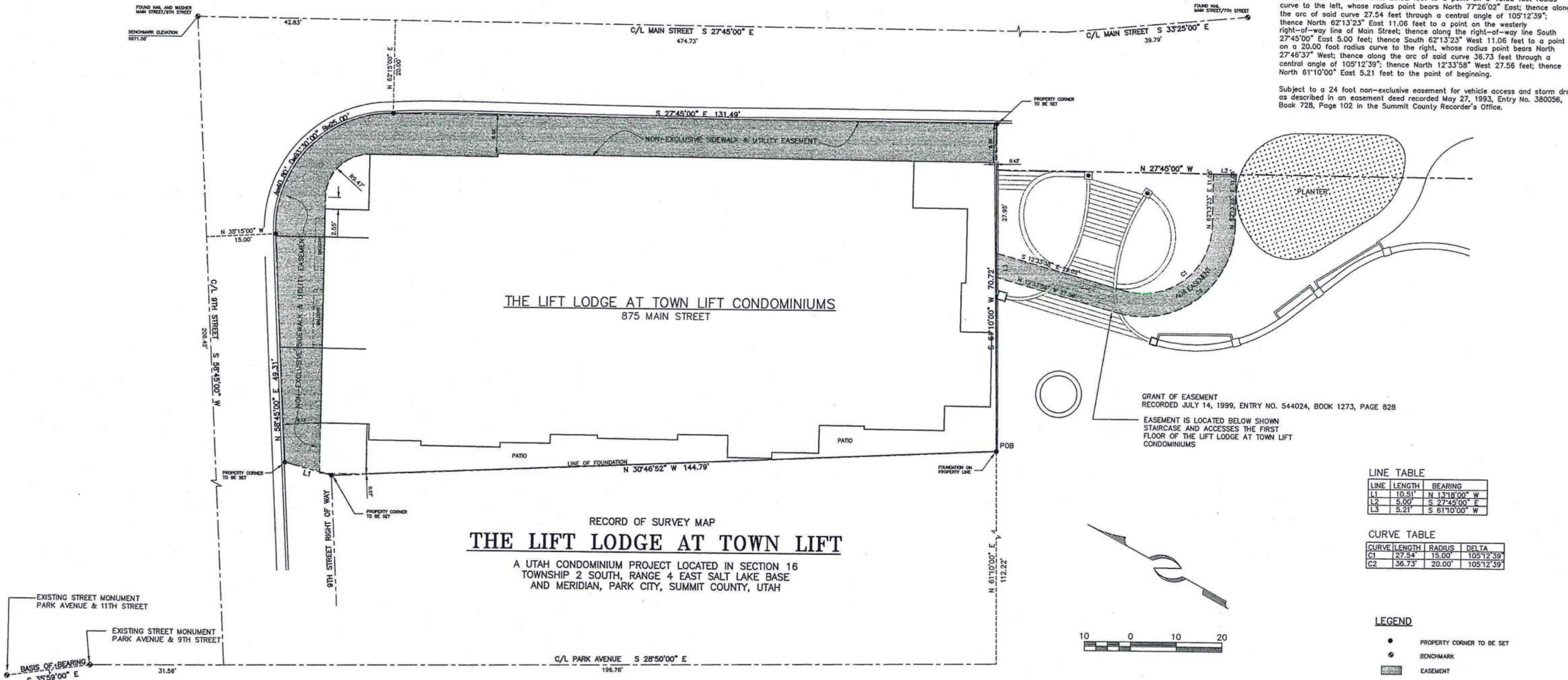
Beginning at a point North 28°50'00" West 593.95 feet along the west line of Block 7, Park City Townsite Plat and along the west line of Block 53, Synder's Addition and North 61°10'00" East 90.71 feet from the Southwest corner of Block 7, Park City Townsite Plat, said point is also located South 28°50'00" East 196.76 feet and North 61°10'00" East 112.22 feet from the monument located at Park Avenue and 9th Street; and running thence North 30°46'52" West 144.79 feet; thence North 13°18'00" West 10.51 feet; thence North 58°45'00" East 49.31 feet to a point on a 25.00 foot radius curve to the right, whose radius point bears South 31°15'00" East; thence along the arc of said curve 40.80 feet through a central angle of 93°30'00"; thence South 27°45'00" East 131.49 feet; thence South 61°10'00" West 70.72 feet to the point of beginning.

Together with a 24 foot non-exclusive easement for vehicle secondary access as described in an easement deed recorded May 27, 1993, Entry No. 380058, Book 728, Page 127 in the Summit County Recorder's Office.

Also, together with an access easement to the first floor of THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS described as follows:

Beginning at a point North 440.05 feet and West 461.41 feet from the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point also being South 27°45'00" East 173.94 feet along the center line of Main Street and South 61°10'00" West 47.95 feet from an existing survey monument at the intersection of Main Street and 9th Street; and running thence South 12°33'58" East 29.02 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears North 77°26'02" East; thence along the arc of said curve 27.54 feet through a central angle of 105°12'39"; thence North 62°13'23" East 11.06 feet to a point on the westerly right-of-way line of Main Street; thence along the right-of-way line South 27°45'00" East 5.00 feet; thence South 62°13'23" West 11.06 feet to a point on a 20.00 foot radius curve to the right, whose radius point bears North 27°46'37" West; thence along the arc of said curve 36.73 feet through a central angle of 105°12'39"; thence North 12°33'58" West 27.56 feet; thence North 61°10'00" East 5.21 feet to the point of beginning.

Subject to a 24 foot non-exclusive easement for vehicle access and storm drain as described in an easement deed recorded May 27, 1993, Entry No. 380056, Book 728, Page 102 in the Summit County Recorder's Office.



THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS
 875 MAIN STREET

RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LINE TABLE

LINE	LENGTH	BEARING
L1	10.51'	N 13°18'00" W
L2	5.00'	S 27°45'00" E
L3	5.21'	S 61°10'00" W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	27.54'	15.00'	105°12'39"
C2	36.73'	20.00'	105°12'39"

LEGEND

- PROPERTY CORNER TO BE SET
- BENCHMARK
- ▨ EASEMENT



SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 28 DAY OF JULY, 1999 A.D.
 BY *[Signature]*
 S.B.S.I.D.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 28 DAY OF JULY, 1999 A.D.
 BY *[Signature]*
 CHAIRMAN

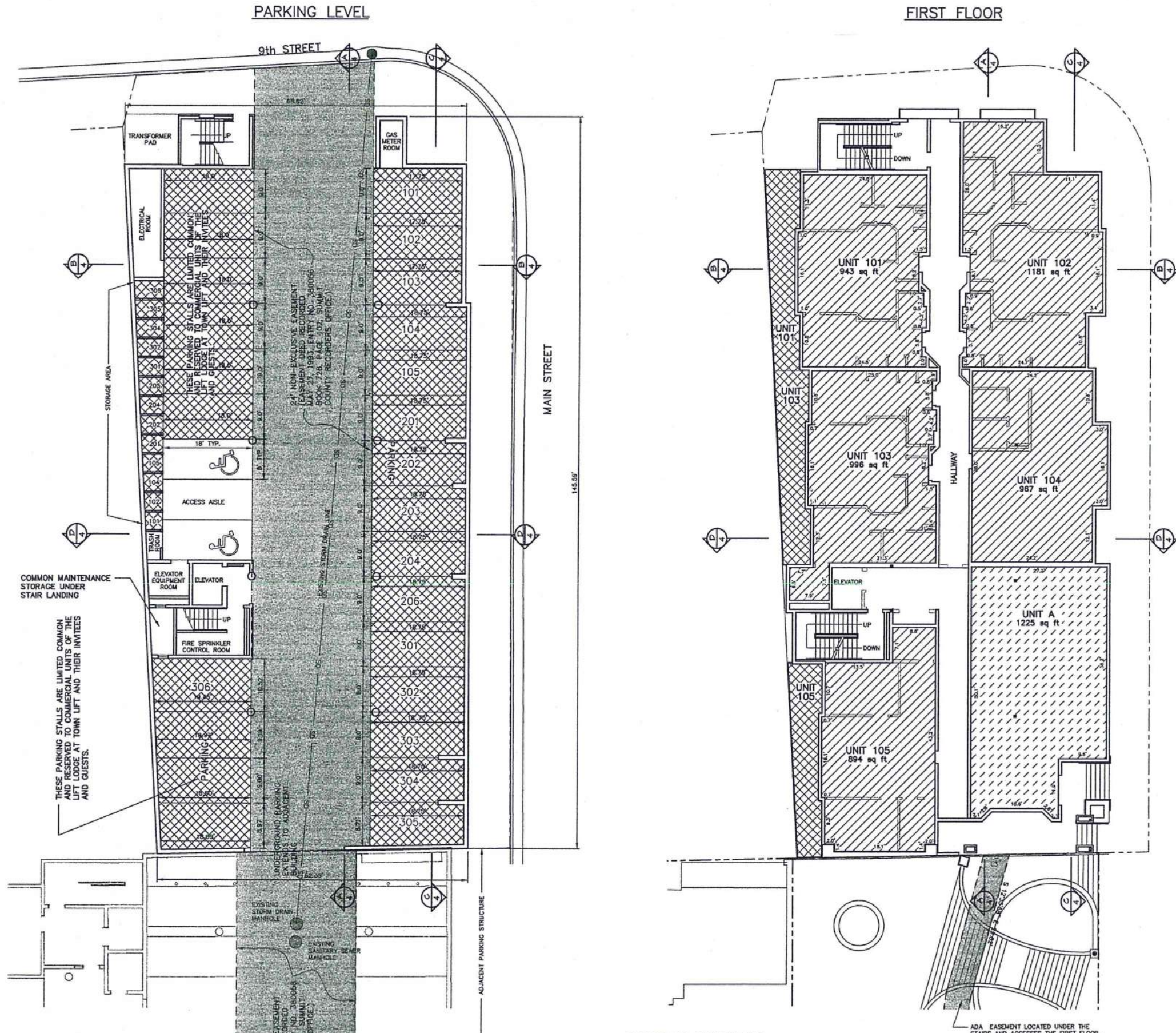
ENGINEER'S CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 19TH DAY OF JULY, 1999 A.D.
 BY *[Signature]*
 PARK CITY ENGINEER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS 29TH DAY OF JULY, 1999 A.D.
 BY *[Signature]*
 PARK CITY ATTORNEY

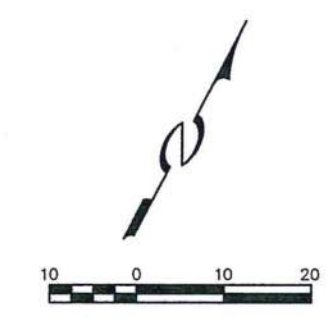
CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 4TH DAY OF MARCH, 1999 A.D.
 BY *[Signature]*
 PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 4TH DAY OF MARCH, 1999 A.D.
 BY *[Signature]*
 MAYOR

JOB NO.: 1-6-98 FILE: Z:\T\Reed\Condos\Plots\P1.dwg
545622 RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Carleton Title
 DATE 8-3-99 TIME 09:24 AM BOOK 1139 PAGE 1
[Signature]
 RECORDER



NOTES:
 1. THE HALLWAY BETWEEN UNITS 101 THRU 104 IS RESTRICTED TO THE USE BY RESIDENTIAL OWNERS AND THEIR INVITEES AND GUESTS.



- LEGEND
- COMMON AREAS AND FACILITIES
 - PRIVATE RESIDENTIAL OWNERSHIP
 - LIMITED COMMON AREAS
 - PRIVATE COMMERCIAL OWNERSHIP

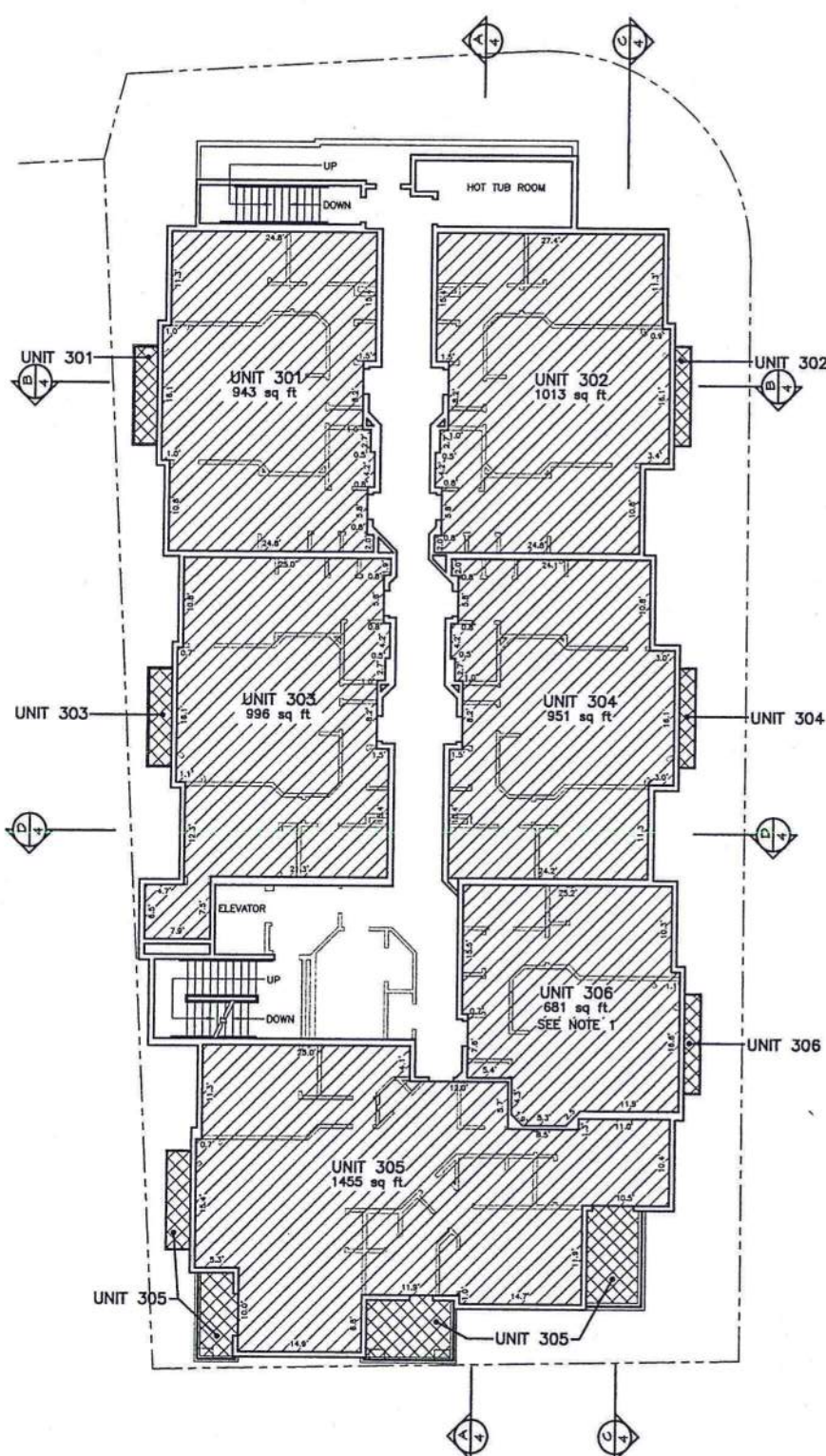
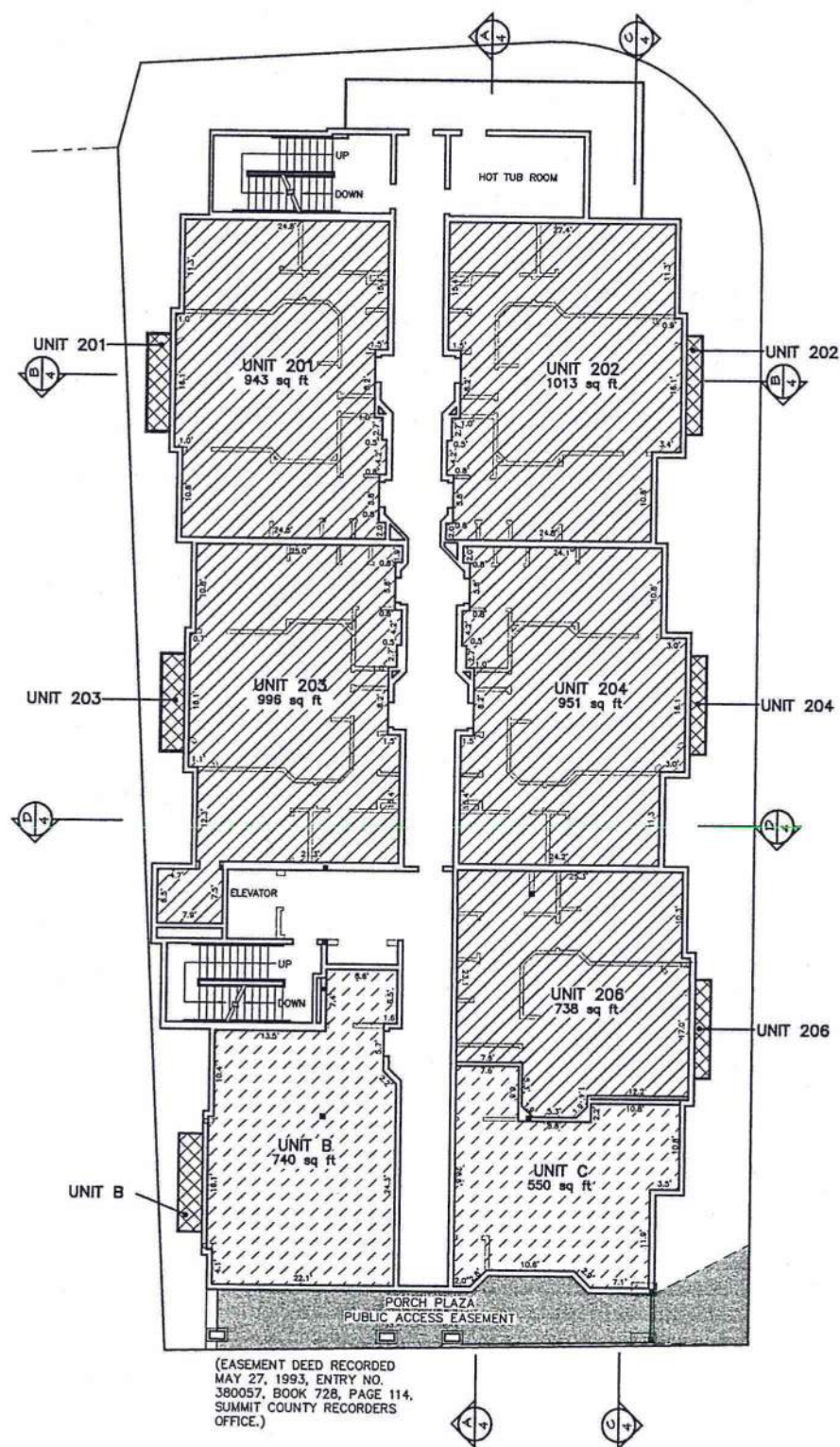
RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

II 545622 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF Coalition Title
 DATE 8-3-99 TIME 9:43 AM BOOK PAGE
 \$ 1.39 FEE Deena M. Dunn RECORDER Deena

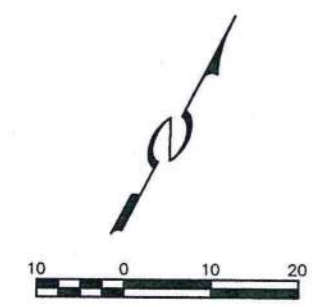
SECOND FLOOR

THIRD FLOOR



NOTES:

1. UNLESS AND UNTIL SUBSTITUTED BY ANOTHER UNIT IN THE LIFT LODGE AT TOWN LIFT PROJECT, UNIT 306 IS RESTRICTED IN PERPETUITY TO COMPLY WITH THE REQUIREMENTS OF THE FEDERAL AMERICANS WITH DISABILITIES ACT IN EFFECT ON THE DATE OF RECORDATION OF THIS RECORD OF SURVEY MAP.
2. ALL HALLWAYS AND HOT TUB ROOMS ON THE SECOND AND THIRD FLOORS ARE RESTRICTED TO USE BY RESIDENTIAL OWNERS AND INVITEES AND GUESTS.

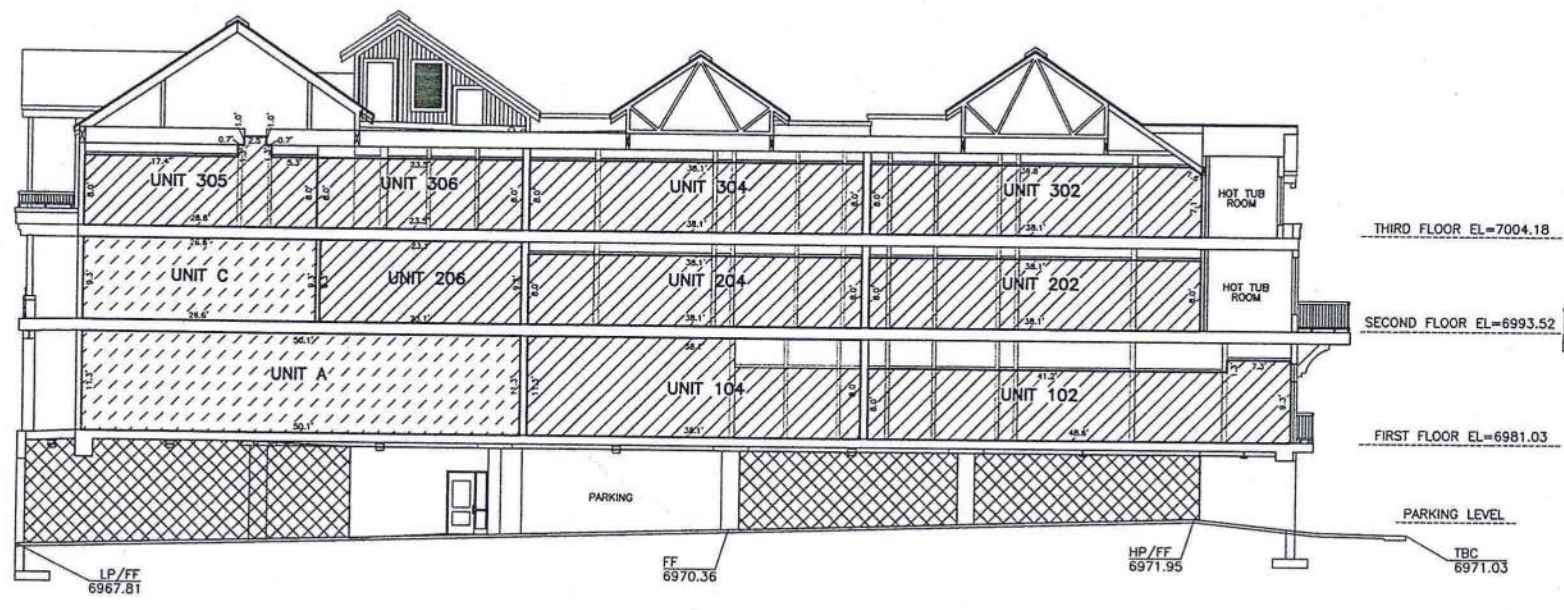


- LEGEND
- COMMON AREAS AND FACILITIES
 - PRIVATE RESIDENTIAL OWNERSHIP
 - LIMITED COMMON AREAS
 - PRIVATE COMMERCIAL OWNERSHIP

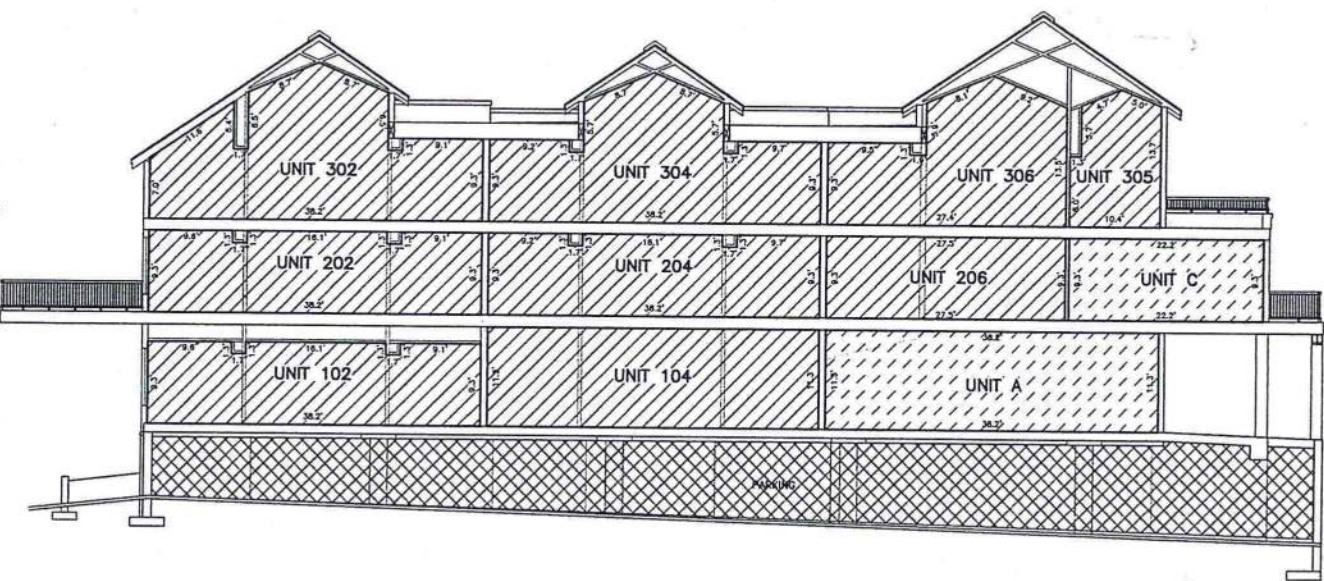
RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

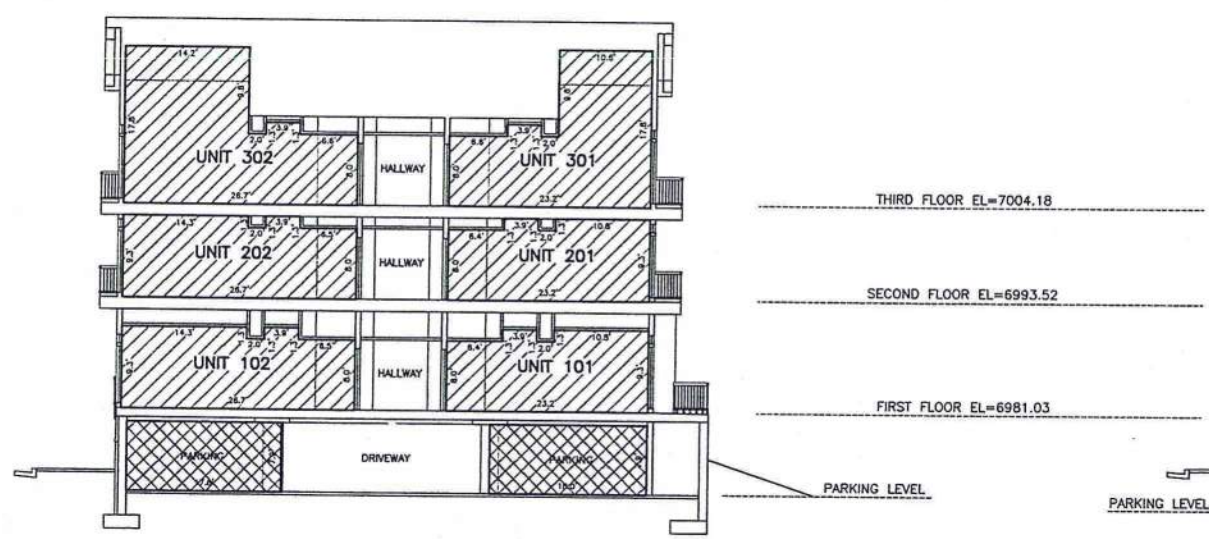
545622 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF Coalition Title
 DATE 8-3-99 TIME 9:23 AM BOOK --- PAGE ---
 \$139.00 Deanna M. Deppa
 RECORDER



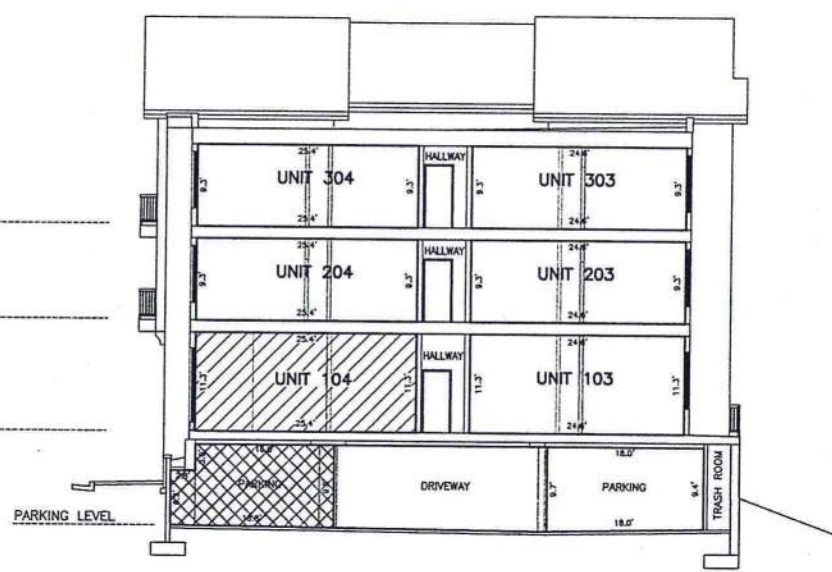
SECTION 'A'



SECTION 'C'



SECTION 'B'



SECTION 'D'



- LEGEND**
- COMMON AREAS AND FACILITIES
 - PRIVATE RESIDENTIAL OWNERSHIP
 - LIMITED COMMON AREAS
 - PRIVATE COMMERCIAL OWNERSHIP

RECORD OF SURVEY MAP
THE LIFT LODGE AT TOWN LIFT


A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

545622 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF *Coalition Title*
 DATE 8-3-99 TIME 9:30 AM BOOK *1139* PAGE *4*
Dalene M. Denny



SUBJECT PROPERTY



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: RYAN BETZ MARSHALL KING	AERIAL PHOTOGRAPH LIFT LODGE AT TOWN LIFT CONDOMINIUMS BLOCK 53, SNYDER'S ADDITION	SHEET 1 OF 1
	DATE: 11/1/17	FOR: THE LIFT LODGE ASSOCIATION, INC. JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\Exhibits\Lift Lodge-ortho.dwg	

THE LIFT LODGE AT THE TOWN LIFT-FIRST AMENDED
(875 Main Street)
November 13, 2017

PROJECT INTENT

The Lift Lodge at Town Lift was constructed in the late 1990's as a 19-unit condominium building (3 commercial units and 16 residential units). At the present time Units 101, 102, 103, 201, 202, 204, 302, 304 and Commercial Unit B each have more than one entrance. The owners of these units are proposing to eliminate an entry where there is an alcove in the hallway and convert the space in this alcove in the common hallway to private ownership and incorporate it into their respective units.

Units 305 and 306 are at the end of the hallway and are both owned by the same entity. The proposal for these units is to enclose the end of the common hallway adjacent to these units and create a vestibule where access will be gained by a separate entryway to each of the units as currently exists. This vestibule would be converted to private ownership. The water heaters for Units 305 and 306 are currently accessed from a common ownership mechanical room. This plat amendment also proposes to include the water heater space as private ownership in Units 305 & 306.

A sheet showing the roof area will also be a part of this plat amendment. The intent of this sheet is to have a reference in the CC&R's regarding the use of a portion of the roof area as a common meeting area and for a hot tub for the residential units.



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

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

MEMO

To: Tippe Morlan, MS, AICP
Park City Planning Department

Re: Lift Lodge revised CUP height compliance

Date: 7-12-18

The Lift Lodge building height is based on a '91 approval of the Town Lift project that applied HCB height to this development parcel. In addition, it established the plane from which "natural" grade was to be measured, which is referred to in the approvals as the "artificial natural grade". The establishment of the "artificial natural grade" consisted of a plane that is a few feet above existing grade and was part of a settlement agreement that completed the entitlements for the project prior to its approval through the CUP process. Both Staff and the applicants team have reviewed the approved drawing set for the original project that clearly shows the artificial natural grade line paralleling the existing street and running around 3' higher than top back of curb (TBC). Building height compliance has been clearly indicated in the notes made by Staff at the time of building permit application and approval in 1998.

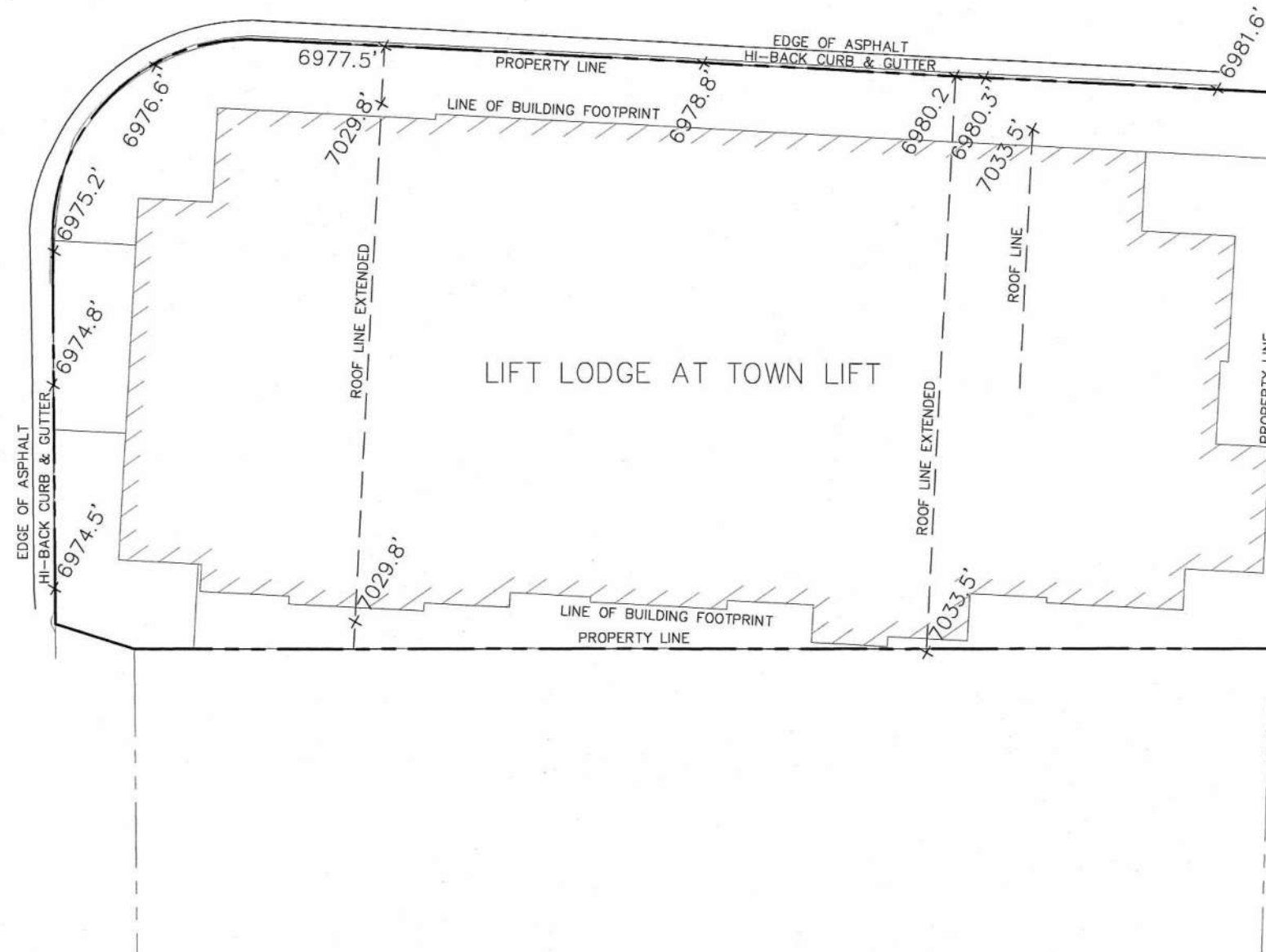
In order to verify that the building was constructed as drawn and approved, an engineer's survey of the TBC and ridge heights was completed along Main and 9th street (copy attached). The results of this survey demonstrated that the building, as constructed, was consistent with the height diagram of the original approval. The original approval identified the maximum heights for the building at 45' above artificial natural grade and the additional 5' allowance for pitched roofs beyond that. Consistent with the code at the time and the current LMC, an additional 3' is allowed for elevator overruns. These lines of the original ridge heights and the proposed modifications are represented in the Fog Study attached in the updated and revised drawing set accompanying the current application which demonstrate compliance with the basic entitlement regarding height.

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

Lift Lodge at Town Lift

Elevation Exhibit

BENCHMARK
BRASS CAP STREET MONUMENT
ELEV.=6976.0'



NOTE

1. Elevations for this exhibit are NAVD 88 and were determined using the Utah Turn GPS network.

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

Alliance
Engineering Inc.

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

6/14/18

X: \SnydersAddition\dwg\sr\srvy2018\190617\190617.dwg

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 7/10/2018 2:49:11 PM

1

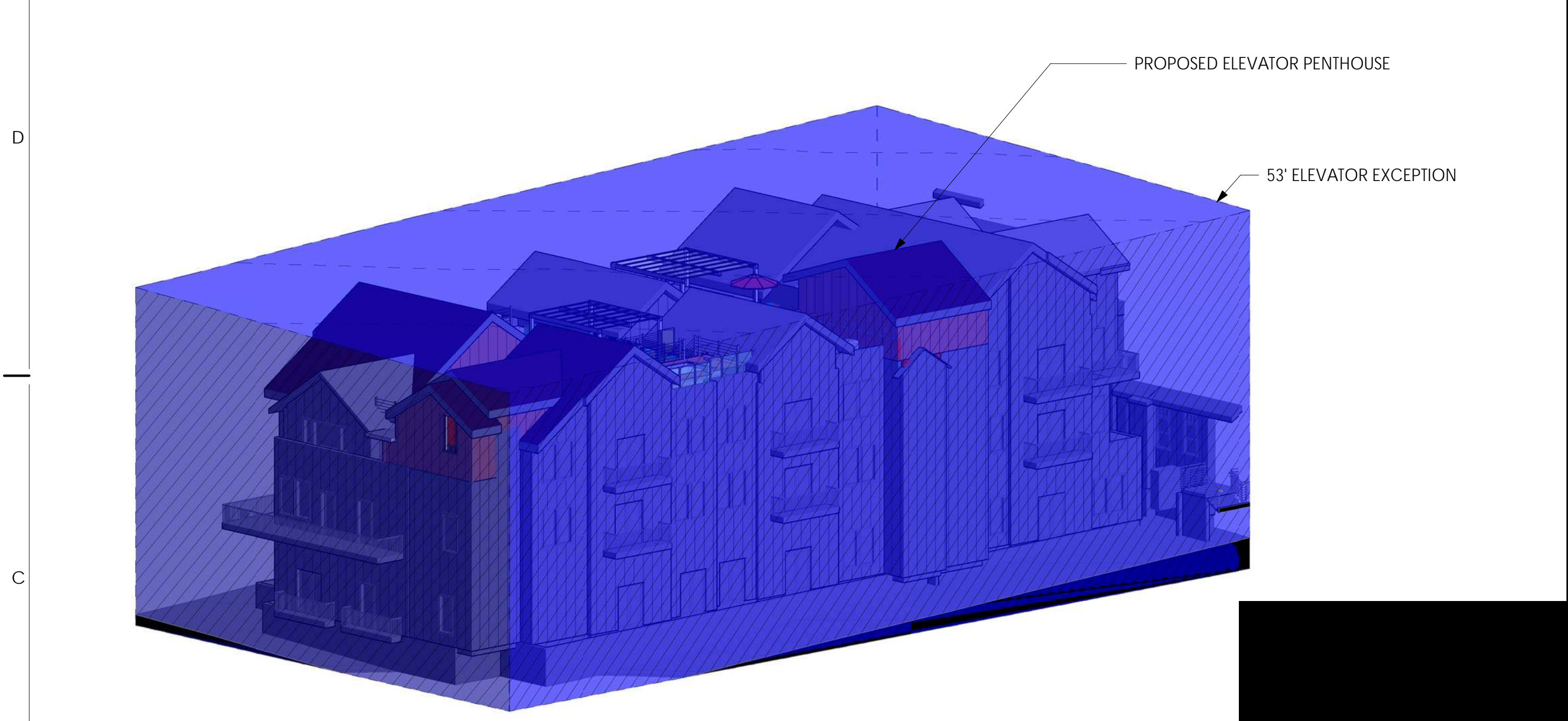
2

3

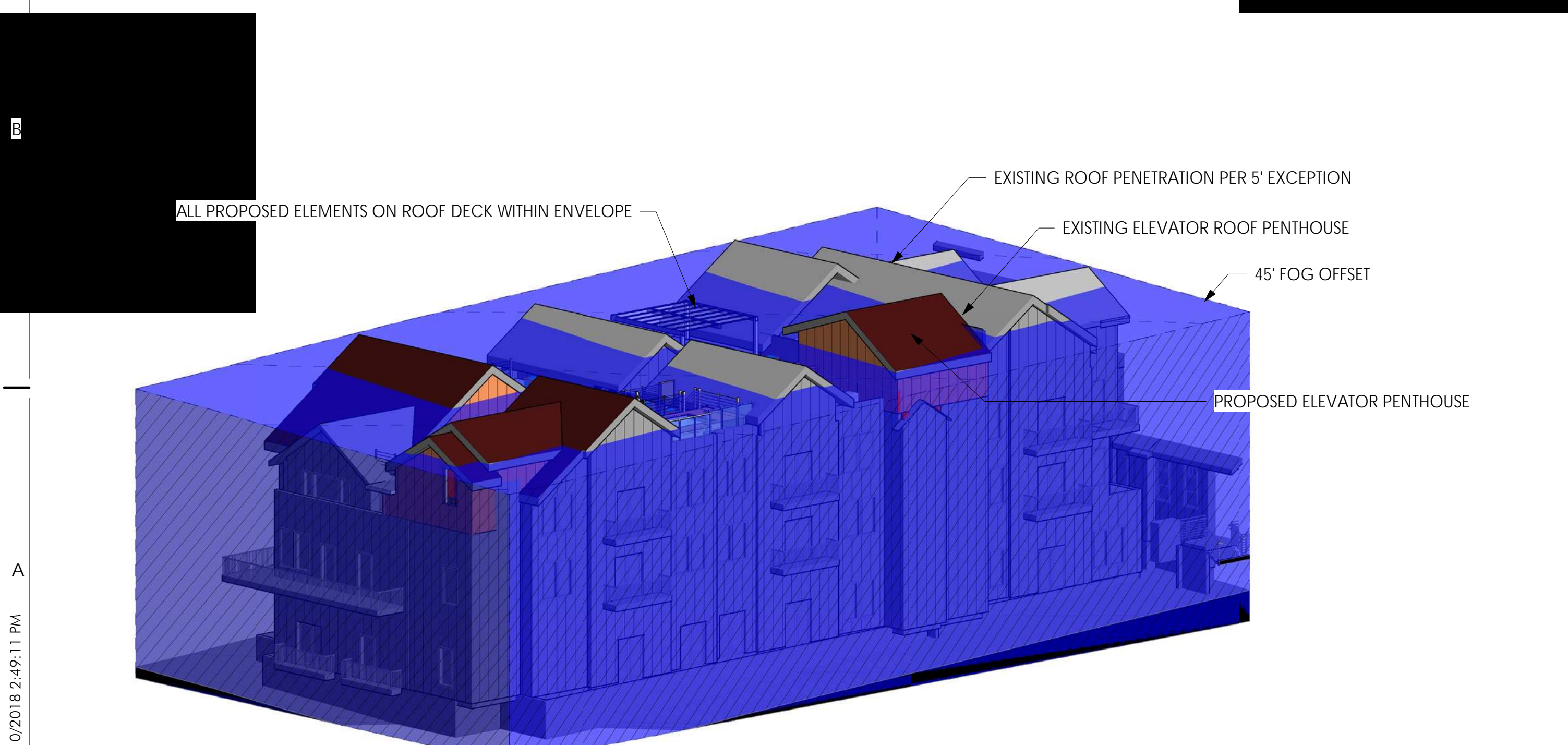
4

5

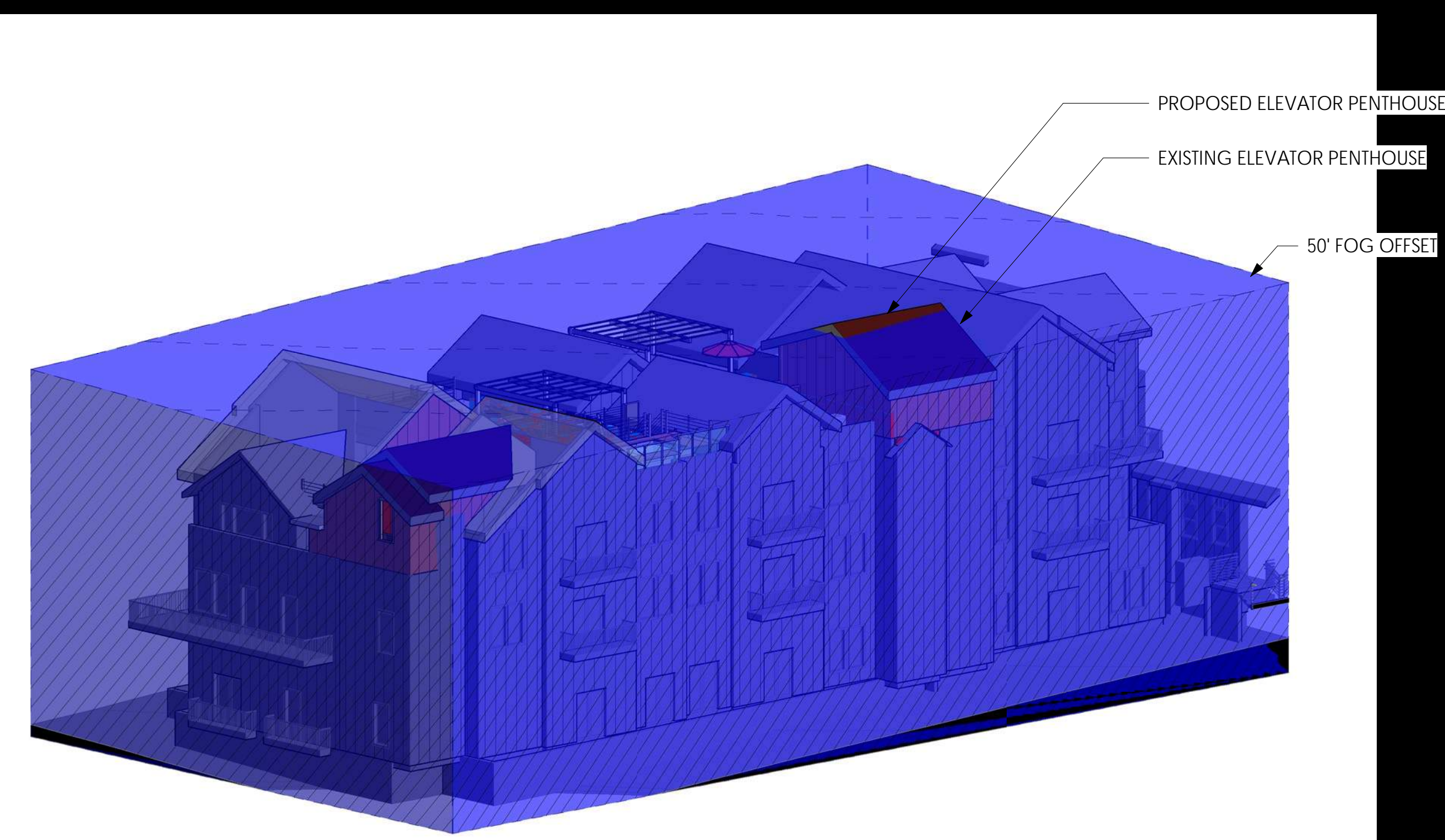
6



3 53' FOG STUDY SCALE:



1 45' FOG STUDY SCALE:



2 50' FOG STUDY SCALE:



MEMORANDUM
PARK CITY PLANNING DEPARTMENT

TO: File
DATE: September 3, 1998
RE: 875 Main Street, Calculation of Building Height

At the time of building plan review for the new building at 875 Main Street questions came up regarding the calculation of height for the front and rear facades with respect to Section 7.2.7 Height and Bulk Plane and Section 8.17 Height Provisions of the Land Management Code. Staff has determined that the 5' exception for pitched roofs does apply to the height and bulk plane calculations. In addition, because the building is situated back from the property line, the total height of the facade may exceed 30' plus a 5' exception for a pitched roof. In simple terms, if the building is set back 10' from the property line, the facade may be 40' (30 + 10) plus 5' for a pitched roof. If the building is set back 8' the facade may be 38' (30 + 8) plus 5' for a pitched roof. This is due to the 45 degree angle provision in the HCB zone.

In calculating building heights staff determined that several areas, for very short distances (1' to 3' over the length of a 60' to 65' ridge, ie. less than 5%), exceed the height allowed by 1' to 2' with one short pitch exceeding the height by 4'7". Please see a Height and Bulk Plane Diagram (G103) and a letter from Cooper/Roberts Architects further explaining these exceptions.

Staff finds that the height exceptions are minor and that there is a provision in the LMC, Section 8.17 (f), whereby the Community Development Director may grant additional building height, provided that no more than 20% of the ridge line exceeds the height requirements. The Director may grant such exceptions provided the following findings can be made:

1. The proposal complies with all requisite policies in the Historic District Design Guidelines. *The building was approved by the HDC and complies with all requisite policies in the Guidelines.*
2. The proposal results in a better overall architectural design. *In order to bring the roof lines into conformance with the allowed height, the end gables would need to be terminated at an angle foreign to architecture in Park City and/or the roof pitch would need to be lessened, also not in compliance with the standard roof pitch of historic Park City.*
3. The proposal does not substantially interfere with sight lines of adjacent properties. *The exceptions being requested are minor with respect to the overall mass and scale of the building and will not substantially interfere with sight lines of adjacent properties.*

ok
[Signature]
Sept. 3/1998

Jarratt Engineering Inc.

Structural Engineering Consultant

8830 N. Upper Lando Lane, · Park City, Utah 84098, (435) 655-9557

Email-pjarratt@qwestoffice.net

April 25, 2018

Chimso Onwuegbu

W.O.W.

Re: Review of roof structure
The Lift Lodge
Park City, Utah

Chimso:

As per your request, I have performed a structural review of the existing roof framing for the above referenced building. It is my understanding the following modifications will be performed:

1. Some of the flat roof areas will be used as roof decks with a 3" lightweight concrete topping slab added.
2. A new hot tub will be added.
3. The south and north stairs will be extended up with new roofs added above the stairs and elevator. The new roofs will be stick framed with 11 7/8" TJI joists.
4. There will need to be a portion of the existing sloped trussed roof removed to accommodate a new walkway to access the north stairs. Based on the existing roof framing plan, there are 18" TJI flat joists in this area below the roof trusses, so this will be no problem.

I reviewed the existing roof framing in the drawings provided, and the areas in question have 18" deep TJI L60 joists. The roof was designed for 100 pounds per square foot snow load. The new roof deck live load will be 60 pounds per square foot, but this does not need to be concurrent with the snow loading. Therefore, snow loading will control the design. I checked the 18" roof joists and determined the roof framing is sufficient to support the deck snow loading and the new topping slab. I also concluded the joists supporting the hot tub are sufficient. Also, the new stick framed roof extensions can easily be incorporated with no need to reinforce the existing roof framing.

Sincerely,

Peter N. Jarratt P.E.



RESOLUTION

Resolution No. 22-82

A RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY
BETWEEN PARK CITY MUNICIPAL CORPORATION
AND HUNTSMAN-CHRISTENSEN
TO ACQUIRE A SEGMENT OF THE RIGHT-OF-WAY NECESSARY FOR THE
CONSTRUCTION OF THE U-224 BELT ROUTE

WHEREAS, Huntsman-Christensen Corporation, Blaine
Huntsman, Ladd Christensen, Park City Depot, Inc., and the
Depot partners are the owners of certain real property known
as the Depot Property, required by the City for the
construction of the U-224 Belt Route, and

WHEREAS, the City is the owner of land adjoining
the portion of the Depot Property that is not required for
the Belt Route, and

WHEREAS, owners of the Depot Property are willing
to convey the necessary property to the City for the Belt
Route construction in exchange for a conveyance of a portion
of the City-owned land to them which solves some title
discrepancies and provides additional land, and other
covenants as set forth in the agreement between the parties,
and

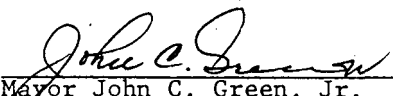
WHEREAS, the values of the parcels to be exchanged
are substantially similar,

NOW THEREFORE, be it resolved by the City Council
of Park City, Utah that:

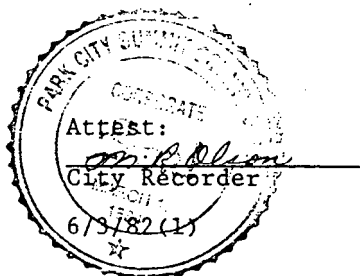
1. The exchange of real property described in detail
in the attached contract be, and is hereby approved.
2. The Recorder shall have the appropriate documents
necessary to complete the exchange recorded upon execution.

PASSED AND ADOPTED this 3rd day of June, 1982

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.



2. Condemnation for Mellow Mountain Road Extension - Tom Clyde, City Attorney, commented that the developers would appreciate it if Council would adopt a Resolution of Condemnation because they are concerned that the belt route construction will prevent them from using the access road they now have. They are sensitive to the planning process going on in that area by other developers. They do need this document available if present negotiations fall through. Arlene Loble explained that the condemnation action has to be taken by the public body, but under the terms of the Nielsen lawsuit, settlement would be fully reimbursable by the purchasers of that property, Aerie Development Company. Tom Clyde explained that the road cannot be built until BLM grants right-of-way in two places. Bill Coleman, "I move we adopt the Resolution of Condemnation for Mellow Mountain Road Extension, simultaneous with the Aerie Development application prepared and submitted by them, for the right-of-way for both BLM properties". Bob Wells seconded. Motion carried.

NEW BUSINESS

Resolution Approving the Land Exchange and Settlement with Huntsman-Christensen Regarding U-224 Belt Route - Bob Wells stated he has not been able to make contact with Huntsman-Christensen regarding the form of the agreement, but the substance of it has orally been agreed to. He suggested approval of the resolution which will enable him to enter into an agreement. Tina Lewis, "I move approval of the Resolution of land exchange and settlement of the Huntsman-Christensen Company regarding the U-224 Belt Route". Helen Alvarez seconded. Motion carried, with Bill Coleman abstaining for the reason of having a security interest in the property.

Bill Coleman moved for adjournment.

* * * * *

MEMORANDUM OF CONVENING EXECUTIVE SESSION
CITY HALL, PARK CITY, UTAH
JUNE 3, 1982

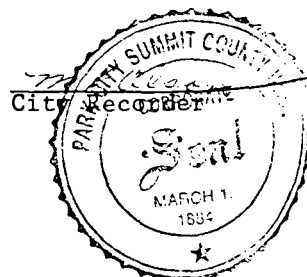
Members Present: Bill Coleman
(motion to close) Helen Alvarez
(motion to open) Helen Alvarez
Bob Wells
Mayor Green

Members Absent: Tina Lewis
Tom Shellenberger

Also Present: Arlene Loble, City Manager
Tom Clyde, City Attorney

Subjects Discussed: Litigation
Copperbottom Inn Lawsuit
Fire District Lawsuit
Highway Right-of-Way

Prepared by M. R. Olson



as Mayor P
Tina Lewis
p.m. at Ci
Members pr
Shellenber
and Bob We
Manager; M
Clyde, Cit
suggested
COMMUNICAT
since at t

PUBLIC INF

any item
because
rather t
category
sequence

Tom H
area)
the s
objec
payin
inter
would
the s
Hurd
that

road align
for water

Denni
his b
Compa
has b
becau
Avenu
obstr
ordin
thore
conte
more

was declar

MINUTES OF

as written

APPROVAL O

Bills". T

RESIGNATIO

AMENDMENT TO AGREEMENT

WHEREAS, Park City Municipal Corporation ("Park City") and Huntsman-Christensen Corporation, and Park City Depot Corporation entered into an Agreement dated June 9, 1982 (the "1982 Agreement") under which Huntsman-Christensen Corp. and Park City Depot Corp. conveyed approximately three acres of land to Park City for the right-of-way for Deer Valley Drive, in consideration of which Park City granted to Huntsman-Christensen certain zoning and regulatory concessions; and

WHEREAS, the benefits under the 1982 Agreement pertain to land (the "Property") retained by Huntsman-Christensen Corp.; and

WHEREAS, the Property is now owned by McIntosh Mill, Ltd. a Utah limited partnership ("McIntosh"); and

WHEREAS, McIntosh received approval for the Town Lift Project ("Project") through approval by Park City of the Town Lift Concept Plan ("Concept Plan") and Master Plan Development ("MPD") for development of the Property and the Concept Plan and MPD restrict building heights below those allowed in the 1982 agreement; and

WHEREAS, development beyond Phase 1 of the Project requires a comprehensive renegotiation of the 1982 Agreement according to the Concept Plan approval of September 5, 1991, and as part of this comprehensive renegotiation, the parties will determine the appropriate level of mitigation necessary to achieve the desired heights for the project, and

WHEREAS, certain disputes and uncertainties have arisen between McIntosh and Park City concerning the interpretation and application of some provisions of the 1982 Agreement with respect to building height on the affected Property; and

WHEREAS, the present parties to the 1982 Agreement now desire to resolve their differences and the uncertainties by amending the 1982 Agreement;

NOW, THEREFORE, in consideration of the mutual agreements and promises contained in this agreement and to settle the disputes

concerning interpretation of the 1982 Agreement, the parties agree that the 1982 Agreement is amended as follows:

1. NATURAL GRADE ESTABLISHED. The 1982 Agreement stipulated the elevation of the plane of natural grade on the Property with reference to the east retaining wall on Deer Valley Drive, with the plane of the grade sloping from the top of the east retaining wall to the curb on the east side of Park Avenue. This was depicted on Exhibit H to the 1982 Agreement. The parties hereby agree to strike the original Exhibit H, and replace it with the drawing attached to this Amendment and entitled "Designation of Natural Grade", which lowers the highest elevation of the plane of natural grade from the top of the east retaining wall to the top of the west retaining wall on Deer Valley Drive.

2. STREET CONSTRUCTION. The 1982 Agreement did not address the internal circulation within the Property. Based on the plans prepared by McIntosh, it appears that the following streets need to be constructed and dedicated to the public: (1) Main Street extending from Heber Avenue north through the Property to Ninth Street; (2) Ninth Street extending east from Park Avenue to the extension of Main Street, (3) a new Street connecting from the extension of Main Street east to Deer Valley Drive at the north end of the Property; (4) Seventh Street between Main Street and Park Avenue; and (5) a cul-de-sac extending southeasterly from approximately Seventh Street to access the Redevelopment Agency of Park City ("RDA") and McIntosh properties located south of the subject Property, the final location of which will be determined by the parties at the time site plans for the properties are prepared. These streets, and their widths, are shown on the attached exhibit entitled "Street Plan".

3. PHASING OF STREET CONSTRUCTION.

- (a) McIntosh agrees to construct and dedicate the Main Street and Ninth Street extensions (identified as (1) and (3) above) simultaneously with the Phase 1 of the Project.
- (b) The parties desire to connect the extension of Main Street to Deer Valley Drive at the northern end of the

Property. McIntosh agrees that it will grant a temporary easement for this connecting road in Phase 1 of the Project and construct this connecting road to a width of 40 feet, prior to, or simultaneously with, the construction of the Phase 2 of the Project. Phase 1 of the Project is shown on the "Street Plan", and consists of three buildings on the east side of extended Main Street. The connection to Deer Valley Drive will be constructed without financial participation by Park City, and dedicated to the public.

- (c) The cul-de-sac (referred to in (5) above) will be constructed at a mutually agreeable time in conjunction with development of the RDA parcel, provided that a temporary easement has been granted, and vehicular access will be possible even though the street has not been constructed. In addition to these public streets, McIntosh will grant to the owner of the Avise parcel a 20 foot wide easement over the McIntosh Property (and if necessary, over the proposed cul-de-sac) to connect the Avise Parcel through to Main Street along the new cul-de-sac. When built, this cul-de-sac will be constructed without financial participation by Park City, and dedicated to the public.
- (d) The design and ownership of Seventh Street are uncertain at this time. Prior to commencing any construction in phase 2 the design, construction standards and schedule must be approved by Park City. This agreement does not modify any current requirements for Seventh Street.

4. PUBLIC UTILITY EXTENSIONS. In addition to the construction and dedication of the public streets, McIntosh will construct the water, sewer, storm drainage and similar public utilities and improvements necessary for service to the Project as proposed by McIntosh, and also in such capacities as necessary for the proposed uses of the RDA property to the south. Construction

of the utilities will be simultaneous with the construction of the streets in which they are located.

5. PARK CITY'S PARTICIPATION IN INFRASTRUCTURE CONSTRUCTION. Park City agrees to the following:

- (a) Park City, acting through the RDA, will pay the total sum of \$700,000 toward the construction of the necessary streets through the Property described above. It is expected that the construction will be substantially completed by December 1, 1992.
- (b) Park City will appropriate the money in the 1992-93 RDA Budget and hold it in a trust account that will accrue interest. Withdrawals from the account will be made upon the joint signatures of McIntosh and Park City for the sole purpose of paying the costs of construction of the streets and other public improvements shown on the "Street Plan", and as outlined in the construction budget. Payment will be made on the basis of monthly draws for work actually completed, and subject to a retention of 10% until the construction work is complete and accepted by the City Engineer.
- (c) The maximum obligation of Park City for the construction of the improvements shown on the Street Plan is \$700,000. Prior to construction, the City will determine the costs for construction of public improvements ("Costs") based on engineer's estimate and a contractor's fixed bid contract for the completion of construction, if available. The security required for these public improvements will be the difference between 125% of the Costs and \$700,000. McIntosh will secure the difference by a cash escrow or letter of credit as required by Park City ordinance. The difference will be funded by McIntosh simultaneously with Park City funding its share of the obligation.
- (d) Upon acceptance of the improvements and right of way dedication by the City Council upon recommendation of the

City Engineer Park City will assume maintenance and management obligations according to standard practice.

6. TEMPORARY PARKING. To the extent its Property is not being used for either actual building or road construction or construction staging, McIntosh agrees that it will lease its vacant Property to Park City for temporary surface parking lots. At its expense, and in conjunction with the paving of the extension of Main Street, McIntosh will grade and gravel an area of approximately 30,000 square feet located north of the base of the Project suitable for parking. This lot will be accessed from Main Street or Ninth Street. Park City will pay McIntosh the sum of \$10 annually for the lease of this parking, and indemnify and hold McIntosh harmless from any and all claims and costs arising from the public parking use of this portion of the Property, including reasonable attorney's fees incurred by McIntosh defending any claim. The lease will run from year to year, and is terminable upon notice from McIntosh that it needs the Property. Any landscaping associated with the parking lots will be installed and maintained by Park City at its expense.

7. CONVENTION CENTER SPACE. In subsequent phases of the Project, McIntosh agrees to favorably consider allocating approximately 20,000 square feet of interior space to accommodate a convention center. This convention space will not be Main Street frontage space. Neither party is able to commit to the construction of a convention center at this time, but it is the intent of this provision to evidence a desire to preserve future flexibility to include such a facility in a subsequent phase, provided it does not result in increased costs or delays to McIntosh in the development of the Project.

8. REDEVELOPMENT AGENCY FUNDING. The proposed source of the funds committed by Park City is the Redevelopment Agency of Park City. Park City agrees to cause the RDA to appropriate funds in a manner consistent with this Amendment. The availability of RDA funds is contingent upon obtaining an amendment to the Stipulated Judgment entered by the Third District Court in Board of

Education of the Park City School District v. Redevelopment Agency of Park City, Civil No. 7051, Summit County, Utah. This amendment would raise the present ceiling on tax increment paid to the Main Street Redevelopment Project Area ("Project Area") from \$1 million annually to \$1.3 million over the remaining life of the Project Area. Park City agrees to use its best efforts to obtain that amendment. The RDA has joined in this Agreement as a party for the purpose of acknowledging the commitment of its funds to the construction of public improvements as detailed above. In any event, Park City agrees that, in the event it does not fund its portion of the infrastructure construction referred to in paragraph 5 on or before August 1, 1992, this Amendment to Agreement shall be null and void and of no further effect.

9. FUTURE IMPROVEMENTS. Park City and the RDA agree to cooperate with improvements in the area adjoining the Property, including stream corridor enhancements and bike path improvements along Silver Creek. McIntosh will enhance the stream corridor on and adjacent to its property with landscaping and park amenities, such as benches. Improvements will be installed along the existing channel without relocating the stream.

Park City's long-range plans for the south end of City Park can accommodate storm run-off from the areas around Main Street including the Project. McIntosh will offer to Park City, a temporary easement on the Project site sufficient to accommodate storm run-off from the first phase of development. Park City will relinquish the easement when storm retention improvements are installed at the south end of City Park or when development is approved that would displace the easement, whichever comes first. The easement is intended to provide an option for storm retention in the event that the Project is not completed and shall have no bearing on approvals of subsequent development phases. Park City will not require McIntosh to construct or pay for any other retention facilities.

10. PROJECT APPROVAL. On April 22, 1992, Park City granted preliminary plat approval of Phase 1 of the project. Since

that time, McIntosh has revised its plans for Phase 1 which have not been reviewed by Park City. Park City will expeditiously review the Phase 1 plans, as revised, and if the plans substantially conform to the approved plans, will review of those plans as a permitted use as called for under the 1982 Agreement. In order to move forward with street construction so that substantial completion before the 1992-93 ski season is reasonably possible, Park City will approve the street design and construction in advance of the approval of the buildings in Phase 1.

11. EMPLOYEE HOUSING. McIntosh agrees to construct or have constructed and manage or have managed residential units which will be offered to employees in Park City under the terms outlined in this agreement ("Obligation"). The Obligation will be established according the following ratio: one unit of employee housing for each 12,500 square feet (net) of commercial space and one unit of employee housing for each 25,000 square feet (net) of residential space constructed in the Project. An employee housing unit is defined as an independent residential unit of at least 650 square feet with at least one bedroom that is regulated to give priority to local employees (demonstrated by current employment in Park City and/or work history in Park City) when the unit is rented or sold. The unit shall be restricted so that this priority is protected for at least 20 years. Actual construction of the units will occur in no more than three phases with the first phase occurring before more than 50,000 square feet (net) of commercial space or more than 150,000 square feet (net) total space is constructed (see examples below). Each phase shall be of a size that would bring the Obligation current with the construction that is completed or has received a building permit. The employee housing units shall be offered for sale or rent at a rate that returns the cost of construction, financing and management but without any profit to McIntosh. The Obligation is contingent upon Park City selling or otherwise making available sufficient land to accommodate the proposed phase of employee housing and approving that phase for construction. This Obligation satisfies all

requirements for this project to provide employee or affordable housing.

EXAMPLES

Phase	Completed construction or building permits (square feet)		Employee units required
	Commercial	Residential	
1	50,000	100,000	4 + 4 = 8
2	30,000	135,000	2.4 + 5.4 = 7.8 = 8
Total	80,000	235,000	16

12. POCKET PARK. If McIntosh is able to acquire a leasehold interest in the Utah Power & Light parcel (adjoining the subject Property on the northwest corner, north of Ninth Street) for a nominal consideration, Park City agrees to accept an assignment of that lease and to maintain the area as a pocket park.

13. REMAINDER OF AGREEMENT UNCHANGED. Except as specifically provided in this Agreement, or except as new provisions have been added, the balance of the 1982 Agreement remains in full force and effect in all respects. No additional exactions, impositions, or off-site improvements will be required, provided that McIntosh will pay fees validly imposed by an ordinance of general application in Park City to the extent that such fees are not waived by the 1982 Agreement.

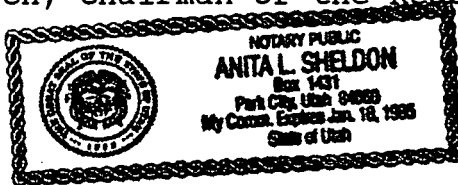
14. SUCCESSORS AND ASSIGNS - NO PARTNERSHIP. The parties and all successors in interest to McIntosh in any portion of the Property are expressly bound by, and are entitled to rely upon, this Amendment to Agreement. No joint venture, association or partnership is created between the parties by this Amendment to Agreement, and the parties expressly agree that the liability of Park City and the RDA is limited to the covenants contained in the 1982 agreement, as amended by this Amendment to Agreement.

15. FURTHER ASSURANCES. The parties recognize that there will be a continuing governmental review process on the Project as construction drawings are submitted for street and

Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

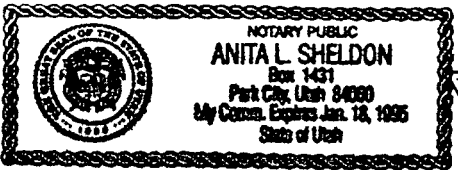
The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Bradley A. Olch, Chairman of the Redevelopment Agency of Park City, Utah.



Anita L Sheldon
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Harry Reed, General Partner of McIntosh Mill, Ltd., a Utah limited partnership.



Anita L Sheldon
Notary Public



Department of Community Development
Engineering • Building Inspection • Planning

October 18, 1999

Harry Reed
McIntosh Mill
P O Box 1330
Park City UT 84060

NOTICE OF CITY COUNCIL ACTION

Project Name 875 Main Street, Baselodge @ Town Lift
Project Description Modification of an approved record of survey plat
Date of Meeting June 3, 1999
Action Taken By City Council Approved in accordance with the findings of fact and conclusions of law as outlined in the staff report and the conditions of approval as listed below.

Conditions of Approval

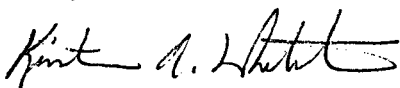
1. City Attorney and City Engineer review and approval of the final form and content of the record of survey and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the record of survey.
2. All conditions of approval for the McIntosh Mill CUP, approved by the Planning Commission on June 11, 1997, shall apply.
3. All Park City Standard Project Conditions shall apply.
4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to record of survey recordation, if not already provided. All public improvements, including landscaping, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
5. A note shall be added to the plat referencing the cross access agreements for the parking garage and plaza. A note shall be added to the plat addressing the Building Departments requirements for ADA units.
6. As a condition precedent to recording this plat, the cross access agreements for the parking garage and plaza shall be signed and recorded at the County.

Harry Reed
Page two
October 18, 1999

7. The final condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

Please call me if you have questions. My phone number is 615-5066.

Sincerely,



Kirsten A. Whetstone, AICP
City Planner

KAW/rr



Lift Lodge At Town Lift - looking southerly



Lift Lodge At Town Lift - looking easterly



Lift Lodge At Town Lift - looking northwesterly



Lift Lodge At Town Lift - looking northerly

Planning Commission Staff Report



Application: PL-17-03664
Subject: Flagstaff Master Planned Development Construction Mitigation Plan Technical Report #15 - amendments
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: August 8, 2018
Type of Item: Administrative amendment to MPD Technical Report

Summary Recommendations

Staff recommends Planning Commission conduct a public hearing and considers approving amendments to the Flagstaff Master Planned Development Construction Mitigation Plan- Technical Report #15, according to the findings of fact, conclusions of law, and condition of approval as stated in this report.

Description

Owners: REDUS Park City LLC
Applicant: Alliance Engineering, Inc. (representing owners)
Location: Areas subject to the Amended Flagstaff Development Agreement
Zoning: Residential Development (RD-MPD) and Recreation Open Space (ROS), subject to the Amended Flagstaff Development Agreement (Amended Agreement)

Proposal

This is a request for approval of amendments to the Flagstaff Master Planned Development Construction Mitigation Plan - Technical Report #15 (CMP Technical Report), also known as Exhibit 15 to the Flagstaff Large Scale MPD (**see Exhibit A**).

Background

In 1999, City Council adopted Ordinance 99-30 annexing the Flagstaff Mountain property, also known as the Flagstaff Mountain Resort, into Park City. Ordinance Section II, 2.1 required the developer to submit for City approval, the following studies prior to or concurrent with Small-Scale MPD (e.g. Village at Empire Pass MPD):

1. Mine/Soil Hazard Mitigation Plan
2. Detailed Design Guidelines
3. Specific Transit Plan
4. Parking Management Plan
5. Detailed Open Space Plan
6. Historic Preservation Plan
7. Emergency Response Plan
8. Trails Master Plan

9. Private Road Access Limitation Procedures
10. Construction Phasing
11. General Infrastructure and Public Improvements Design
12. Utilities Master Plan
13. Wildlife Management Plan
14. Affordable Housing Plan
15. Construction Mitigation Plan

In 2001, the Planning Commission reviewed, approved and adopted these Technical Reports as exhibits to the Large Scale Flagstaff Development.

In 2004, the Planning Commission approved amendments to Technical Reports #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15, the Construction Mitigation Plan (CMP), as the development of Empire Pass had begun to take shape and these three reports were substantially out of date, having been written more specifically for development of the infrastructure. In 2008 the Planning Commission approved amendments to Technical Reports #1, the Mine/Soil Hazard Mitigation Plan and #15 the CMP. Staff collated all of the meeting minutes, agendas and staff reports for these amendments, including the current 2008 Amended Construction Mitigation Plan that starts on page 140 ([See Exhibit E linked here](#)).

On March 8, 2018, the Applicant submitted a request to amend CMP Technical Report to clarify construction access, contractor parking, construction staging, construction parking, and excavated materials, as well as to identify approved tipping sites and address waste and trash management, including recycling of materials (**see Exhibit A**).

On June 6, 2018, the Applicant submitted further revisions identifying additional tipping sites and agreed to provide clarification regarding requirement for a grading permit prior to placing clean excavated materials at identified tipping sites.

On July 17, 2018, at the utility coordination meeting for B2East, the City's Department of Public Utilities requested an additional tipping site be included for the City's water tank site in lower Empire Canyon. Additional fill material is anticipated in order to bury a future new tank in that location and fill from nearby sites in the Flagstaff Development could be a cost savings for the City.

Analysis

In 2004, the Planning Commission approved a requirement that site specific construction mitigation plans shall be submitted with Conditional Use Permits for development within the Flagstaff MPD and that these CMPs shall address truck routing. In 2008 amendments were made regarding downhill truck traffic routing that is clarified with input from the Building Department in these amendments (see **Exhibit E**- historical Staff Reports and Planning Commission minutes). Staff located the 2008 revised CMP Technical report following the June 13, 2018 meeting.

This technical report was prepared primarily to address mitigation of development of Flagstaff Development area infrastructure. Proposed amendments are primarily in

the last chapter, which constitutes an addendum to the 2008 document, rather than a re-write of the entire CMP Technical Report, and addresses mitigation measures specific to the remaining residential development such as single family houses, lodge buildings, and other small scale CUPs.

Currently the CMP Technical Report requires the use of the Daly West site for depositing of excavated materials from development sites within the MPD. With development of the Montage Resort this site is no longer readily available. There are still a dozen single family lots in the Red Cloud Subdivision (Pod D) as well as three lodge building sites within the Village at Empire Pass MPD (Pod A) that need an identified site for excavated materials.

Proposed amendments include adding a list of potential tipping sites, specifically for clean, excavated soils from within the Flagstaff Development area, subject to approved grading permits and property owner approval. Providing sites within the Flagstaff Development area is consistent with the requirements of the Flagstaff Development Agreement and reduces construction traffic through Park City.

- Proposed Twisted Branch Subdivision Lot 2 (“Hot Creek”)
- Proposed Twisted Branch Subdivision Parcel C
- VEPN Lot 1 (aka Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs
- B2 East Subdivision
- City water tank site in lower Empire Canyon

There are two additional tipping sites identified in the Bonanza Flat purchase agreement allowing the Applicant to tip clean fill from lots within the Flagstaff Development area pursuant to the purchase agreement and subject to obtaining required permits from Wasatch County, which the applicant currently does not have. Staff recommends that approved grading permits shall be required prior to placement of clean excavated materials at the identified tipping sites. Materials that are not clean are subject to State and Federal requirements for remediation. The following sites are not approved for the tipping of mine soils that would be subject to State and Federal requirements and would require separate permits.

Staff recommends that grading permit applications for depositing clean soils to the tipping sites listed in this document shall include:

- existing conditions survey and topography,
- grading plans and full details describing the volume of soil proposed to be deposited,
- storm water and drainage plans,
- erosion control plans consistent with SWPP requirements,
- significant vegetation and re-vegetation plans,
- certified forester or arborist report if applicable,

- City approval for any relocated public trails,
- access routes,
- time period of opening and date for closing of site,
- detailed construction mitigation plans consistent with Technical Report #15, and
- full compliance with all standard City regulations for grading permits.

Staff recommends inclusion of special conditions for tipping sites that contain significant vegetation, such as requiring a certified forester or arborist report to identify and describe the health of significant vegetation on the site, to identify the best location for placement of clean excavated materials, to identify mitigation measures for removal of any significant trees and to provide best forest management practices to address dead and dying trees at the site.

Additionally, grading permits for these tipping sites will specify a time period of opening and a date for closing the site as well as a timeframe for re-vegetation. The proposed sites are located in the ROS zone and are generally in, or close to existing ski run areas. Access routes shall be shown on the plans and any access route that is not part of or required for ski area operations will be reclaimed consistent with the approved grading permit.

Planning Commission Action

On June 13, 2018, the Planning Commission conducted a public hearing for both the Twisted Branch Subdivision and the amended Construction Mitigation Plan. Staff outlined items for Commission discussion and direction. Following discussion both items were continued to July 11th for staff to finalize findings of fact and conditions. Just before the July 11th meeting, the applicant requested a continuation of the Subdivision to a date uncertain, in order to resolve an issue related to certain conditions of approval. Because the CMP amendments were integrated into the subdivision report, it was necessary to also continue this item in order to create this separate staff report and action item. This item was continued to August 8th. (See [Exhibit B for June 13, 2018 minutes](#)). July 11th minutes are in this meeting packet.

See link to [June 13, 2018, Planning Commission staff report](#) (starting on page 92) for background information (**Exhibit D**). Much of the discussion was regarding the Twisted Branch Subdivision however the Commission concurred with the proposed CMP amendments.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with proposed amendments to the amended CMP Technical Report.

Notice

On June 27th, the property was posted and notice letters were mailed to surrounding property owners. This item was legally noticed with the Twisted Branch Subdivision plat for public hearings on June 13th and July 11th.

Public Input

No public input related to the CMP was provided at previous public hearings (**see Exhibits B and C- minutes**). Following the public hearing on July 11, 2018 this item was continued to August 8th, as described above in Planning Commission Action. Draft minutes for July 11th meeting are included in this meeting packet.

Alternatives

- The Planning Commission may approve amendments to CMP Technical Report #15 as proposed or amended, or
- The Planning Commission may deny amendments and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion to a date certain and provide Staff and the applicant with direction regarding additional information necessary in order to take final action.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated by conditions of approval.

Recommendation

Staff recommends Planning Commission conduct a public hearing and consider approving amendments to the Flagstaff Master Planned Development Construction Mitigation Plan- Technical Report #15, according to the following findings of fact, conclusions of law, and condition of approval:

Findings of Fact:

1. Council adopted Ordinance 99-30 on June 24, 1999 that annexed the Flagstaff Mountain project, also known as the Flagstaff Mountain Resort, into Park City.
2. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain specified that the developer is granted an equivalent of a Large Master Planned Development.
3. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain requires the developer to submit the following studies, prior to or concurrent with Small-Scale MPD process for City approval:
 1. Mine/Soil Hazard Mitigation Plan
 2. Detailed Design Guidelines
 3. Specific Transit Plan
 4. Parking Management Plan
 5. Detailed Open Space Plan
 6. Historic Preservation Plan
 7. Emergency Response Plan
 8. Trails Master Plan
 9. Private Road Access Limitation Procedures
 10. Construction Phasing
 11. General Infrastructure and Public Improvements Design
 12. Utilities Master Plan
 13. Wildlife Management Plan
 14. Affordable Housing Plan
 15. Construction Mitigation Plan

4. In December of 2001, the Planning Commission approved and adopted these Technical Reports as required by Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain as listed in finding of fact #3.
5. On February 25, 2004, the Planning Commission conducted a public hearing, reviewed and approved amendments to technical reports #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15 the Construction Mitigation Plan, as the development of Empire Pass had begun to take shape and these three reports became substantially out of date.
6. Technical report #15, Construction Mitigation Plan, was adopted requiring site-specific Construction Mitigation Plans (CMP) to be submitted with the Conditional Use Permit applications and specifying that downhill truck traffic shall be addressed with each site specific CMP.
7. In 2008 the Planning Commission approved amendments to Technical Reports #1, the Mine/Soil Hazard Mitigation Plan and #15 the CMP.
8. On March 8, 2018, the Applicant submitted a request to amend Technical report #15 to clarify construction access, contractor parking, construction staging, construction parking, and excavated materials, as well as to identify approved tipping sites and address waste and trash management, including recycling of materials.
9. On June 6, 2018 the Applicant submitted a revised Addendum to Technical report #15 further clarifying excavated materials tipping sites and requiring grading plans, storm water plans, City approval to relocate public trails, and construction mitigation plans consistent with Technical Report #15 to be submitted for all grading permit applications.
10. The proposed Addendum lists the following locations as tipping sites, specifically for clean, excavated soils, to be subject to grading permits and property owner approval (map of sites is added as an Exhibit to the CMP):
 - Proposed Twisted Branch Subdivision Lot 2 (“Hot Creek”)
 - Proposed Twisted Branch Subdivision Parcel C
 - VEPN Lot 1 (Marsac Horseshoe)
 - Period No. 1 Mining Claim – MS 6567
 - Period No. 5 Mining Claim – MS 6567
 - O.K. Mining Claim – MS 5929
 - L.E. Mining Claim - MS 5930
 - Deer Valley Ski Runs
 - B2 East Subdivision
 - City water tank site in lower Empire Canyon
11. On June 13th and July 11th the Planning Commission opened a public hearing to receive input on amendments to Technical Report #15. There was no public input provided on these amendments.
12. The Flagstaff Master Planned Development Technical Reports, and amendments to them, were reviewed and approved by the Planning Commission and recorded with the City Recorder, City Attorney and Planning Department.

Conclusions of Law:

1. The Planning Commission finds the proposed Addendum to Technical Report #15 required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–

Flagstaff Mountain, to be consistent with the provisions and intent of the Annexation Resolution adopted by Council on June 24, 1999 and the March 2007 Amended Agreement.

2. The revised and updated Technical Report #15 required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain, does not change or adversely affect the density, development locations, or project design as set forth in the Annexation Resolution adopted by Council on June 24, 1999 as well as the March 2007 Amended Agreement.

Condition of Approval

1. The final amended 2018 Technical Report #15 shall be recorded with the City Recorder, City Attorney and Planning Departments along with the other technical reports and Development Agreement.

Exhibits

Exhibit A – Amended Construction Mitigation Plan

Exhibit B – [June 13, 2018 Planning Commission minutes](#) (starts on page 33)

Exhibit C – July 11, 2018 Planning Commission minutes (see this packet for draft minutes)

Exhibit D – [link to June 13, 2018 Staff report and Exhibits](#) (starts on page 92)

Exhibit E – [Historical reports and minutes of previous Technical Reports approvals](#) and amendments. Current 2008 CMP starts on page 140 with additional redlines approved by the Commission – see September 10, 2008 minutes)

**CONSTRUCTION MITIGATION PLAN
FOR
FLAGSTAFF MOUNTAIN RESORT PARK CITY, SUMMIT
COUNTY, UTAH also known as
EMPIRE PASS**

EXHIBIT 15

**Prepared by:
United Park City Mines Company**

**May 2001
(Revised and Approved December 2001)
Revised February 2004
Further revised June 2008
Revised August 2018**

TABLE OF CONTENTS

I.	Introduction, Goals & Objectives	1
II.	Existing Conditions	4
III.	Scope of Infrastructure Construction	5
IV.	Construction Impacts and Mitigation Measures	9
V.	Construction Phasing	22
VI.	Construction Mitigation Plan Management.....	23

Exhibits

- Exhibit A — Off-site Road Improvement Plan
- Exhibit B1-B2 — Emergency Access Plan (revised 1/2004)
- Exhibit C — Road Cross Sections (revised 1/2004)
- Exhibit E — Ontario #3 Mine Building Complex Staging Area

(Exhibits D and F were deleted with the 2008 Amendments)
Renumber pages for Table of Contents with final clean document.

I. INTRODUCTION, GOALS OBJECTIVES

This study is one of several reports that have been prepared to support the Flagstaff Mountain Resort's Large Scale Master Plan Development (LSMPD) application. As LSMPDs are programmatic in nature and subject to refinement at subsequent Master Planned Development (MPD) or Conditional Use Permit (CUP) stages, correspondingly, the contents of this report should be viewed as conceptual in nature and subject to change as specific plans are developed. Details developed at the MPD or CUP stage will not require a modification of this plan provided that they comply with the Goals and Objectives of this Plan.

General Description of the Property

Flagstaff Mountain Resort (the "Resort") is an assemblage of mining claims totaling approximately 1,655 acres of land (the "Annexation Area" located at the southwestern corner of Summit County, Utah. The Annexation Area is bordered by Deer Valley Resort to the east and State Highway 224 (Marsac Avenue) to the northeast. The southern boundary coincides with the Summit County/Wasatch County line. The Park City Mountain Resort borders the Annexation Area to the west and northwest. The Resort was annexed into the corporate limits of Park City, Utah on June 24, 1999 (refer to Exhibit "A" attached).

The proposed areas of development will be restricted to a) the "Mountain Village" consisting of three Development Pods ("A", "B-1" and "B-2") limited to: a) maximum of 84 acres and b) the "Northside Neighborhood" (Development Pod "D") limited to a maximum of 63 acres.

The maximum density allowed within the Mountain Village includes 785 Unit Equivalents configured in no more than 550 dwelling units and 192 hotel rooms. The residential units may be multi-family units, hotel room units or PUD units. In addition, the Mountain Village may also contain a maximum of: i) 16 single-family home sites; and, ii) 75,000 sf of resort support commercial uses. The Flagstaff Development Agreement was amended and recorded in March of 2007 and is referred to as the Amended Agreement.

The Northside Neighborhood (aka Red Cloud) may contain a maximum of 38 single-family home sites of which 30 are currently entitled and 8 are subject to further requirements under the Development Agreement. In addition to the Deer Valley Resort "Empire" Day Lodge near the Daly West waste rock pile, uses for the Resort are intended to include hotel lodging facilities, resort support commercial, multi-family residential units, PUD-style residential units and single-family home sites. Recreational uses will remain similar to the

current uses described above, with the exception of commercial snowmobiling, which will be discontinued.

Construction and Potential Construction Impacts

Development of the Resort will include two (2) basic types of construction, infrastructure which includes roads, utilities, etc. and the actual residential and commercial buildings themselves. This Construction Mitigation Plan primarily addresses the infrastructure development of the Resort, although the guidelines set forth herein will be incorporated into the individual construction mitigation plans that will be required for each of the building development projects.

The proposed infrastructure development includes construction of: i) roadways, with the associated bridges and tunnels; ii) storm water drainage facilities; and, iii) utility systems including sanitary sewer, water storage & pumping, water distribution, natural gas, electric power transmission and telecommunication systems along with trail systems, ski lifts and other Resort improvements.

As stated above, each individual building project will be required to submit a site-specific construction mitigation plan prior to commencement of construction. These individual building construction mitigation plans will supplement and be consistent with this Plan. Section VI, "Construction Mitigation Plan Management" addresses this supplemental process to ensure compliance and implementation of these Plans.

Construction Mitigation Planning Goals and Objectives

The primary goal and objective of this Construction Mitigation Plan is to identify and mitigate the impacts of infrastructure construction associated with the Resort, adhering to the standard Park City Municipal Corporation ("Park City") required construction impact mitigation measures along with additional site-specific mitigation measures required by the Development Agreement.

In addition, a complete Storm Water Pollution Prevention Plan ("SWPPP") will be prepared and implemented separately for the Resort in strict accordance with local, State and Federal guidelines. The primary goals of the SWPPP will be: i) to limit the areas of disturbance of the existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practicable through the selection, installation and maintenance of storm water control measures in accordance with good engineering practices; and, iii) to prevent construction litter, debris and chemicals from becoming a pollutant source of storm water discharges. The SWPPP will also be designed to protect Park City's water sources and their designated water source protection areas.

For purposes of this Construction Mitigation Plan, and inasmuch as most of the issues and concerns addressed are identical, portions of the SWPPP will be

incorporated into the individual sections of the Plan as they apply.

II. EXISTING CONDITIONS

Existing Access

Access to the approximately 1,655-acre Annexation Area is via either Guardsman Pass Road or Daly Avenue. Guardsman Pass Road through the site is a narrow and steep minimally maintained road with a surface of either deteriorating asphalt or gravel. Guardsman Pass Road is not maintained or plowed in the winter and is closed to vehicles after the first significant snowfall of the season at a gate located approximately one-quarter mile south of the Guardsman Connection. Daly Avenue provides gated access to the mouth of Empire Canyon below Development Pod A.

Existing Uses

The Annexation Area has historically been a popular recreational site used by area residents and visitors alike. Winter uses include both lift-served resort skiing as well as backcountry skiing, snowshoeing and snowmobiling. Summer uses include mountain biking, hiking and equestrian uses.

Within the Annexation Area portion of Deer Valley Resort, there are six existing ski lifts and approximately 36 ski runs, many of which have been cut through forest stands, graded, and revegetated. Four additional lifts are currently planned for the Annexation Area. One of these will serve the ski in/ski out needs of Development Pod A, one will access existing terrain between the Red Cloud and Northside Lifts (Ski Pod D) and the other two will access new intermediate and advanced Ski terrain in Empire Canyon (future Ski Pods X and Z).

A snowmobile concession, located just east of the Guardsman Connection at the horse stable has been discontinued.

Numerous trails currently exist within the Annexation Area, which include improved roadways, jeep trails, single-track trails, and undeveloped game trails. Many of the undeveloped trails are used on a limited basis by local hikers and equestrians. Other trails receive more frequent use and are recognized as serving a broader spectrum of the public. The "Trails Master Plan for Flagstaff Mountain Resort" provides a detailed description of the existing trail system.

Mining Operations

Although active mining operations ceased in 1982, more than a century of intensive mining activities within the Annexation Area have left a number of mining-related features ranging from bits of debris and subtle landscape alterations to massive mine waste rock overburden sites and standing structures.

As mentioned above, the Historic Preservation Plan provides specific information regarding the current status of mining related structures and features within the Annexation Area.

Existing Utilities

Utilities as outlined in the Utility Master Plan have been installed in Marsac Avenue. Water, Electrical and telephone are connected to the service providers. The second sewer outfall down Marsac Avenue is partially complete and will be finished in the summer of 2004.

Existing Emergency Services

Existing and proposed Emergency Services are detailed in the Emergency Response Plan for the project.

III. SCOPE OF INFRASTRUCTURE CONSTRUCTION WORK

Improvements to Marsac Avenue and Mine Road section of State Route 224

As required by the Development Agreement, the Resort will make certain improvements to Marsac Avenue beginning at the Deer Valley Drive "Roundabout," continuing south on Marsac Avenue and the Mine Road to the Guardsman Connection. Included as part of these improvements will be the construction of a runaway truck ramp which was completed in 2001. The balance of the improvements to this section of road include rebuilding the travel surface, adding curb and gutter, and the addition of a short uphill passing lane which is schedule to be completed by the end of 2004.

Realigned Guardsman Pass Road

Guardsman Pass Road from the Guardsman Connection through Development Pods A and B-1 to Development Pod B-2 has been realigned and accepted by the State.

Private Road

A private road, constructed to the same cross-section described above for the re-aligned portion of Guardsman Pass Road, will be built to serve Development Pod D and the proposed Bonanza Mountain Resort located in Wasatch County on a year-round basis (refer to Exhibit "G" attached). Access to this private road will be limited to the residents of Flagstaff Mountain Resort and Bonanza Mountain Resort along with their respective visitors, guests, employees and service personnel (refer to the Private Road Access Limitation Procedures for Flagstaff Mountain Resort). A private street may be dedicated to the City with City Council approval. An emergency secondary access road will be built from Pod D to Pod A.

Development Pod Infrastructure

Roads within the Development Pods will be constructed to cross-sections similar to those described for the re-aligned Guardsman Pass Road (refer to Exhibit "B" attached). These roads will include all of the required utilities, which, for the most part, will be installed within the road platform. Parking will not be allowed on either side of these roads.

Bridges and tunnels will be constructed to provide grade separation of vehicles and recreational users (hikers, bikers & skiers). These structures will be designed to incorporate so-called "dry crossings" to provide access during construction as well as emergency vehicular access around these structures in the event of a structural failure.

Utilities

Water:

The Flagstaff Mountain Resort Conceptual Water Master Plan provides for the storage and distribution of water for both domestic and firefighting uses. Water will be provided to the Resort by the Park City Municipal Corporation in accordance with i) an *AGREEMENT FOR A JOINT WELL DEVELOPMENT PROGRAM, dated January 14, 2000* and ii) a *MEMORANDUM OF UNDERSTANDING BETWEEN PARK CITY MUNICIPAL CORPORATION AND UNITED PARK CITY MINES COMPANY CLARIFYING AND IMPLEMENTING THE WATER SERVICE AND WATER SOURCE DEVELOPMENT PROVISIONS OF THE DEVELOPMENT AGREEMENT dated June 24, 1999, dated January 14, 2000*, and iii) numerous other water agreements-between the parties, and iv) any future agreements.

Water will be delivered to the 1,000,000 gallon storage tank (Water Tank #1) that UPK constructed on the east side of Guardsman Road, just above the Empire Day Lodge. The primary source of water for Tank #1 is planned to be the Spiro Water Treatment Plant via the 13th Street Pump Station and the Woodside Tank. After necessary upgrades to the existing system are completed, water will be pumped from the Woodside Tank up Empire Canyon to the Pod B-2 Tank via a 10" ductile iron water line.

The secondary source that presently supplies Tank #1 is the existing Bald Eagle Tank at the Deer Valley Resort. Water gravity flows to Tank #1 from the Bald Eagle Tank through the water line that feeds the Empire Day Lodge at Pod B-2 via a 10" ductile iron water line that runs along the Banner Ski Trail and across the Northside Ski Runs. Tank #1 is located at an operating elevation of approximately 8,450 feet above sea level and provides approximately 540,000 gallons of fire storage for Pods A, B-1 and B-2. This

storage capacity has been calculated to provide the necessary 3,000 gallons per minute for the three-hour duration in accordance with the requirements of the Park City Building Department.

Tank #1 will provide water via a pump station and a 10" ductile iron water line to a second tank (Tank #2) of 1,000,000 gallons to be located along the ridgeline in the area above red Cloud. Tank #2 will be located at an operating elevation of approximately 9,150 feet above sea level and will provide approximately 300,000 gallons of fire storage for red Cloud and for UPK's property in the Bonanza Flats area of Wasatch County. This storage capacity has been calculated to provide 2,500 gallons per minute for the two-hour duration. The fire flow assumptions for this tank have been reduced since the buildings served will be much smaller than those programmed for Pods A, B-1 and B-2. Water will be distributed from these tanks via a series of water mains, with fire hydrants installed along the roads and throughout the development Pods as required by Park City and the District. In addition to the required fire hydrants, fire department connections and standpipe systems, fire hose storage cabinets and their appurtenances will be provided in strategic locations throughout Empire Pass to ensure appropriate resources are available in the event of a fire.

Sewer:

Flagstaff Mountain Resort will enter into the necessary Line Extension Agreements with the Snyderville Basin Water Reclamation District in order to secure adequate sanitary sewer service for the Resort.

Flagstaff Mountain Resort will construct a wastewater collection system throughout the Resort area.

Beginning at Development Pod D at the top of Flagstaff Mountain, wastewater will be collected and transported downhill via two separate sewers. The first will follow the alignment of the proposed private road that connects Development Pods D and B-2 and will collect wastewater from those single-family lots located on the west side of Flagstaff Mountain. This sewer will then collect wastewater from Development Pods B-2 and B-1 and convey it to the sewer line constructed in Empire Canyon during 2001. This is the sewer line that extends from the Empire Day Lodge to upper Daly Avenue.

The second sewer will collect wastewater from the balance of the single-family lots within Development Pod D and convey it along the Northside ski runs to Development Pod A.

A system of sewers within Development Pod A will collect the wastewater conveyed from Development Pod D, along with the wastewater generated in Development Pod A and convey it to Prospect Ridge.

From Prospect Ridge, a sewer will convey the wastewater down to one of two connections to the existing sanitary sewer system.

One is the existing sewer that was extended up Marsac Avenue by the City to a point just above the new Deer Valley Drive “roundabout” in Ontario Canyon. This line has the capacity to accept all of the wastewater generated by the Resort and will be the primary receiver of the Resorts wastewater.

The other outfall is the connection that will be made to the existing sewer at the top of Daly Avenue in Empire Canyon. The capacity of this line is restricted due to existing conditions within Main Street, so this line can only accommodate a portion of the overall requirements of the Resort.

Electric Power:

The source of electric power for the Resort will be the existing Judge Tunnel switch and the recently realigned Olmsted line. Power will be distributed from this point throughout the Resort via an underground distribution system located within either the proposed street rights-of-way or utility easements.

Telecommunications:

Allwest Communications will provide fiber optic lines for Internet, cable and phone.

Natural Gas:

Questar Natural Gas Company has extended a transmission line to a regulator station in the pod B1 area. Distribution line have been installed in the realign Marsac Ave

For additional information relating to the proposed construction associated with the development of Flagstaff Mountain Resort, please refer to the following Resort master plan documents:

- The Construction and Development Phasing Plan
- The Utilities Master Plan
- The Drainage Master Plan
- The Private Road Access Limitation Procedures
- The Emergency Response Plan

IV. CONSTRUCTION IMPACTS AND MITIGATION MEASURES

Construction Phasing

Detailed anticipated timeline of construction activities are described in the “Construction and Development Phasing Plan for Flagstaff Mountain Resort”. A

Construction Mitigation Plan is required at the time of Conditional Use Permit application.

Traffic Impacts

The primary impacts to traffic on the roadways adjacent to the Annexation Area relate to construction personnel commutes and deliveries of construction materials and supplies.

As stated above, the primary access to the Annexation Area will be via Marsac Avenue and the Mine Road. The vast majority of construction personnel and material handling traffic to and from the Annexation Area will travel along this route. To a much lesser extent, there will be some minimal construction related traffic along Main Street and Daly Avenue associated with the limited construction activity located in the lower portions of Empire Canyon.

Roadways potentially impacted by construction traffic will include the following:

- SR 224 from Kimball Junction to Deer Valley Drive
- SR 248 from Quinn's Junction at Highway 40 to SR 224 (Park Avenue)
- Bonanza Drive
- Park Avenue to Deer Valley Drive
- Deer Valley Drive to Marsac Avenue
- Marsac Avenue from the roundabout to Hillside Avenue
- The Mine Road from Hillside Avenue to the Guardsman Connection
- Daly Avenue and Main Street

Potential construction traffic impacts include:

- Increased traffic associated with construction personnel arriving and leaving the Annexation Area
- Deliveries of construction materials, primarily loaded trucks moving slowly uphill
- Temporary traffic restrictions associated with the required improvement of Marsac Avenue and the Mine Road

A variety of traffic related mitigation methods will be implemented to minimize the above referenced traffic impacts.

Since the majority of the construction activities will take place during the late spring, summer and early fall construction season, and during long periods of daylight, the majority of the construction personnel will be arriving and departing the Annexation Area at traditionally non-peak time periods. This will help to mitigate traffic congestion during the normal morning and afternoon peak travel times. Although there is no formal system proposed construction personnel will be strongly encouraged to car pool to and from the Annexation Area to reduce traffic impacts.

The Resort will develop and implement a detailed program to mitigate traffic impacts related to the delivery of materials and supplies to the Resort and the haul-off of excess and waste materials from the Annexation Area.

This program will include, but not be limited to, the following components:

Delivery Schedules

In general deliveries will be restricted to follow the schedule set out in this section which is designed to minimize conflicts with tourist and holiday traffic. Deliveries that cannot accommodate this schedule will be the subject of a specific delivery plan that will be submitted and approved by the Building Department.

Deliveries to the site are of varying types and uses. General construction material will originate from SLC and will be at predictable times and frequency. These deliveries will be scheduled to not coincide with ~~peak-peak~~ winter tourist traffic patterns and will avoid holidays. In the winter peak ski season (Christmas through Presidents Day) these deliveries will be scheduled to arrive during week days after 9:30 AM and before 3:30 PM and will be direct to the construction site. Saturday deliveries are possible but will be the exception and will be further restricted to after 10:00 AM and before 3:00 PM. Sunday and holiday deliveries will be prohibited. In the balance of the year the delivery schedule will also avoid holidays and Sunday, but will generally be permitted over the normal construction hours. Summer traffic conflicts can occur on non-holiday times when festivals are scheduled outside of weekends and holidays. The Master Owners Association will verify with the City the festival schedule to the project identifying areas of concern. The developer will coordinate with the City to minimize conflicts with these dates and times.

Just-in-time deliveries consist of materials fabricated off site such as structural steel, pre-cast concrete and trusses. These materials are shipped by common carrier and are offloaded from the truck and placed directly on the building during normal working hours. While their arrival in town is random and not schedulable like routine deliveries from SLC, they are few in number and will have limited impact.

Concrete deliveries are the most demanding from a schedule point of view. Small pours can be scheduled to respect the off peak delivery schedule set out for routine deliveries. However large pours will occur year-around and may need to be scheduled for the full day. These deliveries schedules will be submitted to the Building Department for approval as previously noted.

Directions and Travel Routes

Deliveries and traffic routes will be monitored and recorded by the Master

Homeowners Association (MHA) who has the ability to levy fines on contractors and owners who fail to comply with the approved project CMP plans. See MHA mitigation plan for details of requirements and coordination of CMPs throughout the project.

A Delivery Route Map providing suppliers with directions to the Resort from 1-80 and US 40 including detailed information related to travel conditions and construction detours along the route(s) through Summit County and Park City. This map will be updated on a frequent basis to ensure deliveries do not get lost and cause undue impacts on other parts of Park City. The maps will not require that downhill truck traffic use Royal Street. Downhill truck traffic is, however at the discretion of the Chief Building Official or the Chief of Police:

- (i) Over-length trucks that cannot stay in their lane on the turns on Royal Street may be allowed to go down the mine Road/Marsac Avenue; and
- (ii) Trucks may be routed down the Mine Road/Marsac Avenue when weather or other conditions make travel down Royal Street unsafe or impractical.
 - Deliveries will be required to be scheduled in advance to ensure that: i) they arrive during non-peak Park City travel periods; ii) equipment is available to quickly off-load the shipment; and, iii) a storage area is available. With the approval of Park City, deliveries may be scheduled outside of normal working hours to minimize traffic impacts.
 - Deliveries will be timed to coincide with the installation of the materials to ensure that the Resort's storage areas do not become overcrowded.
 - Deliveries will be prohibited during area special events including, but not limited to, the Fourth of July celebration, the Arts Festival and the Miner's Day celebration.
 - Appropriate directional signal will be installed to clearly direct deliveries to their appropriate destination.

With regard to the improvements associated with the reconstruction of Marsac Avenue and the Mine Road, the Resort will work with Park City to develop an approved construction phasing and implementation plan. This plan will include various elements including, but not limited to, a phasing plan and schedule, a detour plan, a construction signage plan, and a public information program all similar to the one implemented on the construction of the sewer in lower Marsac Avenue.

Hours of Operation

Although for the most part construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to these

residential areas that may transmit sound over a great distance, hours of construction is a concern.

In accordance with the Park City Construction Mitigation Guidelines, construction operations will be limited to the hours of 7:00 AM to 9:00 PM Monday through Saturday and 9:00 AM — 6:00 PM on Sunday. These restrictions will be strictly enforced whenever noise and disruption from construction operations may create a public concern. In more remote areas of the Annexation Area that will not affect neighboring residential areas, extended hours of operation may be requested, subject to the approval of the Park City Community Development Department.

Construction Personnel Vehicle Parking

Due to the considerable size of the Resort, the high number of anticipated construction personnel, the need to keep Marsac Ave open to the public, the restrictive nature of the terrain and the vegetation which must be protected, construction personnel vehicle parking is a concern.

The Resort will designate, construct, maintain and manage specific construction personnel vehicle-parking areas located throughout the Annexation Area. Parking is prohibited on Marsac Ave. The Ontario Mine site is the primary area for this work. Land uses for the Ontario Bench may be subject to a Conditional Use Permit. This site is of an appropriate size and is well situated to accommodate the large numbers of construction personnel that will be working in the lower portions of the Resort in and around Development Pod A. The site is already improved with storm drainage related facilities and asphalt paving. The removal of the mill buildings has increased the area available for staging at this location.

There will be a number of smaller “site specific” construction vehicle parking areas established throughout the Annexation Area. These sites will be located only in areas slated for future construction to ensure that no new vegetation is disturbed. These sites will again be graded and treated to control storm water run-off, mud and dust.

Construction. Staging and Material Storage Areas

Similar to the above referenced construction personnel vehicle parking, due to the size of the Resort, the need to keep Guardsman Pass Road open to the public, the potential for changing weather conditions, the restrictive nature of the terrain and the vegetation which must be protected, construction staging and material storage is a significant concern.

The Resort will again designate, construct, maintain and manage specific construction staging and storage areas located throughout the Annexation Area. The same two sites referenced above will play significant roles to mitigating these impacts.

The existing Ontario No. 3 Mine Building Complex will act as the primary staging and material storage site for the Resort. The existing buildings located on this site will provide opportunities to house construction field offices. The exterior portions of the site are of an appropriate size and are well situated to accommodate the long-term storage of large quantities of construction materials required by the Resort.

Excavated materials generated from the project will be processed and reused or disposed of within the annexation area, or at Bonanza Flats, unless otherwise approved by the City Council. Materials will be processed by sorting the material into structural fill and top soil. The bulk of this processing will occur pursuant to a City approved Construction Mitigation Plan which reduces the overall number of haul trips necessary to transport the excavation waste material to its final approved location and minimizes impacts on existing neighborhoods and future residents within the project area. Final locations for waste material storage shall be designated in area which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Processed materials which are suitable for reuse as engineered fill, aggregate, or landscaping materials will be returned to the site as needed. This reuse will reduce offsite truck trips.

Structural fill and top soil that are surplus to the project will be subject to grading permit approval by the City. AU fill and fill sites will be subject to appropriate geotechnical engineering and testing and be the subject of a grading permit as required by the IBC. Placement of this material will be covered under separate permit and is the responsibility of United Park City Mines Co (UPK).

The Daly West waste rock pile will act as the primary storage area of on-site generated materials such as trees and vegetation. This site will also be designated as a secondary construction staging area and material storage site since it is well situated to service the mid-portions of the Resort in and around Development Pods B-1 and B-2. However, all work in and around the Daly West must be coordinated with the Mine Soil and Physical Hazards Mitigation Plan. Until the mitigation of Mine Soils is complete on this site, the area available for construction staging will be limited.

In an effort to re-use all suitable materials generated during the construction of the Resort, it is anticipated that several recycling operations will take place at the Daly West staging area. The first will be a wood chipping operation to process organic materials such as trees, slash, ground vegetation and scrap lumber into mulch. This material will be available for use in a variety of ways including mud & dust control, ground stabilization and re-vegetation & landscaping ground cover.

There will be a number of smaller “site specific” construction storage areas established throughout the Annexation Area. These sites will be located in areas slated for future construction to ensure that no new vegetation is disturbed.

In addition to having appropriate areas to stage construction activities and store

construction materials, it is very important to manage, these areas effectively. This management will begin at the entry to the Annexation Area.

As was stated earlier, a Resort entry “check-point” will be established in the area across from the existing stable facility at the Guardsman Connection. Resort personnel will monitor, direct and control all deliveries made to, and transported within, the Annexation Area. Materials requiring long-term storage will be directed to the Ontario #3 Mine Building Complex, while materials needed in the near-term will be directed to either the Daly West area or directly to the site of the construction.

Appropriate good housekeeping practices are also vitally important in the efficient and orderly storage of construction related materials. The Resort will exercise good housekeeping practices in compliance with all applicable Federal, State and local laws, regulations and ordinances to prevent exposure of stored materials to storm water.

The Resort will take special care in the handling and storage of potentially hazardous materials. Examples of hazardous materials include:

- Pesticides, insecticides and herbicides
- Petroleum products including oils, fuels, diesel oil, lubricating oils and grease
- Nutrients including soil additives and fertilizers
- Construction chemicals including paints, acids for cleaning masonry surfaces, cleaning solvents, asphalt products, concrete curing compounds

The storage and use of these materials will conform to the manufacturer’s recommendations and good housekeeping practices including:

- Providing locked, weather resistant storage areas
- Lining storage areas with plastic sheeting to contain any leaks
- Storing containers in a cool, dry location
- Keeping container lids tightly closed
- Monitoring all containers and storage facilities on a regular basis
- Maintaining an inventory of all products stored on-site

Any excess materials will be disposed of in compliance with all Federal, State and local laws, regulations and ordinances.

The Resort will construct security fences with gates around its stockpile and staging areas as required and will employ security personnel and services as necessary to protect these areas during off-hours.

[Park City may require performance bonds to ensure compliance with specific Construction Mitigation Plans, which would be forfeited at the time of any](#)

| violation.

Temporary Utilities

The Resort has installed the basic utility infrastructure for sewer, power, natural gas, electricity and phone in Marsac Avenue. Construction utilities will extend from these services.

Health & Safety Plan

In accordance with Federal OSHA standards as well as requirements of State and City ordinances, the Resort will develop and implement an approved Health and Safety Plan that will govern all construction activities associated with the Resort.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, large quantities of waste, trash and construction by-products will be generated by the Resort. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment.

The Resort will develop and implement a trash management and recycling program to maintain clean construction sites, maximize material recycling, minimize disposal truck traffic impacts and minimize impacts to the local landfills. This program will control the storage and disposal of waste & trash and re-utilize recyclable materials, both organic and manufactured.

Trash collection stations will be established at all primary and secondary staging areas. The Resort will provide a sufficient number of dumpsters, designed specifically for the purpose of the storage of solid waste, and schedule timely haulage services to legal landfill disposal areas to ensure that the dumpsters do not become overfull. Haulage of partial loads will be prohibited in order to minimize truck trips. As was stated in the traffic impacts section, specific haul routes will be coordinated to minimize traffic impacts.

Recycling containers will be located near the dumpsters to facilitate separation of reusable and recyclable materials from the trash. Non-organic recyclable materials will be re-utilized on site as much as possible. The Resort will arrange for the removal of all recyclable materials that cannot be reused on-site. As was stated earlier, organic materials, such as scrap lumber, trees, slash and ground vegetation, are planned to be chipped on-site into mulch for use on-site.

Sanitary Waste Disposal

As is the case with any construction project with large numbers of construction personnel, sanitary waste disposal facilities are critical.

The Resort will provide adequate portable toilets for use by the construction personnel. These temporary toilets will be provided and maintained by a licensed provider who will dispose, of all waste in compliance with all applicable State and local laws, regulations and ordinances.

Sanitary facilities will be located a sufficient distance from any storm drainage systems to prevent contamination in the event of a spill. Any spill will be cleaned up immediately.

Grading and Excavation Impacts

Impacts from grading and excavation generally fall into to three categories. The first is the generation of fugitive dust and/or mud. The second relates to traffic impacts of hauling excess materials off-site. Finally, the third relates to erosion of exposed surfaces and storm water management.

Fugitive Dust and/or Mud

Disturbance of the natural vegetation layer and earthwork/excavation activities results in the exposure of the natural soil to the elements. During dry periods, wind, trucks and equipment traveling across these disturbed areas create fugitive dust. This fugitive dust has the potential to negatively affect air quality. During wet periods, the dust turns into mud and, if left unchecked, can impact existing watercourses and can be tracked off-site onto public roadways.

To the extent possible, disturbed areas will be kept to a minimum. Earthwork activities will be scheduled so that the area to be disturbed and left unprotected from erosion will be as small as possible and exposed for the shortest time feasible.

Areas targeted for grading and excavation operations will be delineated by the use of silt fencing on the downhill side of slopes and limits of disturbance fencing in other locations. This fencing will generally be located within five feet of the limits of cuts and fill operations. These delineated limits of disturbance will be strictly enforced to minimize the areas of disturbance.

Temporary stabilization procedures including the establishment of temporary and/or permanent vegetation, mulching, geotextile fabrics, etc. will take place as required to prevent soil erosion. These measures will be installed as soon as practical after construction activities have been temporarily or permanently ceased.

Cut and fill slopes, utility corridors and other areas of disturbance will be covered with topsoil and revegetated as soon as practical to prevent erosion. Mulch and gravel generated from the previously referenced on-site recycling program will be used to control dust and stabilized wet areas.

Fugitive dust will be controlled with appropriate application of water as a palliative. One or more water trucks will be employed throughout the workday to water down haul roads and disturbed areas.

Most of the work associated with the Resort will occur on-site and out of existing public rights-of-way. However truck traffic traveling to and from the Resort has the potential of tracking dust onto public roadways.

Each project will establish a truck wash program. For most sites vehicle wash down areas will be at the entrance to all job sites off of Marsac Avenue. Single family projects will establish portable wash facilities as part of their individual plans. This wash down area will consist of temporary asphalt paving or clean, well-graded gravel with a water hose station and a catch basin to receive the wash water. All construction vehicles leaving the job sites will be inspected by Resort personnel, hosed down as required and have their loads covered or wetted if applicable.

Street Cleaning:

The truck wash at the entrance to the job site will eliminate most sediment transport from the job site to the City's storm water conveyance; however, the potential exists for incidental or accidental transport to Marsac Avenue. Consequently, the drop inlets downhill of the project will be equipped with silt traps of filter fabric or hay bales. These silt traps will be inspected on a weekly basis and prior to any forecast for precipitation and cleaned as needed. Streets will be swept as need depending on the effectiveness of the truck wash program. Streets will also be inspected and cleaned as needed prior to any forecasted precipitation.

Traffic Impacts:

The majority of all materials generated from on-site grading, excavation and other earthwork operations will be retained within the Annexation Area. This material will be used for such things as topsoil cover material, landscape berms and/or structural fills. This policy will reduce traffic impacts on City roads.

Storm Water Management:

The project construction is covered under a SWPPP issued by the State that is held in the name of the master developer, United Park City Mines Co. (UPK). This plan corresponds with the requirements of that permit. UPK will be responsible along with the MHA for enforcing that permit within the project.

The primary goals of the SWPPP are: i) to limit the areas of disturbance of existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practical through the selection, installation and maintenance of control measures in accordance with

good engineering practices; and iii) to prevent construction litter, debris and chemicals from becoming a pollutant source for storm water discharges.

In general, the Resort will institute the following good housekeeping practices:

- Protecting existing vegetation to remain from disturbance
- Minimizing slope lengths and steepness
- Preventing pollutant contact with precipitation and runoff
- Keeping pollutants off exposed surfaces
- Keeping materials out of storm drainage systems
- Reducing storm runoff velocities
- Minimizing generation of waste materials and dispose of all waste materials properly
- Storing all materials properly, including adequate covering
- Preventing leaks and spills, cleaning up any spills immediately
- Preventing concrete and cement mortars from entering storm drainages
- Applying fertilizers, pesticides and herbicides in accordance with the manufacturer's instructions
- Minimizing tracking of sediment off-site

All proposed staging and materials storage areas will incorporate storm run-off controls. Storm water collection, transmission and disposal facilities will be constructed to route storm water runoff around these areas. The storm water flows from these facilities will be discharged, where possible, through areas of natural vegetation so that filtering can occur. In areas where natural vegetation is not available, siltation basins will be constructed. Upon completion of the Resort, or when a staging area is no longer being used, these storm water run-off control facilities will be removed, re-graded and re-vegetated.

The Resort will install a variety of storm water run-off prevention measures whenever natural vegetation is disturbed including, but not limited to, straw bales, silt fences, silt basins, rock check dams, etc. to prevent silt and other construction related materials from entering the storm drain systems and/or water courses.

UPK and MHA personnel will routinely inspect the above-described erosion and sediment control facilities on a regular basis. These facilities will be maintained, repaired and supplemented as required to ensure effective operating conditions. Sediment will be cleared from the control facilities when the depth of the accumulated sediment reaches a maximum of 1/3 of the height of the structure.

Upon completion of construction, all temporary facilities will be removed from the site and re-vegetated after the disturbed areas have stabilized.

Noise Prevention

As stated earlier, although, for the most part, construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to residential areas, noise impacts could be a concern. Obviously, work associated with the reconstruction of Marsac Avenue and the Mine Road could generate noise that may impact residential areas along this alignment.

All construction operations will be conducted in compliance with Park City's hours of operations and noise restriction guidelines and ordinances.'

In the event that any essential operation generates noise that consistently exceeds the 65-decibel limit set by Park City, Project representatives will meet with City Engineering Department and Building Department officials to determine the best method for mitigating the impact.

Engineering and Building Department officials will be notified of any proposed strong percussive noises, such as blasting activities, three days prior to the event taking place. Blasting contractors will be required to obtain necessary, permits prior to blasting.

Temporary Lighting

Since for the most part, construction associated with the Resort is isolated and will take place a significant distance from existing neighboring residential areas, impacts from lights associated with after-dark construction related activities or staging and storage areas is not anticipated to be a significant concern.

It is not anticipated that normal construction activities will occur after dark. It is, however, possible that certain special operations, such as utility tie-ins that can only be performed during "off hours," may necessitate work being completed after dark. The Resort will take great care to provide adequate lighting for the safety of the construction personnel while attempting to 'ensure that said lighting does not impact neighboring residents. An approved temporary lighting plan will be developed and submitted to the City for their approval at the City's discretion prior to commencement of any construction operations requiring exterior, temporary lighting.

Resort Identification and Notification Information

In accordance with Park City Construction Mitigation guidelines, Resort identification signs will be constructed and posted at the entries to the Annexation Area. These signs will include, at a minimum, the following Resort information:

- Name, address and telephone number of the developer
- Name, address and telephone number of person responsible for the

- Resort
- Name and telephone number of the party or parties to contact in case of an emergency

In addition to the general Resort identification signs described above, and as stated previously, the Resort will develop construction signage plans as required to adequately inform the public of hazards related to construction activities, detours, etc. These signage plans will address construction activities associated with both roadways and trails.

Public Notification and Communication:

In light of the fact that the Annexation Area consists of approximately 1,650 acres used by a large segment of the population for recreational activities, keeping the public informed of the schedule and progress of the construction will be very important.

Meetings with neighboring property owners in particular and the public in general will be encouraged to keep everyone apprised of the current conditions.

The Resort will continually assess all operations that may adversely impact or inconvenience residents and/or businesses in the area of the Resort or motorists, hikers, bikers and/or equestrians traveling throughout the Annexation Area so that proper notification and communication of impacts can be made in advance. These impacts may include road closures and detours, trail closures and detours, and night operations, etc. This notification process will be maintained throughout the entire construction process. All said notifications will be coordinated with representatives of Park City and communicated to the public via the local newspaper, radio stations and mass mailings.

Although every effort will be made to minimize the disruption of the existing trail system, some trails will be temporarily closed or detoured, re-routed or permanently eliminated due to infrastructure construction. Detours and/or new permanent trails will be completed in a timely manner to minimize the impact of Resort construction activities on the trail users.

Other Issues

Since dogs on active construction sites can be a distraction and a hazard to construction personnel as well as a threat to the well-being of the animal itself, dogs will be forbidden on construction sites at any time in accordance with Park City ordinances.

V. CONSTRUCTION PHASING

Phasing of the Resort will consist of an orderly and systematic construction and development plan, as approved by the Planning Commission in December of 2001. This plan extends access and utility services to the Annexation Area in a timely fashion to facilitate the sale of a wide range of real estate product without undue impacts to Park City, its residents or the environment.

VI. CONSTRUCTION MITIGATION PLAN MANAGEMENT

FMP, the development entity overseeing the construction and development of the Resort, will have the overall responsibility for the implementation and enforcement of the requirements of this Construction Mitigation Plan.

Prior to commencement of any third party development project, and in accordance with the requirements of Park City's Master Planned Development approval process, the third party developer of said project will be required to submit a detailed, site-specific construction mitigation plan (CMP) to Park City Planning and Building Departments for their review and approval. A copy of these plans will also be submitted to the Resort's Master Homeowners Association for their review and approval.

The Resort's Developer and/or Master Homeowners Association will have overall responsibility to Park City Municipal Corporation to ensure the implementation and enforcement of the requirements of these individual construction mitigation plans as part of the approved Resort Covenants, Conditions and Restrictions (CC&R's) and Design Guidelines.

VII. ADDENDUM – AUGUST 2018

With development of the Mountain Village approximately 75% complete, this addendum addresses mitigation measures specific to the remaining, primarily residential, development. In 2004, the Planning Commission approved amendments to this Technical Report #15 Construction Mitigation Plan requiring site specific construction mitigation plans (CMPs) to be submitted with Conditional Use Permit (CUP) applications. All site specific CMPs shall be consistent with this Technical Report and require approval by the Planning Commission for CUPs and by the Chief Building Official and Planning Director, or their designees, for administrative CUPs and building permits.

Construction Access

Construction access for individual projects shall be addressed by the site specific CMP at the time of CUP and building permit review. With major road improvements complete, Marsac Avenue (the Mine Road) is the preferred route for downhill construction traffic, including construction workers, trucks delivering construction materials and trucks removing construction waste. The Empire Pass Master Owners Association (“EPMOA”) shall work directly with contractors to mitigate on-site traffic impacts related to the delivery of materials and supplies to construction sites.

Contractor Parking

EPMOA tightly regulates parking of construction personnel vehicles within the Annexation Area. Parking is prohibited on Marsac Avenue. Parking on construction sites within the Resort is limited and strictly monitored by the EPMOA. During non-winter months, EPMOA permits limited on-street parking on private roads. During winter months, contractors are generally required to park within construction sites to keep roads clear for snow removal and emergency vehicle access. Contractors with insufficient parking on site are required to shuttle workers from remote parking sites such as Richardson Flats, Deer Valley’s Royal Street Connector lot, and the Mine Bench, subject to site specific CMP and property owner/Park City Municipal approval.

Construction Staging

Individual contractors coordinate with EPMOA regarding specific construction staging and storage areas. Contractors are generally required to stage materials on site. Based on land owner approval, off-site staging of materials on vacant development sites or at the Ontario Mine Bench or Royal Street Connector lot are acceptable alternatives, subject to permits, site specific CMP and property owner approvals.

Excavated Materials

Excavated materials generated from individual projects will be tested, processed and reused or disposed of within the Annexation Area, unless otherwise approved by the City Council to be disposed of outside of the Annexation Area. Materials will be processed by sorting the material into structural fill, top soil, rock and waste material. Final locations for placement of excavated material shall be specified in the site specific CMPs and shall be designated in areas which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Excavated materials that don’t test clean (such as mine waste soils) are subject to State and Federal Regulations. Property owners shall coordinate with the appropriate State and Federal agencies. Completion of all requirements by State and Federal Agencies is required prior to building permit issuance for construction.

Structural fill and top soil surplus to individual construction projects will be hauled to approved tipping sites (see below) for placement subject to grading permit approval by the City. Grading permit applications shall require grading plans, storm water plans, City approval to relocate public trails, and site specific CMPs consistent with Technical Report #15. All fill and fill sites are subject to appropriate geotechnical engineering and testing as part of a required grading permit.

Construction waste, rock, and other materials not suitable for placement at tipping sites shall be hauled off site for disposal at local landfills or other sites, as further specified in the approved site specific CMP.

Subject to grading permit approval, designated tipping sites include:

- Proposed Twisted Branch Subdivision Lot 2 (“Hot Creek”)
- Proposed Twisted Branch Subdivision Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs
- B2 East Subdivision

See attachment A for map of Mining Claim sites.

See attachment B for general location map of these sites.

Additional tipping sites within the Annexation Area may be considered and approved by the Planning Commission. Twisted Branch Road Parcel C may be used for seasonal storage of excavated material when weather conditions preclude placement at other tipping sites, subject to grading permits, erosion control, and other safeguards and requirements consistent with this Technical Report.

Grading permit approval is required prior to placement of clean excavated materials at the identified tipping sites. Grading permit applications shall include the following items:

- existing conditions survey and topography,
- grading plans,
- storm water and drainage plans,
- erosion control plans consistent with SWPP requirements,
- significant vegetation and re-vegetation plans,
- certified forester or arborist report if applicable,
- City approval for any relocated public trails,
- access routes,

- time period of opening and date for closing of site,
- detailed construction mitigation plans consistent with Technical Report #15
and
- compliance with all standard City regulations for grading permits.

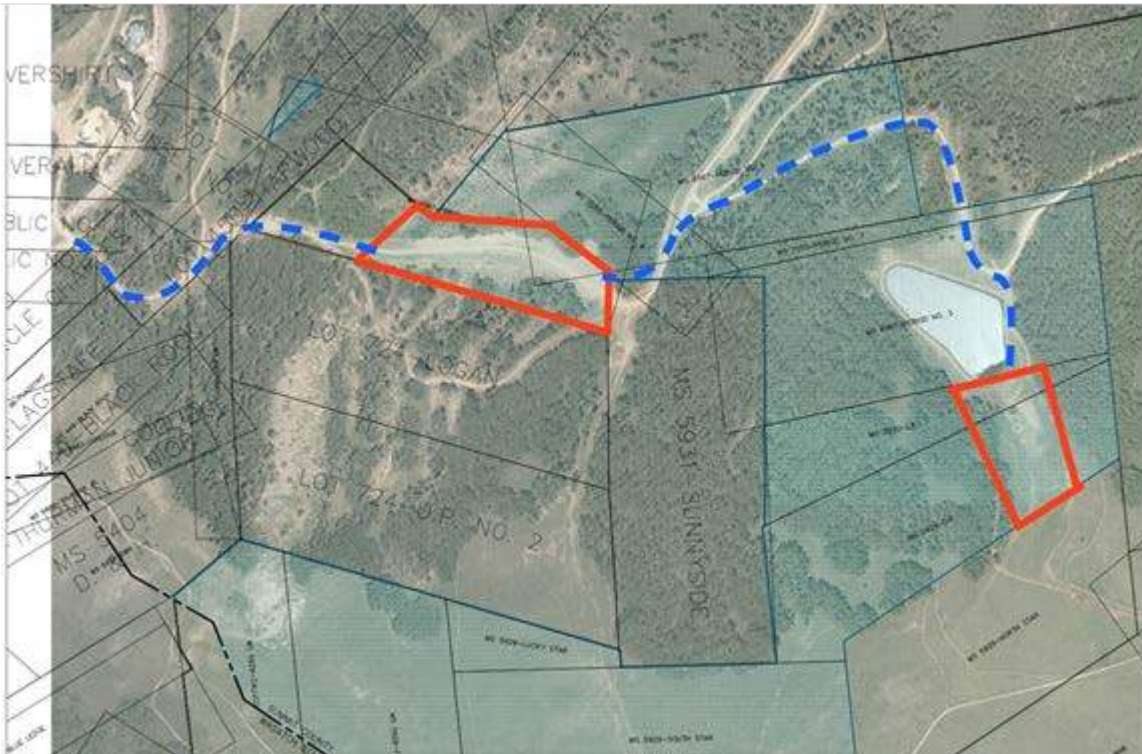
For sites with significant vegetation, a certified forester or arborist report will be required to identify and describe the health of significant vegetation on the site, to identify the best location for placement of clean excavated materials, to identify mitigation measures for removal of any significant trees and to provide best forest management practices to address dead and dying trees at the site.

The proposed sites are primarily located in the ROS zone and are generally in, or close to existing ski run areas. Access routes shall be shown on the plans and any access route that is not part of or required for ski area operations shall be reclaimed consistent with the approved grading permit.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, waste, trash and construction by-products will be generated by individual construction projects. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment. Site specific CMPs for individual projects will address waste and trash management and recycling of materials, consistent with this Technical Report. EPMOA will monitor contractor compliance with trash management on individual sites and surrounding properties.

Attachment A- Mine Claim Tipping Sites



Blue dashed line is haul route off Red Cloud Trail. Red areas are tipping sites.

Site A- Period No. 1 and Period No. 5 Mining Claims

Site B- OK and LE (This site is upstream of the Deer Valley snowmaking reservoir).

Attachment B – General Location Map of Tipping Sites

