

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY HALL, COUNCIL CHAMBERS
 FEBRUARY 23, 2011**



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – Discussion items only. No action will be taken

Ordinance for Transfer of Development Rights – Informational Update PL-10-01104 5

ROLL CALL

ADOPTION OF MINUTES OF FEBRUARY 9, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATION(S) – Public hearing and continue as outlined below

573 Main Street – Plat Amendment PL-10-01105

Public hearing and continuation to a date uncertain

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

2300 Deer Valley Drive, St. Regis – Conditional Use Permit PL-11-01189 45

Public hearing and possible action

29-83 Silver Strike Trail, Christopher Homes at Empire Pass – Amendment to PL-10-01140 67

Record of Survey

Public hearing and possible recommendation to City Council

29, 32, and 39 Silver Strike Trail – Supplemental Plat for Units 1, 2, and 12 of PL-10-01023 83

the Belles at Empire Pass Record of Survey

Public hearing and possible recommendation to City Council

Park City Heights – Master Planned Development PL-10-01028 99

Public hearing and discussion

ADJOURN

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

WORK SESSION

**Planning Commission
MEMO**



Subject: Transfer of Development Rights (TDR) Ordinance
Author: Katie Cattan, Senior Planner
Project Number: PL-10-01104
Date: February 23, 2011
Type of Item: Legislative

The Planning Commission recommended three (3) sending districts from Old Town (the Alice Claim site, the Ridge Avenue site, and the Treasure Hill site). The Planning Commission decided that the Unit Equivalents (UE) for these areas should be based on the number of lots requested in previous subdivision applications and recommended a multiplier of two (2) as an economic incentive. The following table illustrates the possible numbers, in square feet, that could be transferred from the sending areas based upon the Planning Commission’s recommendation on February 9, 2011:

	Unit Equivalents UEs	Proposed Multiplier	Total Development Credits	Square Feet
Alice Claim	9*	2	18	36,000
Upper Ridge	8*	2	16	32,000
Lower Ridge	3*	2	6	12,000
Treasure Hill (MPD)	22 (10% of project)	2	44	88,000
TOTALS	42	NA	84	168,000

*Note: The UE totals are based on the amount of units previously requested by the owner within subdivision applications

Concerned with the uncertainty and/or ambiguity of this method, Staff did additional analysis that resulted in a purely quantitative equation to determine development credits for the Transfer of Density Rights.

Previously staff had calculated the Unit Equivalents based on one (1) development credit per existing minimum lot area within the underlying zone. There was no multiplier included because this calculation created far greater density than could be achieved. Staff utilized this method because it was predictable, quantifiable, and could be applied in the future if additional sending areas were added to the overlay zone.

The following illustrates the Planning Commission’s recommended method compared to Staff’s originally proposed method for quantifying development

credits not part of an MPD (note the following does not include the MPD UEs for Treasure Hill – those UEs are calculated differently):

	Acres	Planning Commission Recommended Method			Staff's Initial Recommended Method		
		Previous Lots Requested	Multiplier	Develop. Credits	1 UE per existing minimum lot area within	Multiplier	Develop. Credits
Alice Claim	8.65	9	2	18	43.64	1	43.64
Upper Ridge	1.52	8	2	16	17.65	1	17.65
Lower Ridge	.65	3	2	6	7.56	1	7.56
TOTAL		20		40			68.85

Staff would like to recommend that the City Council consider adopting the Staff's new methodology of utilizing underlying lot size to calculate possible density and include:

- a multiplier of 1 for areas with platted lots
- a multiplier of ½ for areas in metes and bounds parcels
- a multiplier of ¼ for areas in the Sensitive Lands Overlay.

This creates a consistent methodology that can be applied to future properties within a sending zone. The following table compares the Planning Commission's recommendation with the new method created by Staff:

	Acres*	Planning Commission Method			Staff's NEW Recommended Method		
		Previous Lots Requested	Multiplier	Development Credits	1 UE per existing minimum lot area within underlying zone	Multiplier	Development Credits
Alice Claim (E/SLO) Metes and Bounds parcel	6.87	9	2	18	2.29	.25	.57
Alice Claim (HR-1) Metes and Bounds parcel	1.78	See above	See above	See above	41.51	.5	20.75
Upper Ridge (HRL)	1.52	8	2	16	17.65	1	17.65
Lower Ridge (HRL)	.65	3	2	6	7.56	1	7.56
TOTAL				40			46.53

*Acreage must be verified by certified survey and zoning map

The resulting Development Credits within Staff's new method are roughly equivalent to what the Planning Commission recommended yet more easily quantified. It is important to have clear methods creating clear expectations when writing a TDR ordinance. This was one point that was called out in A Performance Audit of County and Municipal TDR Use in Utah, a December 2010 report to the Utah Legislature (Number 2010-15) concerning TDRs statewide. In the report, Summit County's methodology for TDRs was criticized for not being predictable and received a poor review. The Planning Commission's method was based on received applications. It is not predictable for future sending areas in which a subdivision application has not been received. Also, the Planning Commission's methodology, if put into the ordinance, would most likely result in future subdivision requests for higher density. By utilizing minimum lot area, there is a consistency with all applications.

WORK SESSION NOTES – FEBRUARY 9, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
FEBRUARY 9, 2011**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Kayla Sintz, Katie Cattan, Polly Samuels McLean, Matt Cassel, Phyllis Robinson

Commissioner Strachan arrived late.

Work Session Items

Traffic and Transportation Master Plan - Informational Update

City Engineer, Mike Cassel, reported that on February 15th another stakeholders meeting would be held for the Transportation and Traffic Master Plan. A public meeting would be held on either February 28th or March 1st to discuss the elements presented this evening. Mr. Cassel stated that the goal this evening was to update the Planning Commission on the information that would be taken to the public and the stakeholders. He was not looking for input this evening, but he would come back to the Planning Commission for a more in-depth discussion following the stakeholders and public meetings.

City Engineer Cassel stated that the elements contained in the Staff report were the proposed road cross sections, neighborhood connections, and gateway corridors. He clarified that the Staff was not recommending any of the alternatives. The objective was to present them for discussion. Mr. Cassel assumed that some of the alternatives would not be seen as favorable. However, they were trying to collect as much data as possible and to keep emotions from driving the alternatives. They were applying the alternatives to the model to see which alternatives are viable and which ones need to be eliminated.

Mr. Cassel reviewed the proposed road cross sections being proposed for all streets within Park City, including UDOT arterial roads. He noted that the criteria used for the streets was listed in the Staff report. The biggest criteria was not using a physical separation until it is required by increased speeds, and at the minimum, meet fire code requirements. Mr. Cassel stated that in the 1980's they started putting in wider roads, which resulted in traffic speed issues. The City then tried to control speed by narrowing the roads with bulb-outs and medians. He stated when the roads developed and rebuilt, the goal is to have narrower roads. When speeds are reduced the reaction time increases and the roads become safer.

Mr. Cassel believed that neighborhood connections and gateway corridors would be larger issues with the public.

Commissioner Savage noted that during the visioning meeting, there was a brief discussion regarding development of the computational model that allowed the simulation of traffic flows in Park City. He wanted to know the relationship between that project and the work being done by the transportation committee.

Director Eddington replied that it was all part of the same plan. Commissioner Savage clarified that the elements presented this evening were parameters that could be put into the model to understand the impacts on traffic flow. Mr. Cassel replied that this was correct.

Mr. Cassel reviewed the five neighborhood connections, which included the Solamere connection between Solamere and Chatham Crossing and Three Kings to the Park City Mountain Resort bypass Road. He noted that Bonanza Park is not a connector, but the study looks at how that area can be utilized to intercept traffic before it starts up the hill. Other connections included the Kearns to Meadow Drive connector and the School Frontage Road connector. Those connections will be presented to the stakeholders and the public for their reaction.

Mr. Cassel reported that the study looks at two existing gateway connections, SR224 and SR248, and what can be done on those roads. Possible new gateway connections are Meadow Drive to I-80, Guardsman Pass road, and the tunnel from Deer Valley to US40. Mr. Cassel noted that the tunnel has the potential to decrease traffic on SR248 by 20%, however, the cost is extensive and hinders the idea.

Mr. Cassel stated that UDOT is currently holding public meetings for their long range plan. One of those long range plans is from 2021-2031 is to expand SR224 and SR228 by two additional lanes. If UDOT expands SR224 and SR248, the majority of traffic will go through or around the Bonanza Park Avenue. From a traffic standpoint, Mr. Cassel believes there is the potential to stop or halt traffic in that area and keep it from heading up the hill into Old Town and other areas.

Chair Wintzer commented on the School bypass and Frontage Road. He recommended that Mr. Cassel look at ways for children and parents to get from Park Meadows to the school without going on to Kearns Blvd. If that could be accomplished, it would make a big difference in traffic and safety. He recalled that in the past they had talked about connecting the North 40 road to Prospector. If that was done, they could then put the frontage road on the back side of the school rather than the front side.

Commissioner Luskin recalled a previous discussion for a tunnel from Park City to Big Cottonwood Canyon. He asked if that was still being considered. Mr. Cassel stated that the tunnel was briefly discussed but it was not seen as a viable alternative. He explained that one of the goals with the gateway connectors was trying to find or establish a possible third route in and out of town. Connecting to Big Cottonwood Canyon would create more of a problem than it would solve. Commissioner Luskin assumed that the proposed Guardsman Pass connector would go toward Midway as well as Big Cottonwood. Mr. Cassel replied that this was correct.

Mr. Cassel stated that Guardsman Pass is a bigger discussion because of development rights. He noted that Wasatch County has been paving Pine Canyon Road and the power company has been requested to put in a substation up there. Development is more likely to occur and Park City needs to decide what it wants to do from this side of the mountain.

Commissioner Pettit asked Mr. Cassel if there has been further discussion about extending Daly Avenue up in that direction. Mr. Cassel replied that the Daly Avenue extension has not been considered as part of this plan. Daly Avenue is not considered a standard primary road. It is only being looked at as a secondary emergency access.

Commissioner Savage asked Mr. Cassel to provide an overview at a future meeting to demonstrate

how the model operates. Mr. Cassel stated that he intended to meet with the Planning Commission two or three times. At the next meeting he would review the alternatives and discuss the advantages and disadvantages. At the following meeting the Planning Commission would be asked to forward a recommendation to adopt the plan. He will bring the model to one of those meetings, along with all the elements of the master plan.

Commissioner Savage stated that the ability to provide input on recommendations is enhanced by the ability to look at the model prior to the time of approval. Mr. Cassel pointed out that the model is truly a black box. Commissioner Savage remarked that this was the reason why he wanted to see it and understand how it works before making a recommendation. Commissioner Savage pointed out that a discussion at the visioning session talked about the fact that this would be a tool that could be utilized in conjunction with the General Plan in looking at long term vision and traffic flow. He wanted to validate that indication. Commissioner Savage questioned why the City would spend money developing the model if it is not useful. Mr. Cassel explained that the model is used by traffic engineers, but it cannot be taken apart and dissected. It is validated because traffic counts are taken at certain time periods. The model is run during specific time periods to make sure the loads represent the loads they see during those time periods. The model is another tool to help with the process, but there is not exactness to the model.

Director Eddington remarked that one advantage is that a number of scenarios have already been put into the model with regard to peak traffic in winters so they have that information. To help Commissioner Savage, he thought they could program the model to run differently for different scenarios and roads. Commissioner Savage still questioned the merit of the model from a planning perspective. Mr. Cassel explained that the true model is the statistical model, which is a number of Excel spreadsheets and formulas. In addition, they have a visom, which allows you to visually see the cars and the traffic at specific times. Director Eddington clarified that the visom can be modeled to look at different scenarios and he believed that information would be helpful to Commissioner Savage.

Park City Heights - Master Planned Development (Application #PL-10-01028)

Spencer White, representing the applicant, noted that at the last meeting the Planning Commission request a physical model. That model had been prepared and was presented this evening. In addition, graphic presentation boards were available showing perspectives and sections within the project. Mr. White noted that the master plan had also been updated.

Mr. White presented the master plan from the last meeting to show as a comparison to the revised master plan. He noted that one area that was changed was the loop road at the bottom of the project. It was elongated to run more with the contours. It was a utility issue where they could get the sewer to gravity feed and flow. It allowed for more homes along the open space edge that would provide a buffer with Highway 40.

Mr. White stated that additional areas that changed from the last concept plan were the homes on the other side of the power corridor. He indicated an area where the roadways was eliminated due to grade changes and he tried to enhance that area as a trail corridor. They left the 60 foot right-of-

way, which allows them to meander the trail through there and provide a great connection. For anyone who lives mid-block, it is an easy walk to the trail corridor and then links them back down to the community center.

Mr. White reported that they met with Rocky Mountain Power and increased the utility corridor through the project. It was a 50 foot corridor that was increased to a 60 foot corridor, which provides more cushion from the adjacent homes. It also provides potential for future growth in the trail corridor.

Commissioner Luskin asked if the power lines would be underground. Mr. White replied that the lines would be underground within the project. An exciting overhead power line within the power corridor would not be buried.

Mr. White stated that the current master plan concept was what they have shown as the preliminary plats. Lots were adjusted and homes, trails and sidewalks were located accurately. This plan is how the project would be developed and what they can do with grades, etc.

Chair Wintzer asked if the engineering had been done on the entire site and they were ready to move forward. Mr. White answered yes. He explained that the last concept plan was engineered and cleaned-up. Using that information, they updated the concept plan to reflect those changes.

Mr. White reviewed the affordable housing plan. The bright pink color indicated the 28 IHC units. The blue color represented the 35 Park City affordable units, which comprises a mix of attached and detached units. The purple color represented the Park City Heights internal affordable housing units. He explained how the affordable units were mixed in with the market rate units.

Mr. White noted that an extensive study was done for snow storage and they met with Park City a number of times. In addition to the snow storage easements on the sides of the road and within the right-of-way, he identified additional snow storage areas where snow could be pile and/or picked up and placed in those areas.

Mr. White briefly reviewed the trail legend. The dark blue color represented the existing trail that goes to the sports complex and the tunnel that goes under SR248. The light blue color identified the future connection. He stated that they are currently working with the City to improve that connection from the tunnel down to the Rail Trail. This would require a bridging of wetland areas and other issues. Mr. White stated that they would provide easements where possible and they are trying to find available funding.

Commissioner Savage questioned why they would not bring the trail over closer to the road to avoid additional bridging over the wetlands. Mr. White replied that most people do not want the trail next to the road. Planner Whetstone pointed out that there is a large ditch next to the road with running water. Mr. White remarked that they were still looking at all the options. The applicant agreed to design the entire trails system to see how it works, and then look at the cost to implement. If it turns out that the best location is next to the road, they would put it there. Mr. White recalled that a concern throughout the process was that the Richardson Flat Road is a busier road and it would be better to take the trails off of that road for safety reasons.

Mr. White reviewed three different trail/sidewalk scenarios within the Park City Heights project. He then reviewed a number of perspectives of the project showing the Park Homes, the Cottage Homes and community gardens, and the Homestead Homes. He noted that the perspectives were created through Google Earth.

The Commissioners left the dias to look at the model.

Mr. White stated that throughout the process they have talked about a commercial component with the project. In going through the engineering process, they added two small parcels. One was on the west side and the other on the east side. One parcel was 10,000 square feet and the other was 16,000 square feet. The intent was to add those two parcels to provide the potential for a future commercial component. Commissioner Savage wanted to know who would own the property and how it would be sold or entitled. Mr. White replied that it would be owned by Park City and the Boyer Company as the co-owners of Park City Heights. If or when those parcels are developed, it would go through the City process and the issues could be addressed at that time.

Mr. White presented a virtual tour through the project that correlated with the physical model.

Commissioner Luskin recalled from previous comments that the idea was to create a visual impression similar to Old Town. However, the first visual entering the project are the larger attached units. He thought it would have been better to have the cottage units in the front on the perimeter as the first visual impression.

Mr. White noted that some of the cottage units front the park. He noted that in several earlier meetings they provided significant details on the attached units. Besides the fact that they are affordable units, one reason for putting the attached units at the entrance was to create density at the entrance and around the amenities. Another reason was to create a street scene with the attached units at the entrance of the project. Commissioner Luskin recalled those previous conversations, but he thought the basic premise was to create a similar impression as Old Town. Seeing the multi-dwelling units gives the same impression as coming in from Kimball Junction, which he personally finds offensive. Commissioner Luskin stated that the plan show was not how he pictured it in his mind from prior discussions.

Mr. White pointed out that besides the reasons he stated, the terrain is flatter at the entrance, which makes it the best location for the attached units. That location is also closest to the trail corridors and the bus stop.

Chair Wintzer recalled going through the process and spending a considerable amount of time talking about the location of the attached unit. He thought they had decided that the entrance was the best location for those units because it was easier for kids and families to access the recreation facility. Commissioner Luskin stated that he was aware of the conversation because he had used the analogy of driving into Yosemite through the tunnel. For that reason, he was looking for the first impression coming into Park City.

Commissioner Peek referred to the principle view points that were designated at the beginning and

thought it would be interesting to see the model from those view points. He believed the initial impression would come from those view points.

Commissioner Pettit remarked that the impression coming in from the SR248 Corridor is consistent with what exists all along SR248 with the affordable housing projects on either side of the road. Commissioner Luskin remarked that his goal was not to replicate the view along SR248.

Mr. White stated that the design guidelines were another topic for discussion. The concept of the attached homes is to them mimic the cottage homes in terms of colors and materials.

Commissioner Peek stated that the model and the views from the designated view points shows the importance of the roof forms and how they would affect the overall project. In looking at the model from down low, it is basically a scene of roof forms. He believed the roof forms mixed together would be the main view of this project from US40 and SR248.

Eric Langvardt, representing the applicant, remarked that the key for both the plan and the design guidelines is the emphasis on the front doors. He noted that front doors face US40 and SR248 so the view from the road does not look at garages or back doors. He pointed out that roof forms are an important element in the design guidelines. In addition, the guidelines stated that no more than three similar massings can be placed together, which requires the roof forms to be broken up.

Commissioner Pettit commented on the use of solar and making sure that the guidelines reflect what is yet to come with solar. She wanted to make sure they were not limiting the ability and flexibility to incorporate those types of products once they become available and affordable. Commissioner Pettit referred to page 83 of the Staff report, page 47 of the design guidelines, and expressed confusion over the concept with respect to ground mounted. She noted that in some cases roof mounted solar is not an option or ground mounted may be a better option. In addition, Commissioner Pettit was concerned about limiting the use of solar on rooftops to flush mounted, given the fact that a lot of tracking systems are being developed to take advantage of solar. Commissioner Pettit understood that the applicant was trying to create guidelines from an aesthetic standpoint, but she did not think it was being consistent with best practices in terms of being proactive and thinking ahead.

Commissioner Hontz thought the trail corridor appeared to be used in the snow storage diagram. It may work but it would limit the months that the trail corridor could be used and the trail would be unusable in the winter. Commissioner Hontz preferred to see clearer language in the exterior section of the guidelines to better clarify what is and is not allowed. She did not believe that pure white and light gray were good main house colors in Park City. Commissioner Hontz concurred with Commissioner Pettit regarding the solar. She would like to see the entire sustainability section beefed up with more explanation and details. Regarding the density, Commissioner Hontz thought the homes could be placed closer together in some areas to create more usable space, or in some cases add more units. She provided examples with the Cottage homes to clarify her comment. Commissioner Hontz concurred with Commissioner Peek regarding the roof forms, and she suggested that the applicants make sure the design guidelines help achieve a mix in roof forms.

Commissioner Luskin complimented the applicants for listening to the concerns and working with

the Commissioners to design this project. If it ends up looking like the renderings, they have all succeeded. Commissioner Luskin stated that he was always hesitant about building a project this large in Quinn's Junction and resistant from the beginning. His heart pounds when he is around Old Town Park City because the rest of the city looks like the rest of America. That was the basis for his original comment about the multi-dwelling units. In his opinion, the multi-dwelling units should be in the center of the project and the cottage units on the periphery so the view is from the cottage home perspective. Aside from that, he appreciated what the applicants have done and their willingness to cooperate.

Commissioner Savage echoed Commission Luskin regarding the idea of putting the cottage homes on the periphery and placing the higher density units on the inside. He believed it would improve the aesthetics. However, he believed the applicants have come a long way and he commended them on the work they have done.

Commissioner Pettit asked if heated driveways were prohibited in the design guidelines. Mr. White was unsure if heated driveways had been addressed. Commissioner Pettit noted that heated driveways could be allowed if they were heated through solar power. In her opinion, it is a big issue that needs to be addressed from a sustainability perspective.

Mr. White did not think heated driveways would be an issue based on the price points they are anticipating, as well as the cost of installing a heated driveway. He offered to look into the matter as a sustainability component.

Planner Whetstone explained that the design guidelines would be a guide for development, but anything required would be a condition of approval of the master plan and the plat. Director Eddington stated that the Planning Staff is working with other City Departments to make sure the guidelines are reviewed by Staff and all the ideas are incorporated.

Commissioner Peek agreed with Commissioners Luskin and Savage regarding the placement of the multi-family units. He would like to see that from the view corridors. The entry experience of the tourists would be from US40 and SR248 and he wanted to know how the massing works.

Director Eddington noted the Staff received comments on the guidelines with regard to repetition. He believed that addressing those comments would answer some of the questions related to style, color, materials, fenestration and articulation. He would work with the applicants to address those concerns.

Chair Wintzer noted that page 5 of the guidelines refers to a basement as defined by the Building Code. He suggested that the language in the guidelines be more specific because the Building Code could change. Chair Wintzer pointed out that a periodic phrase in the guidelines is, "strongly advised". He recommended that they remove that phrase and specify what they want to avoid problems with interpretation. Chair Wintzer commented on the reference to skylights. In some cases skylights can be big and obnoxious at night and he thought that section should be better defined. Chair Wintzer thought Park City Heights was a good place to prohibit wood burning fireplaces. Mr. White pointed out that wood burning fireplaces were addressed in the guidelines. Chair Wintzer referred to language in the guidelines that talks about 6 foot high fences to screen a pool or to contain pets. He thought the idea would be to have open fences that could be seen through rather than a six foot solid fence. The pictures represented open fences but it was not

reflected in the language.

Chair Wintzer was impressed with the presentation and the model. He encouraged the Commissioners to continue asking for this information. He thanked the applicants for their efforts and encouraged the Planning Commission to push for this type of information on other projects.

Mr. White commented on the amount of work involved to bring this presentation to the Planning Commission. The goal is to move forward to an approval. He asked when they could expect to have all the comments back from the City so they can respond and come back for the next meeting. Planner Whetstone assumed the comments would be available the end of next week.

Commissioner Peek commented on various places in the guidelines where the language was inconsistent. He wanted to know who would be on the design review committee. Mr. White replied that it would be determined at a future date. He assumed it would be three to five members chosen by the owners. Commissioner Peek indicated language stating that shared driveways are allowed. He suggested that shared driveways should be discouraged or limited in width. Commissioner Peek asked if the photos could be captioned to indicate what example the picture was showing. Commissioner Peek asked if LEEDS would be the standard during the build out of this project. Mr. White answered yes. He noted that a previous rendition of the annexation agreement had Build Green Utah 100 points or Silver Leeds standard. The Build Green is basically defunct and in order to be clear, they strictly using the LEED Silver rating on all homes. He clarified that LEEDs or an equivalent was specified as part of the annexation agreement. Commissioner Peek noted that the guidelines emphasize the desirability of maintaining an east/west access to the roof lines. He wanted to know what percentage of homes have that orientation. Regarding architectural sustainability and construction waste recycling, Commissioner Peek thought they should specify a time in the course of development that the developer must provide a construction waste recycling facility to centralize the recycling for a period of time. Commissioner Peek requested a high resolution PDF of the plat with topo overlay for the next meeting.

Planner Whetstone suggested that the Planning Commission continue this item to February 23rd for a public hearing and further discussion. If no further information is needed at that time, it could be continued to March 9th for possible action. The motion for a continuation would be made during the regular meeting.

The work session was adjourned.

MINUTES – FEBRUARY 9, 2011

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 9, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES OF NOVEMBER 10, 2010

December 7, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes from the joint session with the Snyderville Basin Planning Commission on December 7, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

January 12, 2011

MOTION: Commissioner Savage moved to APPROVE the minutes of January 12, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting. Commissioner Pettit abstained since she was absent from that meeting.

III. PUBLIC COMMENT

Joe Tesch, representing the applicant for Alice Lode, stated that he had submitted a letter regarding Alice Lode, which was included in the Staff report. He also had several conversations with City Attorney Mark Harrington on this matter to address legal and other issues.

Mr. Tesch noted in his letter that the change in Staff personnel over the years has been problematic for the planning process, particularly in trying to provide historical and accurate information to the

Planning Commission. Mr. Tesch requested that the City consider forming a subcommittee to review the issues in depth and report back to the Planning Commission in a more efficient and timely manner.

Chair Wintzer stated that when he was on the subcommittee for Park City Heights, he felt it tied the hands of the other Commissioners. Once the subcommittee presented their recommendations to the Planning Commission, the Commissioners were put in the position of speaking against something that had been moving forward for a year and a half with the subcommittee. Chair Wintzer did not favor subcommittees and preferred to address the issues in a regular meeting with all the Commissioners present.

Commissioner Pettit concurred with Chair Wintzer. It is a difficult process to manage from the expectation perspective of the applicant. The applicant vests in the process of what they believe is an understanding, but another group of people still need to come to an understanding. Commissioner Pettit stated that she and Chair Wintzer have history with the Alice Lode project and she believed they could be helpful to the applicant and the other Commissioners.

Chair Wintzer suggested that the Staff could set up a work session on Alice Lode to address specific issues. That would help everyone get informed and updated before it comes before the Planning Commission at a regular meeting.

Mr. Tesch understood the concerns and how it may work as a disadvantage to the applicant, however, they were willing to take that risk. He stated that one of the issues that came up between he and Mr. Harrington, was how to represent Ron Ivie and the discussions he was involved in regarding support issues. Mr. Tesch understood that they could obtain a statement from Ron Ivie or ask him to attend a meeting, and that would be a more favorable approach than having someone else try to represent what Mr. Ivie had said. Mr. Tesch did not intend for any member on the subcommittee to take a position, but they may be able to take factual information from an interview. He stated that it has become a due process issue for the applicant, due to the multiple layers of people who were involved and left. Mr. Tesch believed a subcommittee could present information more credibly than the applicant. He stated that a subcommittee would provide the applicant with a vehicle to flush out their case in a comfortable and informal format.

Commissioner Pettit wanted to make sure that the City legal counsel could help guide the process in terms of what information was relevant or irrelevant to the application. She stated that some extraneous evidence is not necessarily relevant for what the Planning Commission needs to do as a body. In addition, a member of the Planning Commission participating on the subcommittee would be able to review and evaluate extraneous information, but other Commissioners would not have that benefit. Commissioner Pettit was concerned about trying to create the subcommittee process and sharing information so they are all on the same page.

Mr. Tesch clarified that he contacted City Attorney Harrington to inform him that he was stating in his letter that Mr. Harrington concurred with the subcommittee process for Alice Lode and believed it would be helpful. Mr. Harrington gave him the authorization to include that statement in his letter. Mr. Tesch stated that Mr. Harrington was trying to give the applicant the due process they were

looking for in light of a number of things, particularly the unavailability of Staff who dealt with Alice Lode earlier in the process.

Commissioner Savage asked if Assistant City Attorney McLean could speak on behalf of the Legal Department in Mark Harrington's absence.

Assistant City Attorney McLean stated that the Planning Commission has the ability to make the decision on whether or not to form a subcommittee, and the Legal Department does not have a strong recommendation either way. Mr. Tesch was correct in saying that City Attorney Harrington had given authorization for Mr. Tesch to include his concurrence in his letter. Ms. McLean remarked that there is no legal reason not to form a subcommittee, however, the concerns expressed by Commissioners Pettit and Wintzer were valid. Ms. McLean clarified that the applicant wants to make sure that the factual history is reflected correctly before the Planning Commission. She believed the same result could be achieved either through a subcommittee or before the entire Planning Commission.

Commissioner Strachan stated that his experience with subcommittees has always been negative. It typically means that the parent body does not want to tackle the issues itself and prefers to have a subcommittee make the decisions. Commissioner Strachan was willing to support a subcommittee if it was favored by the other Commissioners.

Commissioner Peek did not believe the Alice Lode issues were complicated enough to need a subcommittee. His last experience was with the Town Lift Design Review Task Force, which was a larger, complicated issue. The Task Force was formed by the City Council because the project rose to that level of review. If the City Council ever feels that the Alice Lode project rises to the level of requiring a task force or subcommittee, he would support that decision. However, at this point he believed the Planning Commission could adequately address the issues through work sessions.

Commissioner Hontz concurred with the concerns expressed by Commissioner Pettit. She did not believe a subcommittee was necessary in this instance.

Commissioner Luskin stated that his only experience with a subcommittee was the Quinn Junction MPD and he came away feeling like the Planning Commission was stuck with a pre-supposed decision. Commissioner Luskin was not familiar with the Alice Lode project, however, coming on to the Planning Commission during a time of projects with a long history, the Planning Commission was always able to work through them without a subcommittee. Commissioner Luskin did not advocate for a subcommittee and he would not volunteer to participate if one was formed.

Commissioner Savage remarked that they had a body of experience relative to the subject at hand, and a request from the applicant that was supported by the legal department, for a process that they believe would make things happen more efficiently. Commissioner Savage thought the Planning Commission as a group, should highly prioritize opportunities to make the process more efficient and more effective. He supported the applicant's request.

Chair Wintzer summarized that only one Commissioner favored forming a subcommittee.

Mr. Tesch stated that the applicant had a separate concern with the TDR process, understanding that Alice Lode is identified as a sending station for the purpose of maintaining open space. Mr. Tesch suggested that the applicant be allowed to have a discussion off the record with the City to clarify the intent of the TDR and how it relates to processing their application.

Chair Wintzer stated that if the Alice Lode site was designated as a sending zone, it would not affect the application and the Planning Commission would not be obligated to consider the TDR process in reviewing an application. He explained that the TDR is an opportunity available to the applicant if they did not want to go through the process of finding another location for density.

Assistant City Attorney McLean replied that Chair Wintzer was correct. Director Eddington clarified that TDRs are not mandatory.

Mr. Tesch understood the clarification, but he still thought it raised concern.

Commissioner Peek asked if a subcommittee meeting would be publicly noticed. Ms. McLean replied that the meetings would probably be noticed, but it would not be a quorum of the Planning Commission. Chair Wintzer pointed out that formal votes are never taken by the subcommittee. The subcommittee agrees on recommendations that are presented to the Planning Commission.

Commissioner Strachan pointed out that a subcommittee could be formed at any time if the Planning Commission finds it would be beneficial. Commissioner Pettit questioned why a subcommittee could not be formed without Planning Commission representation.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Thomas Eddington reported that the Park City and Snyderville Planning Commissions held a joint meeting a few months ago and another meeting was being scheduled for March 15th or 16th. He would be contacting the Commissioners to see which date was best.

Director Eddington noted that the Planning Commission had requested an update on the City's development review process. The Staff would provide that update at either the next meeting or the first meeting in March.

Commissioner Savage felt the Planning Commission and the City were in a season where it was important to make progress on certain matters. As a member of the Planning Commission, he thought they were well below quota in spending quality time discussing the matters in enough depth to have a common understanding of the real issues and the solutions to those issues. Commissioner Savage supported meeting and collaborating with the Snyderville Basin Planning Commission, however, we was more supportive for making sure they were taking care of their own City and paying attention to matters that needed additional quality time. Commissioner Savage requested that the Planning Department consider his concern as it relates to forum and frequency for a more meaningful discussion.

Director Eddington asked if Commissioner Savage was referring to larger scale planning issues. Commissioner Savage clarified that he was talking about a large list of important issues related to

TDR proposals that have been raised in the last two or three meetings, but have not been properly addressed. They are being asked this evening to make a recommendation to approve an ordinance, and from his perspective it is putting the cart ahead of the horse. He believed that if there had been a better process for vetting all the concerns, the Planning Commission would have had a better opportunity to make the type of progress that people have been pushing for. Commissioner Savage pointed out that his same comments are true for the General Plan and Bonanza Park and Treasure Hill. He felt the Planning Commission was spending too much time on smaller matters that are less important in terms of getting the big picture. He thought they should discipline themselves and spend quality time to get the big picture right.

Chair Wintzer suggested a general work session where the Planning Commission could sit as a body and find out what each Commissioner thinks is important and what issues need more clarification.

Director Eddington noted that for a while the second Planning Commission meeting of the month was devoted to the General Plan. At this point the number of applications have increased and the agendas are back to normal in terms of project review and actions by the Planning Commission. He stated that the Staff would look at ways to schedule work session time to address their concerns.

Planner Kayla Sintz reported that the next evening the City Council was hearing the 1440 Empire CUP appeal. She requested that a representative from the Planning Commission attend that meeting.

CONTINUATION(S) AND PUBLIC HEARING

4. Park City Heights - Master Planned Development
(Application PL-10-01028)

Chair Wintzer opened the public hearing.

John Stafsholt, a resident at 633 Woodside Avenue, believed that adding a dog park would help bring the community together.

Planner Whetstone offered to pass on his suggestion to the applicants.

MOTION: Commissioner Pettit moved to CONTINUE the Park City Heights - Master Planned to February 23, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 1109-1139 Woodside Avenue - Amendment to Record of Survey
(Application PL-10-01083)

Commissioner Peek assumed that the Building Department had reviewed the application and the applicants would need a building permit to enclose the garages. Commissioner Peek noted that each condominium exits through the proposed garage area and he was unsure whether the Code allows a garage exit as the main entrance to a structure.

Planner Whetstone replied that the Building Department had reviewed the application and building permits would be required. She understood that the limited common area that comes down the stairs from the units goes to the outside, and a door could be cut there if a separate entry is required.

Commissioner Pettit noted that a condition of approval requires building permits for all construction and approvals per the building code.

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the condominium record of survey amendments for 1109-1139 Woodside Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1109-1139 Woodside Avenue

1. The property is located at 1109-1139 Woodside Avenue.
2. The property is located in the HR-1 zoning district.
3. The Resort Townhomes condominiums records of survey plat was approved by the City Council on May 18, 1984 and recorded at Summit County on May 18, 1984.
4. The Resort Townhomes condominiums record of survey plat recorded 12 residential condominium units of 587 sf each. The actual private area is 573.64 sf for each unit.
5. The current Land Management Code requires 1 parking space for condominiums that are less than 650 sf and 2 parking spaces for duplex units with private garages.
6. There are two parking spaces for each duplex unit located in the unenclosed garage areas beneath the units. The existing garages have 2 side walls and a rear wall, but are open in the front. The parking spaces are 31.16' deep and 17.79' wide. The current Land Management Code requires two car garages to be 20' by 20'. The existing parking spaces are non-conforming in width. The applicant/owners desire to enclose the garages with garage doors and convert the current limited common garage and storage space to private area.

7. The buildings were constructed in 1984 and are not listed on the Park City Historic Sites Inventory. The buildings are located within the Park City Historic District and are subject to the Design Guidelines for Historic Districts and Sites.
8. On November 9, 2010 the Resort Townhomes Owner's Association unanimously voted to approve the condominium records of survey plat amendments as described herein (83% of the owners were represented).
9. On December 3, 2010, the City received a complete application for a condominium record of survey plat amendment as described herein.
10. All units are currently 573.64 sf in floor area. The existing limited common areas range in area from 606.11 sf to 639.69 sf. The proposed plat amendment will result in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The increase in private area is the result of converting the limited common area of the existing garages and storage spaces on the ground level. There are no additions to the floor area on the second floor and no new building footprint is proposed.
11. The existing building footprint for each duplex building complies with the HR-1 zoning district requirements, with the exception of Buildings E and F (Units 9/10 and 11/12). Buildings E and F are existing legal non-conforming structures in terms of building footprint as they exceed the footprint by 14 sf.
12. There are no floor area limitations in the HR-1 zone or on the plat.
13. The buildings do not exceed the allowable 27" building height and there are no non-conforming setback issues.

Conclusions of Law - 1109-1139 Woodside Avenue

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

Conditions of Approval - 1109-1139 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and these conditions of approval.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval unless an extension to the recordation date is granted.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. Any exterior changes to the buildings or site require a pre-HDDR application and subsequent Historic District Design Review.
4. The recorded Snyderville Basin Water Reclamation District (SBWRD) easements on the property shall be shown on the plat with the recording information noted.
5. A note shall be added to the plat stating that "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the SBWRD standards. Prior notification of the adjustments and inspection by the SBWRD is required."
6. The property is located within the Park City Soils Ordinance and compliance with the requirements of this Ordinance are required for all construction and/or disturbances of the soil or landscaping on the site.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

7. Land Management Code - Consideration of an additional chapter titled Chapter 2.24 Transfer of Development Rights Overlay Zone and related amendments to Chapter 15 - Definitions
(Application #PL-10-01104)

Jack Thomas introduced Ron Lee and Ken Pollard, and noted that the three of them were asked by the City to develop a massing model of Bonanza Park, showing the existing conditions and existing building massing in context with the topography of the site.

Mr. Thomas explained that the model was based on several assumptions. The first was to get the existing heights of the existing buildings. He reviewed the model and drawings of the Bonanza Park District and identified roadways to orient the Planning Commission with the area. Mr. Thomas stated that they started with the topography and tried to build in actual topographic information into the site to better understand the volumetrics. The second step was to introduce the existing roads and existing footprints into the site. Everything shown in gray was the existing parking.

Mr. Thomas presented another level, which was the existing buildings present day. Everything that exists within the Bonanza Park District was represented in brown. Anything shown in white was outside of the District.

Mr. Thomas remarked that the first step was to get a sense of what could be done with the massing under the existing Code. He presented a volumetric that made several assumptions. The first version is that everything is done under an MPD and respects the existing setbacks. It also respects the entry corridors, which has a hundred foot setback on both Kearns Boulevard and Park Avenue. The first version had 30% open space. Mr. Thomas believed this version provided a sense of what the massing could be without planning. He was certain that every developer would manipulate open space and create their own project. Mr. Thomas noted that the 30% open space was in narrow strips around the perimeter of the buildings. He thought it raised the question of the definition of open space and how is it perceived in the community.

Mr. Thomas stated that they were also asked to introduce square footage from two other parts of the community. He noted that the blue represented 485,000 square feet as a one to one TDR from the Sweeney project. The yellow represented 87,000 square feet of TDR as transferred from Old Town. Mr. Thomas clarified that the locations were arbitrarily selected. The orange color represented a buildout of 35 feet, which is the existing maximum height. The blue area added another level of height above that 35 feet, spread across the site. It gave a sense of the footprint that would result from that amount of square footage.

Commissioner Luskin asked about the parking with that much buildout. Mr. Thomas replied that the parking was underground in this scenario. He pointed out that putting the parking underground on the pads and providing 30% open space is doable under the existing Code and the existing zoning.

Mr. Thomas presented another slide that imposed the existing footprints on what could be built out. He intended to have DVDs available to the Planning Commission and the community so they could have the opportunity to digest and understand the impacts and the direction this would be taking.

Mr. Thomas presented a second version with the same basic parameters, but with 60% open space. Comparing that with the 30% open space version, he noted that doubling the open space had minimal impact. He thought this begged for an interpretation of open space. The question is whether open space can be strips of land around buildings or if it should be conglomerated into a single place or a number of single places. Mr. Thomas reiterated that there was no planning in any of the scenarios presented. It was only a matter of following the Code under the existing guidelines and allowances.

Mr. Thomas noted that the Frontage Protection Zones were shown at 100 feet as required by Code, unless an applicant moves forward with a CUP. A CUP can reduce the Frontage Protection Zone to 30 feet.

Mr. Thomas reviewed a number of images taken from various points to demonstrate height, mass, and setbacks. He noted that in looking at computer simulations and visual images, different angles can change the picture. He had taken the pictures himself and tried to provide an accurate representation. Mr. Thomas presented fly-arounds to give a sense of what it would look like from the air. Mr. Thomas remarked that currently the General Plan suggests moving the verticality to the interior of the blocks. He thought the images showed why that would be a favorable idea. He

stated that their intention was to explore further possibilities and introduce some of the amenities they would like to see in the Bonanza Park District, as well as to show three different massing options that increase verticality at the inner blocks and reduce it at the edges. That would not avoid impacting the view corridor. Another option is to open and close the buildings to create a variation in the facade treatment.

Mr. Thomas stated that they would eventually show optional massing in various locations on the site and collect more open space in more definable areas. They would also explore ways to introduce walkways, etc.

Mr. Thomas noted that if you build up to the 100 feet of setback with a 35 foot building, the shadows will extend all the way across Kearns Boulevard at some part of the day. He commented on the impacts related to that scenario. Park City craves sunlight and open space and those have to work in conjunction with each other.

Mr. Thomas remarked that Bonanza Park is a ripe area for redevelopment and it is disturbing to think about what could occur under the existing Code.

Chair Wintzer disclosed that he owns property in the Bonanza Park area.

Chair Wintzer asked Director Eddington what direction they should take with the information they have obtained. After seeing the presentation this evening, he agreed with Mr. Thomas that it can be frightening. He did not want the model to stop at this point and not go any further.

Director Eddington replied that the model illustrates what could be built under the current zoning. That was one reason for wanting to see a model and for looking at TDRs in a number of sub-planning areas as they go into the General Plan. The objective is to know what is out there rather than wait for the regulatory process. Director Eddington requested input from the Planning Commission in terms of what they would like to see.

Chair Wintzer stated that he was surprised to see that there was very little difference between the 30% and 60% open space. Director Eddington remarked that the way the Code is set, some of the open space is not much different from the setback lines. He questioned how usable some of the open space really is as part of the MPD. It is mostly utilizing setbacks, parking lots and walkways to create open spaces. None of those are bad in and of themselves, but they do not create the type of planned open space they would like to see.

Commissioner Savage asked if Director Eddington was asking what the Planning Commission wanted the Planning Department to do as it relates to a plan for Bonanza Park, or whether he was talking about TDRs.

Director Eddington clarified that he was talking about what the Planning Commission wanted to see in terms of planning for Bonanza Park. However, the TDRs are part of that discussion. Commissioner Savage stated that from his perspective, the plan for Bonanza Park is neo-natal at this point in time, and a lot of work needs to be done to formulate a master plan for that area. In his opinion, it represents the best opportunity Park City has to have a meaningful, differentiated, high

quality area as part of the community on a 15 to 30 year basis. He felt it was important to do the work necessary to get it right. Commissioner Savage stated that from a preliminary point of view, everything being done is important and valuable. He thought they should work hard to build on that information to achieve a vision for that community that results in a product that the residents will love and those who participated can be proud. Commissioner Savage believed that had nothing to do with TDRs. There is no reason to think that the current density allowed in that area is insufficient to achieve the vision people are talking about with Bonanza Park.

Director Eddington agreed that they need to plan for this area. However, the issue regarding TDRs, is not specifically tied to Bonanza Park. The Planning Commission will also be looking at Treasure Hill, Alice Claim and Ridge Avenue. The issue will be the most appropriate place to put density.

Planner Katie Cattan requested that the Planning Commission provide their comments on the model.

Commissioner Pettit thought the model demonstrated the need to master plan the area in order to take advantage of different variations to improve the circulation, create more meaningful open space, and create a more desirable walkable/livable community. She believed the presentation this evening clearly pointed out the reason why they need to pay attention to how the area is built out, and the importance of having a vision for the entire area instead of facilitating piecemeal development.

Commissioner Luskin found it hard to comprehend the model. He understood that they need to move density into Bonanza Park and he was impressed that it could fit. However, he could not decipher what that amount of density would look like in reality and how it would work with underground parking and limited traffic flow. Commissioner Luskin believed the model was a starting point, but he would like to flush out different scenarios and how they might work. In his opinion, knowing how much building space can fit in one area is only the first step in a series of processes. In terms of the TDRs, Commissioner Luskin believes the Bonanza Park area has the potential for transferring density.

Commissioner Hontz stated that the model begs for another solution in terms of the Code. She thought form based code was a great solution. In her opinion, a logical way to get to the next step is to apply form based code principles and apply it to a development scenario master plan to see how it works. She believed that tool was necessary regardless of TDRs or whatever else happens in the community.

Chair Wintzer favored the idea of looking into form based code and using it in a model of a specific scenario. He agreed that form base code is a great tool and this would be a good opportunity to see if it works.

Commissioner Peek agreed that it would be nice to see a model using form base code and to phase it according to the current ownership of the land. Developer X could come in with specific plat amendments, and they could phase the form base code into the District in this scenario. As it grows through the area it should all work in its own phasing.

Commissioner Strachan understood that Commissioner Peek was suggesting that they put a form base code overlay on it and have the City try to predict which developers would come in first and which parcels of land they would try to do under an MPD.

Commissioner Savage felt the Planning Commission needed to spend time on what they think this area should be within the context of the guidelines from both the existing and the evolving General Plan and the Visioning. He suggested that they develop a set of conceptual designs for Bonanza Park that would fulfill the "should be" diagram that includes consideration for economic development, work force housing, and sustainability, and incorporate some of the deliverables along the lines of a conference center and whether or not a film studio or other uses would make sense in that location. Commissioner Savage believed this was an opportunity to think about a development plan that would help secure the desire for a long term relationship with Sundance. If they could come up with three or four ideas of how it would look and be positioned in that space, it would give them something to work from. They could then form a time line with a set of constraints and a set of objectives, and start matching up the "should be" statement with the "is now" statement to come up with a game plan and a way to move from where they are now to where they want to be.

As these proposals come in, they would have a guideline and a reference framework they could use to make intelligent decisions. Commissioner Savage did not believe any of this related to TDRs at this time.

Mr. Thomas stated that during the phasing portion he failed to point out that the existing square footage in Bonanza Park is approximately 780,000 square feet. With the 35 foot buildout scenario, underground parking allows approximately 5 million square feet, with 30% open space. At 60% open space the square footage decreases with the MPD process. Mr. Thomas remarked that there is no magic number or density that would achieve what they are looking for in the community. He believed that form base code would help to focus on the things that they value such as open space, walkability, mixed-use, affordable housing, etc. Mr. Thomas encouraged the Planning Commission to begin thinking about how those values could be integrated into a master plan.

Planner Cattan clarified that transfer of development rights was an option and not a mandatory requirement. Therefore, a density transfer requires someone who wants to buy the rights and another person to sell them. Planner Cattan wanted it clear that in talking about the buildout of Bonanza Park, the numbers were calculated through a formula to quantify the number of UEs in certain locations, but the numbers are not a base density. The full planning process would be required.

Planner Cattan noted that at the last meeting, Commissioner Hontz had asked the Staff to look into the Snow Creek Subdivision as a receiving zone. She pointed out that in going through the Bonanza Park model they learned that nothing is predictable because each developer would come in with their specific project. However, the Snow Creek area is already developed and according to the original annexation agreement and the master plan, 90,500 square feet was allowed. The Snow Creek area is built to capacity, however, it could potentially become a receiving zone in the future, after additional analysis on the annexation agreement. Planner Cattan reported that the Snow Creek area is 15.3 acres with a maximum square footage of 90,000 square feet. Twenty-two acres of open space was dedicated in the proposal. Planner Cattan stated that Snow Creek is a

single-story area that could be looked at as a receiving area. Since it has met its maximum density, it is more predictable in terms of what additional density would look like.

Planner Cattan noted that previous requests to the Planning Commission for Alice Claim was nine lots. Upper Ridge was eight lots. Lower Ridge had an approval for three lots and recently returned with a request for six lots. She explained that her equation to incentivize sending by allowing more density would be creating one unit equivalent per existing minimum lot area within the underlying zone. The lot area includes existing right-of-ways that go through these parcels. Planner Cattan requested discussion on the numbers this evening. The acreage for Alice Claim was 6.65 acres. Portions of Alice Claim are in the Estate zone, which requires a three acre minimum per unit. The acreage for Upper Ridge is 1.52 and 1.65 for Lower Ridge.

Commissioner Savage referred to the proposed multiplier and asked Planner Cattan to explain the rationale for having a multiplier of two for Treasure Hill and only one at the other locations. Planner Cattan replied that for Alice Claim and Upper Ridge, their multiplier took into consideration what was asked for by the Planning Commission, compared to the calculation of one UE per existing minimum lot area. As an example, for Upper Ridge one UE for existing minimum lot area results in 17 unit equivalents. The developer had asked for eight units, therefore, the formula doubles the density. There is a multiplier in the way it is calculated because through the planning process and the subdivision process, they would not be able to realize the 17 units based on existing conditions of the land.

Commissioner Savage did not understand the point of having a larger number. Planner Cattan replied that the larger number benefits ski in/ski out properties on the hillside. She explained how the lot area is calculated. Commissioner Savage clarified that the analysis was based upon the existing zoning relative to a flat piece of property. However, the property is not flat, but the numbers calculated give full credit as if it were flat. Planner Cattan replied that this was correct. Commissioner Savage wanted to know the rationale for Treasure Hill having two. Planner Cattan explained that Jonathan Weidenhamer, the Economic Development Director, was asked to look at values comparing a property such as Treasure Hill to Bonanza Park and what the value would be in the analysis. Mr. Weidenhamer determined that two to one was the correct calculation.

Commissioner Savage understood that the Staff was using a multiplier methodology for Treasure Hill that was different than the methodology applied to other the locations. Director Eddington replied that it was different, however, part of the issue is looking to incentivize some of the relocation of density from Treasure Hill. Another issue is the difference in property values with regard to ski in/ski out slope sites and Bonanza Park property values. In comparing one square foot on Treasure Hill to one square foot in Bonanza Park, Treasure Hill would have a higher per square foot value. Commissioner Savage clarified that the formula makes the assumption that a square foot of property in a high end home on an Estate lot is lower by a factor of two, than a condo in Treasure Hill. Director Eddington replied that this was correct.

Director Eddington remarked that the Staff was not suggesting that the Planning Commission was tied to believing that value assumption. Commissioner Savage pointed out that the Planning Commission was being asked to approve an ordinance that codifies that assumption. Director

Eddington noted that there are various values and different appraisals would result in different multipliers.

Commissioner Strachan remarked that the ordinance does not ask the Planning Commission to codify the values. The ordinance asks the Planning Commission to determine the best sending and receiving areas. Director Eddington remarked that most TDR ordinances have various multipliers and much of it is based on either appraised value or anecdotal value, or where density should be transferred to and from. The Planning Commission could determine that it is better to go straight across the board and keep it all equal. His concern with that approach is that the tool may not be as effective for slope side development on Treasure Hill as it may be for Upper Ridge and Alice Claim. He assumed those people would sell their TDRs first. A straight across the board method is acceptable, but it may not be as effective in the private market.

Planner Cattan pointed out that they are not comparing apples to apples in this situation. Treasure Hill has unit equivalents at 2,000 square feet per unit, but they cannot determine a house in Alice Claim without knowing what will be built. The Staff derived what they thought was the most consistent way to quantify something, so the developer or property owner has an expectation. In TDRs it is important to make sure the economic analysis works, because if that fails the tool will never be used.

Director Eddington noted that the Staff had also discussed other multipliers for the Old Town areas in terms of Planning Commission review numbers. Planner Cattan reviewed a slide showing other options to be considered if the Planning Commission wanted the Staff to look at different methods for calculating the areas.

Director Eddington reiterated a previous question regarding how much information the Planning Commission wanted the Staff to provide on Bonanza Park in terms of planning, renderings, 3-D graphics, street network, etc. Based on earlier comments, he assumed that the Planning Commission wanted in-depth detail and a sub-MPD for that area.

Chair Wintzer stated that based on the model presented this evening, he was not comfortable adding any additional density without first seeing a master plan. Director Eddington believed that tied back to what the Commissioners requested earlier in terms of examining the use of form base code and additional analysis.

Commissioner Peek was interested in seeing additional analysis. He believed the TDR is a valuable tool and they should proceed with looking at other receiving zones. Commissioner Peek explained why adding an additional story to the Snow Creek density would create very little impact. He stressed the importance of getting the TDR tool on the books.

Chair Wintzer felt it was important to do an inventory of the town. There may be other scenarios like Snow Creek that they have not considered. He felt the incentive for Bonanza Park is not workable right now because so much density is still unbuilt. It could be ten to fifteen years before additional density is needed in Bonanza Park. Chair Wintzer thought an area that has reached its maximum density under the zone might be more interested in the incentive if the density could be increased.

Commissioner Savage clarified that he was not opposed to TDRs as a tool and he thought it was a good idea. However, it should be implemented thoughtfully and with consideration of the economics to make sure there is enough demand on the buy side to provide an incentive on the sell side. He did not believe this was the case based on the proposal as presented today. Commissioner Savage thought it was important to understand how it would be administered from an organizational point of view and from a budgetary point of view. He did not think they had a clear understanding of who would be responsible for the long term maintenance of properties that become open space as a consequence of a TDR. The ordinance states that it is the responsibility of the title holder, but in his opinion that was not sufficient in terms of long term care of those properties. Commissioner Savage did not think they had a clear understanding of the mechanism and how the "banking" process would work with the City. If there is meaningful incentive to include Treasure Hill, an interim banking solution would be necessary if it becomes part of a long-term solution.

Commissioner Savage believed there were conflicting agendas related to the upcoming bond season, as well as other negotiations in process. He was certain there were conflicting agendas regarding the implementation of TDRs, in the absence of a more robust discussion of their context relative to the evolving General Plan. Commissioner Savage stated that if they intend to approach an ordinance for TDRs, it must be based upon more thoughtful analysis and simple understanding of sending and receiving zones, where they can believe the economics will justify what they are trying to accomplish.

Planner Cattan addressed the concern regarding thoughtfulness. The reason for recommending the sending of Treasure Hill and not the Alice Claim, Upper Ridge and Lower Ridge was based on the Treasure Hill meeting that was held at the Yarrow to accommodate the number of people who wanted to speak at the public hearing. As planners, they have the job of trying to consider the interest of the public.

Planner Cattan presented a table showing traffic count calculations. The top part of the table was for Treasure Hill. The bottom portion was the Alice Claim development. She thought it was interesting to show the difference between a residential development. One would think that a large hotel would generate more traffic trips, however, because it is in a walkable location, the traffic counts for Treasure Hill were lower and the impact evaluation between the two were comparable.

Planner Cattan reviewed a comparison of the view shed analysis. One was a rendering of the view from the corner of Heber and Main, looking up at the Treasure project. A second was the view shed analysis for Alice Claim.

Commissioner Savage asked if Planner Cattan had a before and after of the Treasure impact picture. Planner Cattan replied that there was one, but she did not have it with her.

Assistant City Attorney McLean remarked that there were two parts to the issue. The first was whether or not they want the tool. If they do, they should possibly consider starting with something smaller before getting into master planning and other major analysis. She advised that if they move into another level of layering, they would not have the TDR tool for a long time. Ms. McLean recommended that the Planning Commission begin their discussion with whether or not they want

the tool and if so, what is the minimal amount they feel comfortable putting into place in an effort to move it forward. Once the TDR is in place, additional density and locations could be added or changed in the future.

Commissioner Savage recalled that previously there was a sense of urgency with respect to TDRs and pending State legislation that may prohibit an ordinance in the future. Ms. McLean stated that to her knowledge, nothing has been raised in the State legislature concerning TDRs. However, there is a current bill limiting historic districts and she intends to follow that discussion. Ms. McLean pointed out that the Legislature is still in session and it is difficult to know what issues will come up between now and when they adjourn in March. She emphasized that getting the tool through the process would be helpful to the City and the public in terms of using it as a possibility for Treasure Hill.

Commissioner Savage stated that with respect to Treasure Hill or any TDR process, he asked if the City was willing to state that it does not intend to be a bank as it relates to TDRs. Ms. McLean replied that it would depend on how the Planning Commission institutes the tool. The Planning Commission can address that issue in approving a TDR. Commissioner Savage clarified that he was asking about the City's intention on being a bank. Ms. McLean believed that was up to the City Council and she was unprepared to answer that question on their behalf.

City Council Member Liza Simpson stated that if the Planning Commission makes a recommendation on a proposed ordinance, they could include that as part of their recommendation. Assistant City Attorney McLean remarked that the Planning Commission would either put a tool in place that allows for banking or one that does not. If the ordinance is adopted with that framework, the market and other factors would dictate whether or not it is actually used.

Director Eddington clarified that currently the proposed ordinance does not recommend that the City would be a bank. It would be through private transactions. Commissioner Savage understood that under the Staff recommendation, a TDR would require one seller and one buyer without a third party holding the asset. Director Eddington replied that this was correct. Commissioner Savage clarified that as proposed, the ordinance would preclude the City from participating. Planner Cattan replied that there would not be an intermediary step. The density would be transferred upon approval of a master plan in the receiving zone. Director Eddington explained that a seller of TDRs would negotiate with a buyer of TDRs. The person buying it would come before the Planning Commission and request approval for an increased density MPD. The Planning Commission would know the number of TDRs and the Staff would have a calculation sheet with regard to certificates. They are not proposing to be a bank.

Commissioner Savage stated that in the case of Treasure Hill, if the Planning Commission was to approve sending a 1,000 square foot unit to a receiving area, that mechanism would not generate cash until such time a the receiving unit had implemented an MPD that had gone through the approval process. They would be entitled to take advantage of that incremental density and receive that approval. Planner Cattan noted that at the same time, a conservation easement would be adopted on the sending zone.

Chair Wintzer opened the public hearing.

John Stafsholt, a resident at 633 Woodside, stated that the model was very good and helpful, but it was showing a 100% underground parking. Mr. Stafsholt suggested that they also look at the model with a 100% above ground parking. Since Bonanza Park does not currently have underground parking, he thought it would be more realistic to see the maximum density in the current situation.

Director Eddington replied that without underground parking the maximum density would be approximately 1.5 million square feet.

Mr. Stafsholt stated that based on public input on Treasure Hill over several years, he urged the Planning Commission to consider moving forward to adopt TDRs as a tool. He thought it was a great idea to look at additional receiving zones.

Mary Cook, representing the Homestake Homeowners Association, asked for clarification on the correct pronunciation and spelling of form base planning.

Director Eddington replied that it is form base code, spelled f-o-r-m. He noted that the Planning Department has a number of documents available if Ms. Cook or anyone else was interested in reading about form base code.

Chair Wintzer closed the public hearing.

Commissioner Hontz referenced pages 152-153 of the Staff report outlining the pros and cons and additional considerations. She understood that Planner Cattan was asked to compile a list of pros and cons, however, she would characterize those differently because in her opinion the cons were not true cons, etc. Commissioner Hontz wanted it clear for the record that she had a hard time finding the bullet points as a strong pro or a strong con.

Commissioner Hontz understood from previous discussions that the Planning Commission wanted to start with a good ordinance that was essentially basic. That would allow them to move towards more specifics once they find out how it works and as the market changes. As they learn more, they could add to it and make it work better for the community. Commissioner Hontz stated that she wanted the TDR tool and she wanted it in place now.

Commissioner Hontz was comfortable about forwarding a recommendation to the City Council this evening, if the recommendation includes matters they have already discussed. She understood the rationale for including some of Treasure Hill, and the concern for what they would end up with in a receiving zone. Commissioner Hontz was comfortable adding a percentage of Treasure Hill as the total amount that could go forth in the TDR ordinance if they could also open up Snow Creek and include it as a potential receiving zone. She did not favor specifying a percentage of Treasure Hill if Bonanza Park was the only receiving zone. At the same time, she would not forward a positive recommendation unless they also included all Old Town lots as sending zones. Commissioner Hontz remarked that the economics need to work and if they include Alice Lode, Upper and Lower Ridge and some of Treasure Hill, it creates the potential for sellers to price their TDRs more

realistically. Commissioner Hontz stated that the potential positive impact of eliminating all density on some of the Old Town sites would be a positive traffic benefit.

Planner Cattan asked if Commissioner Hontz had a definite percentage in mind for Treasure Hill. Commissioner Hontz replied that up to 20% would be reasonable. Commissioner Hontz stated that she struggled with the numbers in the middle column of the sending zones as outlined in the Staff report.

Commissioner Luskin stated that he was a strong advocate of TDRs because the more tools they have available the better they can do their job. He was still digesting all the numbers and information presented. Commissioner Luskin felt it was important to keep moving forward and to keep working on the ordinance. He was prepared to advocate for a positive recommendation this evening.

Commissioner Pettit concurred with Commissioner Luskin. She wanted the ordinance and she wanted it sooner rather than later. She agreed with Commissioner Hontz on having a variety of landowners designated as sending zones to promote competition and the opportunity to test the market. Commissioner Pettit thought they should also be thinking about more than one receiving zone.

Commissioner Strachan stated that he generally thinks the tool is good, however, he thought it was premature to forward a positive recommendation this evening. He believed they had already covered their bases by having a pending ordinance. If the Legislature changes the State law they would still be able to have a TDR ordinance because a public hearing was held this evening. Commissioner Strachan was uncomfortable mandating the ratios and felt it was best to leave it up to the private market. He did not believe the City should dictate a ratio in the ordinance. For that reason, Commissioner Strachan was hesitant to forward a positive recommendation this evening.

Assistant City Attorney McLean stated that the Planning Commission needed to define the ratio, otherwise, they would not know what receiving density would be allowed. She noted that it could be changed in the future or determined on a case by case basis. From a legal perspective, she was uncomfortable leaving the numbers unpredictable. Commissioner Strachan wanted to know the difference between that thought and subparagraph B, which states that, "if requested, the calculation will be made by the Planning Director". Planner Cattan replied that the Staff tried to make it predictable within the ordinance. Ms. McLean clarified that the language was intended to mean that the Planning Director would provide a letter specifying the number of units agreed upon in a specific transfer. Commissioner Strachan thought the language was improperly worded to reflect that intent. Planner Cattan offered to reword the language. Commissioner Strachan suggested adding the criteria into the ordinance. Ms. McLean agreed that they could remove the language and make sure the ordinance itself was very predictable.

Planner Cattan pointed out that it would be necessary to re-visit the multiplier and adjust it as the market demands. If they find it is not working, they would need to evaluate why and also do an economic analysis.

Chair Wintzer asked if the Planning Commission passes an ordinance with specific numbers, could the Planning Department request that the ordinance be re-opened to change the numbers. If so, could it be opened to only address one specific area. Assistant City Attorney McLean answered yes to both questions. Commissioner Strachan questioned whether that provided enough flexibility and gave an example to explain his concern. Chair Wintzer felt it would be foolish not to have a number in the ordinance. The City can control the number and two private individuals can decide if there is enough incentive to do it.

Commissioner Strachan stated that his concern was whether or not there was enough incentive to encourage a sender to send. Chair Wintzer was unsure, but he thought price would also be a factor.

Commissioner Peek was comfortable proceeding with the ordinance to get something on the books. He thought a high priority was extending the receiving areas to create more demand. In terms of the UEs in the sending zones, Commissioner Peek was concerned about creating a specific number and giving the incentive through the transfer of a UE number. He thought it was better to give a realistic number and then possibly increase the ratio. Assistant City Attorney McLean stated that if Commissioner Peek was talking about sending zones outside of Treasure Hill, she was comfortable that only having the multiplier was a good approach.

Commissioner Savage fully supported a mechanism to implement TDRs. However, he felt that it was premature at this juncture because there was a lot of ambiguity surrounding the question of implementation and the market associated with TDRs. Commissioner Savage was mindful of the recent discussions that have taken place in the community relative to MIDA and how an early expectation was set for 2,200,000 square feet being appropriate for a particular type of development. He believed they should earnestly try avoid that same situation with this matter. He noted that the Staff report contained a list of pros and cons that were thoughtfully prepared, but had not been addressed. In addition, the urgency associated with legislative actions appears to be less urgent. Commissioner Savage pointed out that there is no indication from any party that there is a demand on the receiving zone side of the equation. In addition, it has been clearly indicated that the implementation of TDRs is not a concern as it relates to the negotiation with Treasure Hill. In light of all those considerations, Commissioner Savage recommended that the Staff come back with a simplified version of a TDR ordinance that properly addresses the question of economics, and to the best degree possible, address the unaddressed pros and cons and other considerations prepared by Planner Cattan.

Commissioner Savage strongly recommended that the Planning Commission delay forwarding a recommendation to the City Council until they have clarity on those particular issues. He believed the change in events allows them time to do it more thoughtfully.

Chair Wintzer stated that after looking at the model and walking the neighborhood, he was not convinced that Bonanza Park could handle more density. At this point, it is the only receiving zone proposed. Chair Wintzer was uncomfortable specifying 20% of Treasure Hill. He could support the ordinance without Treasure Hill in the mix at this time. If someone wants to look at that size of a

project, they need to show him that it can fit in an area and there is a demand for it. Chair Wintzer recommended that the Planning Commission forward a recommendation for the TDR ordinance without Treasure Hill. He also recommended that the Planning Commission direct Staff to inventory the City for other receiving zones.

Planner Cattan stated that she had calculated 20% of Treasure Hill and that number with a multiplier of 2 is 86.4 units. She explained that 20% is 43.2 multiplied by 2. The credits would be 86.4 and the MPD units would be 43.2.

Chair Wintzer felt it was important to know the amount of bulk and mass they would be sending, rather than the number of units. He believed additional analysis was needed. He was also concerned about sending density to Bonanza Park without knowing how it would be used.

Commissioner Savage requested an analysis on viable buyers who have an interest for being on the other end of the equation. Director Eddington replied that the City may not always know the buyer, but it would be no different than the current zoning. Not knowing who would or would not build out without TDRs makes it difficult to provide that analysis. The City is not involved in TDR transactions and they will not seek out buyers or sellers.

Director Eddington noted that there is a preliminary concept for Bonanza Park in terms of planned heights, networking, road networks, etc. He did not believe the Staff had done a good job of presenting that plan to the Planning Commission and they would present that plan again with a more visual presentation.

Commissioner Luskin clarified that if the Planning Commission recommends the ordinance, they would not be bound to the sending and receiving zones discussed and they could always add or subtract. Director Eddington replied that this was correct.

Commissioner Hontz was prepared to make a motion based on her understanding that a master plan for Bonanza Park would be done in conjunction with form base code, and that they would continue to refine the TDR ordinance and ask more questions about receiving zones. She understood that they would go back and verify the values of what would be proposed in her motion.

MOTION: Commissioner Hontz made a motion to forward a positive recommendation to the City Council that amends the proposed TDR ordinance by 1) adding Snow Creek as an additional receiving zone; 2) includes all of the other Old Town areas as identified in the Staff report as sending zones, 3) reduces the sending zone values from the middle column on page 157 of the Staff report, which takes 43.46 for Alice Claim down to 9 with a multiplier of two to match Treasure Hill; 4) reduces the amount of Treasure Hill as recommended in the draft TDR ordinance to 22 MPD units or 44 development credits. Commissioner Luskin seconded the motion.

Planner Cattan clarified that Lower Ridge had a previous approval of three lots and recently came back to the Planning Commission requesting six lots. Commissioner Hontz suggested that Planner Cattan base the calculation on three lots.

Chair Wintzer felt it was important to specify new numbers for all of the middle column mentioned in the motion. Alice Claim changes from 9 to 18, Upper Ridge from 8 to 16, and Lower Ridge from 3 to 6. Treasure Hill goes from 22 units to 44 credits.

Commissioner Savage pointed out that the Planning Commission was making decisions and changing the Staff recommendation without any reason or consideration. He felt they were shooting from the hip and he could not support it.

VOTE: The motion passed 4-2. Commissioners Hontz, Pettit, Luskin and Peek voted in favor. Commissioners Strachan and Savage voted against the motion.

The Park City Planning Commission meeting adjourned at 9:30 p.m.

Approved by Planning Commission: _____

DRAFT

REGULAR AGENDA



Planning Commission Staff Report

Subject: Deer Crest Amenity Club at the St. Regis
Author: Kirsten Whetstone, MS, AICP
Date: February 23, 2011
Project Number: PL-11-01189
Type of Item: Administrative- Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission discuss the proposed application for a Conditional Use Permit (CUP) for an Amenity Club to be located within the St. Regis Resort hotel, conduct a public hearing, and consider approving the conditional use permit according to the findings of fact, conclusions of law, and conditions of approval as stated in this staff report.

Description

Project Name: Deer Crest Amenity Club at St. Regis
Applicant: Deer Crest Janna, LLC
Location: 2300 Deer Valley Drive East
Proposal: Amenities Club
Zoning: RC-MPD (subject to the 1995 Deer Crest Settlement Agreement/MPD)
Adjacent Uses: Ski resort and related uses, hotels/condominium units, open space, single-family residences and lots

Proposal

- This is a request for a CUP for an Amenity Club to be located within the existing St Regis Resort hotel utilizing existing amenities, including the hotel restaurant, bar, spa, ski lockers, fitness center, and pool.
- The applicant proposes a limitation on the number of memberships to 195.
- The applicant agrees to the recommended conditions of approval requiring a Membership Agreement and a one year review by the Planning Commission.
- No increase in the posted occupancy limits of the amenities is proposed and no physical changes are proposed to the building or site.
- No increase in the residential density or total support commercial area is proposed.

Background

The property is located at 2300 Deer Valley Drive and consists of two parcels, namely the Roosevelt Gap parcel and the Snow Park parcel. The property also has access from Deer Crest Estates Drive within the Deer Crest gates. The property is subject to the 1995 Deer Crest Settlement Agreement and the Deer Crest Hotel Conditional Use Permit.

On February 28, 2001, a Conditional Use Permit for a hotel development was approved for this property (known as the Rosewood CUP). On July 25, 2001, the Rosewood CUP was amended by the Planning Commission to consolidate buildings on the Roosevelt Gap parcel.

On March 24, 2004, further amendments were approved to reconfigure the location of the buildings at the Snow Park parcel, relocate the upper funicular terminal to be attached to the Roosevelt Gap building, reduce the overall building mass at the Roosevelt Gap parcel by transferring 5.5 UE to the Snow Park parcel, decrease the parking at Roosevelt Gap from the 155 approved with the CUP (105 overnight plus 50 day-use spaces) to 146 (maximum of 105 for overnight parking with 41 for day-use) with 98 spaces at Snow Park at full build out of Phase 2, and to modify the proposed residential ownership program to allow interval/club ownership in the RC zoned portions.

On May 11, 2005, the Planning Commission approved further amendments to the CUP to relocate the Snow Park condominium buildings lower on the slope, revise the access drive at Snow Park, further revise the funicular approach, and allow phasing of the Roosevelt Gap low rise portion of building. Construction of the first phase was completed in November of 2009.

On June 18, 2009, the City Council upheld an April 22, 2009, Planning Commission approval of an amendment to the Deer Crest Hotel CUP to allow the final certificate of occupancy to be issued with the 67 surface parking spaces at Snow Park. This surface parking will be replaced with structured parking upon completion of the Snow Park condominium buildings and parking structures.

The Deer Crest Hotel CUP allows a total density of 130 residential Unit Equivalents (UE) with 99.5 UE at Roosevelt Gap and 30.5 UE at Snow Park. All of the UE at Roosevelt Gap and 1 market unit (plus 2 affordable units) at Snow Park have been constructed. The remaining, approximately 29.5 UE, at Snow Park will be constructed with Phases 2 and 3 of the CUP. A parking analysis was provided and is described below.

Proposed Amenity Club

On February 3, 2011, the City received a complete application for a conditional use permit for an amenities club to be located within the St Regis Resort hotel utilizing existing hotel amenities, including the restaurant, bar, spa, ski lockers, fitness center, and pool (Exhibit A).

The applicants are proposing a limitation on the number of memberships and have suggested a total of 195 memberships with a limit of 150 memberships for owners residing outside of the Deer Crest gates. Condominium Owners within the St Regis hotel and owners within the Deer Crest Estates residential area are considered inside the gates. Memberships are issued to singles, couples, and families. Membership is expected to include owners of units at the St. Regis Resort, homeowners in the Deer Crest residential area, and others from the community.

The applicants have reviewed operations of similar clubs and based on that review estimate that at peak times somewhere in the range of 20% to 25% of the members could be utilizing the amenities. For amenities on the scale of those at the St. Regis (spa is 12,400 sf and the restaurant is 6,275 sf) this level of use by club members would represent a small portion of the overall hotel amenity capacity. The St Regis hotel has a total of approximately 225 pillows. One or two additional employees are anticipated for the Club.

Access to the Amenity Club will be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. Restrictions on access to the hotel and parking will be spelled out in the Membership Agreement to be consistent with the conditions of approval of the Deer Crest Hotel CUP. The applicant is responsible for management of the club and enforcement of the Membership Agreement.

Staff recommends a condition of approval regarding a one year review by the Planning Commission of the club operation, membership, parking and traffic impacts, and a summary of complaints regarding impacts of the club on owners and residents in the nearby areas. All conditions of approval of the Deer Crest Hotel CUP continue to apply (Exhibits C and D).

Parking

The approved Deer Crest Hotel CUP for the St. Regis Resort allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and 67 valet parking spaces at Snow Park with access to Roosevelt Gap via the funicular. The Settlement Agreement (Section 5.2.2.10) allows the property owner to provide for employee and guest shuttle service from the east perimeter gate to the Roosevelt Gap lodge. There are 185 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle.

The St. Regis Resort utilizes a guest shuttle service. The shuttle service is available for Club members for transportation to and from the St. Regis.

The applicant provided a parking analysis (Exhibit B) demonstrating that there is adequate parking available for the parking requirements of the Club activities. During the busiest weeks (Christmas and Sundance) when the hotel was at its maximum occupancy the parking use was at 46% of capacity.

Staff recommends a condition of approval that the Membership Agreement outline parking requirements and restrictions of the approved CUP and encourages use of the hotel shuttle. A one year review of the Club operations, including parking impacts is recommended.

Analysis

The proposed Conditional Use Permit (CUP) is for an amenities club to be located within the existing St. Regis Resort hotel. No modifications to the building are proposed. The zoning for the property subdivision is RC-Recreation Commercial. An amenities club requires a conditional use permit in this zone and is permitted within an existing hotel.

Land Management Code 15-1-10 (E)

(1) Size and location of the site.

The size and location of the site (building) are sufficient for the proposed Amenities Club. No physical changes are proposed to the building or site for the Club. Use of the restaurant, bar, spa, ski lockers, fitness center, and pool are limited by the existing posted capacity limits. No physical changes are proposed to increase the capacity of the amenities. Reservations are typically required during peak times and overcrowding of these amenities is permitted only by special permits from the Building Department for special events. **No unmitigated impacts.**

(2) Traffic considerations including capacity of the existing Streets in the area.

The Amenities Club utilizes existing hotel amenities (restaurant, bar, spa, ski lockers, fitness center, and pool) approved during the Conditional Use Permit. No physical changes are proposed to increase the capacity of the amenities. No additional parking spaces will be constructed to accommodate additional traffic. The hotel shuttle system and funicular is in place to accommodate guests and club members. The capacity of existing streets in the area is adequate to handle the traffic from the Amenity Club. **No unmitigated impacts.**

(3) Utility capacity.

Adequate utility capacity exists for the Hotel and amenities. No physical changes are proposed to the existing amenities and no additional utility capacity requirements are created with the Amenities Club. **No unmitigated impacts.**

(4) Emergency vehicle Access.

Access to the hotel is from Deer Valley Drive and Deer Crest Estates Drive. Approval of the Amenity Club will not impact existing emergency vehicle access to the site. **No unmitigated impacts.**

(5) Location and amount of off-Street parking.

The applicant provided a parking analysis (Exhibit B) demonstrating that there is adequate parking available for the parking requirements of the Club activities. During the busiest weeks (Christmas and Sundance) when the hotel is at its maximum occupancy the parking use was at 46% of capacity. Staff recommends a condition of approval that the Membership Agreement includes an outline parking requirements and restrictions of the approved CUP and encourages use of the hotel shuttle. A one year review of the Club operations, including parking impacts is recommended. **No unmitigated impacts, as conditioned.**

(6) Internal vehicular and pedestrian circulation system.

Vehicular and pedestrian circulation does not change with the Amenity Club. Vehicular circulation is restricted by the Deer Crest Hotel CUP that limits access to the hotel. Owners within the gate, including owners within the hotel, are permitted to access the hotel via Deer Crest Estates Drive and by shuttle. Guests access the hotel via the funicular utilizing valet parking at Snow Park. Club members within the gate access the hotel via Deer Crest Estates Drive and by shuttle. Club members outside of the gate access the hotel via the funicular utilizing valet parking or shuttle services. No changes to the internal vehicular and pedestrian circulation system are proposed. **No unmitigated impacts.**

(7) Fencing, Screening, and landscaping to separate the use from adjoining uses.

No additional fencing, screening or landscaping is necessary. **No unmitigated impacts.**

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

The requested Amenities Club does not change the building mass, bulk, orientation, or location of the buildings on the site or the orientation to buildings on adjoining lots. The footprint, roof form, bulk, orientation, and massing of the Building remains the same. **No unmitigated impacts.**

(9) Usable Open Space.

No changes to approved open space are proposed. **No unmitigated impacts.**

(10) Signs and lighting.

No changes to the exterior lighting or signs are proposed. **No unmitigated impacts.**

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

The Amenities Club will be located within the St. Regis Resort hotel building at Roosevelt Gap utilizing the existing building. The physical design and compatibility, in terms of mass, scale, style, design and architectural detailing will not change. **No unmitigated impacts.**

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.

No mechanical factors different from existing residential and support commercial uses (restaurant, bar, spa, ski lockers, fitness center, and pool) will be generated. **No unmitigated impacts.**

(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas.

Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas will remain unchanged with the Amenities Club. **No unmitigated impacts.**

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

No change in ownership of the Hotel or condominium units is proposed. Amenities club memberships are taxed by the City in a similar manner as Golf Club memberships. The areas of the hotel utilized by the Amenity Club are owned and controlled by the St. Regis Resort hotel, aka Deer Crest Janna, LLC, who is the applicant. **No unmitigated impacts.**

(15) Within and adjoining the site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the site.

The Amenities Club will not impact environmentally sensitive lands as the uses/amenities already exist and no physical changes are proposed to the building or site. **No unmitigated impacts.**

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. No further issues were brought up at that time.

Notice

The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.

Public Input

No public input has been received.

Alternatives

- The Planning Commission may approve the CUP for the Amenity Club as proposed and conditioned; or
- The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
- 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

Approving the CUP for the Amenity Club allows the existing amenities to be utilized year round allowing full time (as opposed to seasonal) employment opportunities for hotel staff and providing additional tax revenues to the City as a result of the membership sales as well as increased sales at the restaurant, bar, and spa. There are no significant negative fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The Amenity Club could not operate as proposed. The amenities could continue to be used by owners, guests, and patrons of the St. Regis Resort.

Recommendation

Staff recommends the Planning Commission discuss the proposed application for a Conditional Use Permit for an Amenity Club to be located within the St. Regis Resort hotel, conduct a public hearing, and consider approving the CUP according to the following findings of fact, conclusions of law, and recommended conditions of approval:

Findings of Fact

1. On February 3, 2011, the City received a complete application for a conditional use permit for an amenities club to be located within the St Regis Resort hotel and to utilize existing hotel amenities, including the restaurant, bar, spa, ski lockers, fitness center, and pool. A total of 195 memberships are requested for the initial one year review period with a limit of 150 members residing outside of the Deer Crest gates. Membership is expected to include owners of units at the St. Regis Resort, homeowners in the Deer Crest residential area, and others from the community. Membership is for singles, couples, and families.
2. This application is reviewed under Section 15-1-10 (E) of the Land

Management Code.

3. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
4. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
5. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
6. Amenity Clubs require a Conditional Use Permit in the RC zone.
7. No physical changes are proposed to the existing restaurant, bar, spa, fitness center or pool to increase the posted capacity limits. No exterior changes are proposed to the building or site.
8. The applicant provided a parking analysis (Exhibit B) demonstrating that there is adequate parking available for the parking requirements of the Club activities. During the busiest weeks (Christmas and Sundance) when the hotel was at its maximum occupancy the parking use was at 46% of capacity.
9. The approved Deer Crest Hotel CUP for the St. Regis Resort allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and 67 valet parking spaces at Snow Park with access to Roosevelt Gap via the funicular. There are 185 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle.
10. The St. Regis Resort utilizes a guest shuttle service. The shuttle service is available for Amenity Club members for transportation to and from the St. Regis.
11. The Amenity Club will be operated and managed in accordance with provisions of the Membership Agreement. Access to the Amenity Club uses shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. Restrictions on access to the Hotel and parking requirements that are consistent with the conditions of approval of the Deer Crest Hotel CUP will be spelled out in the Membership Agreement.
12. The St Regis hotel has a total of approximately 225 pillows. One or two additional employees are anticipated for the Club.
13. No additional signs or lighting are proposed with this application.
14. 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 consistent with the Park City General Plan.
3. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The 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. A Membership Agreement shall be reviewed and approved by the City, as to form and compliance with the conditions of approval, prior to commencing operation of the Amenity Club. Access shall be restricted during peak

- occupancy periods based on existing occupancy limits for the hotel amenities. The Agreement shall reiterate conditions of approval of the Deer Crest Hotel CUP regarding access to the hotel and parking requirements and restrictions.
2. The applicant is responsible for management of the club and enforcement of the Membership Agreement.
 3. The applicant stipulates to a condition of approval limiting this Conditional Use Permit approval to a maximum of 195 memberships with a limit of 150 memberships allowed for members residing outside of the area bounded by the Deer Crest gates.
 4. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
 5. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
 6. The applicant shall submit to the City Planning Department, for review by the Planning Commission, a one-year review of the club including the use, operation, membership, parking and traffic impacts, and a summary of complaints received regarding impacts of the club on the hotel operations, guests, and owners of adjacent or nearby property.

Exhibits

Exhibit A- Applicant's description of the Club operations

Exhibit B- Parking Analysis

Exhibit C- Conditions of Approval- April 22, 2009 Planning Commission

Exhibit D- Conditions of Approval- May 11, 2005 Planning Commission

**WRITTEN STATEMENT DESCRIBING
THE DEER CREST CLUB AT THE ST. REGIS**

January 21, 2011

The Deer Crest Club at the St. Regis (“Club”) is a proposed amenities club to be provided within the existing St. Regis Deer Valley hotel (“Hotel”).

The Club will provide its members (“Members”) with social and recreational opportunities in connection with the access, use, and enjoyment of certain amenities and services located at the Hotel. Members will have access to a lounge area, ski lockers, pool, game room, and fitness center at the Hotel, and certain Members will have use of a private wine locker. Members will also enjoy discounts at the existing restaurant, spa, and gift shop in the Hotel, as well as preferred pricing for guest room lodging. In the lounge area, members can enjoy light fare and non-alcoholic beverages, internet access, use of the hotel’s business center, and access to Hotel concierge services. Access to all areas within the Hotel will be limited based on current capacity controls.

Members will access the Hotel primarily by a shuttle service operated by the Hotel, or by skiing in and out of the Hotel. For those Members who drive, access will be via the Snow Park site and the funicular, or the Jordanelle parking lot and shuttle service.

Members will primarily be supported by existing Hotel staff. In addition, there will be three (3) member services employees who will be located in existing offices at the Snow Park site.

St Regis, Deer Valley


Deer Crest Club- Club Operations

February 1, 2010

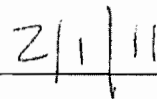
The Deer Crest Club is a private amenity club for members who will pay an initiation fee and annual dues. The club will be operated at the St Regis Deer Valley Hotel by hotel staff and will provide members access to hotel amenities. The following outlines the general services and operations of the club

1. Parking – Club members will be subject to the same parking rules and restrictions as hotel guests:
 - a. Members who are St Regis Condominium Owners will be able to access the hotel garage.
 - b. Members who are Deer Crest property owners will be able to drive through Deer Crest to the hotel and valet park their car. They will also be able to utilize the hotel SUVs for transportation between their Deer Crest homes and the St. Regis.
 - c. Members who live in Deer Valley and surrounding area will be able to utilize the St Regis hotel SUVs for transportation to and from the hotel, or they may drive and valet park at Snow Park like others visiting the hotel.
2. Lounge – Members will have exclusive access to a club lounge and ski terrace that will be open daily during ski season. This lounge will serve complimentary beverages such as coffee, tea, hot chocolate, etc.
3. Ski Valet – Members will be able to utilize the hotel ski valet services for ski and boot storage and also have the ability to use a private ski locker.
4. Food and Beverage- Members will receive preferred access and pricing at the hotel restaurant, along with the ability to use a private wine locker.
5. Fitness and Pool Access- Members will have access to the fitness room and pool during normal hours of operations.
6. Spa Access- Members will receive preferred access and pricing at the hotel spa.
7. Business Center- Members will have access to the hotel business center.
8. Event Access- Members will receive preferred access and pricing to hotel sponsored events including concert series, food & beverage events and sporting activities (fly fishing, biking, golf, etc).

Prepared by :


Greg Griffin, Deer Crest Janna, LCC

Date:



DEER CREST CLUB AT THE ST. REGIS

PROJECT DESCRIPTION

January 21, 2011

1. How will the proposed use “fit-in” with surrounding uses?

The proposed Deer Crest Club at the St. Regis (“Club”), simply allows its members (“Members”) to access existing facilities and services at the St. Regis Deer Valley hotel (“Hotel”). Accordingly, the Club will fit in perfectly with the surrounding uses.

2. What type of service will it provide to Park City?

The Club will allow residents and guests of Park City to use and access facilities and services available at the Hotel.

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

The Club use is a conditional use within the Recreation Commercial (RC) district. The purposes of this zoning district include allowing “for the Development of hotel and convention accommodations in close proximity to major recreation facilities” and allowing “for resort-related transient housing with appropriate supporting commercial and service activities.” The Club provides for exactly these purposes as it provides for additional access to services and amenities at the Hotel, which is located adjacent to the Deer Valley Resort.

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

Club Members will engage in the same activities as other guests and owners at the Hotel, with a few additional benefits (e.g. access to a lounge area and discounts at the restaurant and spa). Further, the Club is similar to other programs in the Deer Valley area, such as the Talisker Club.

5. Is the proposed use suitable for the proposed site?

The Hotel has previously been approved for the exact same activities that will be provided for Club Members. Adding the Club is simply an additional way to allow and charge for access to the Hotel amenities and services. There will not be any new buildings, or square footage added to existing buildings, in connection with the Club. The only new improvements will be to the interior space of the Club lounge area.

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

No.

7. What will be the hours of operation and how many people will be employed?

Standard Club hours are from 7:30am to 7:30pm each day, with the exception that the restaurant and spa are available to Club Members during the same hours such facilities are open to the general public. It is anticipated that administration and management of the Club will require three additional employs: a Club director, assistant Club director, and sales director. All other staff providing services to Club Members are staff already employed in connection with the Hotel.

8. Are there other special issues that need to be mitigated?

No.

ST REGIS, DEER VALLEY
Deer Crest Amenity Club- Planning Department Queries
February 8, 2011

As follows are responses to questions raised by the planning department to the CUP application for the Deer Crest Amenity Club at the St Regis Deer Valley hotel:

1. **QUESTION** - What is the initial membership requested? Staff believes there should be a number requested- otherwise how will we do analysis of mitigation of impacts?

RESPONSE- Initial offering will be 195 members. Once the Club is operating, we will evaluate what level of members we can accommodate without affecting quality of hotel services and may consider an increase in membership.

2. **QUESTION-** You have described the parking- however can you provide more details regarding the number of spaces available at different seasons?

RESPONSE- The parking for the hotel is based on a shared parking concept with multiple uses utilizing the parking at different periods. See the attached chart prepared by an independent Traffic Consultant that documents excess parking capacity by area at three distinct periods over the past three months. Based on this analysis there is ample parking available.

3. **QUESTION-** During season how realistic is it that there will be any parking available?

RESPONSE- The initial parking counts attached include both Christmas week and Sundance week when the hotel is at its maximum occupancy. During the busiest hour of the busiest week total parking use was only at **46%** capacity. The actual counts indicate that there will be ample parking during peak periods.

4. **QUESTION-** How will club members know not to drive to the hotel (especially the Deer Crest owners?)

RESPONSE-- Club rules will clearly describe the parking requirements and limitations. Further members who are not residents will be prevented from driving to Roosevelt Gap hotel by the Deer Crest guard houses at the east and west entrances. Also, one of the amenities of the club is use of the hotel shuttle and it is anticipated that members will take full advantage of this feature. Deer Crest homeowners can currently drive to the hotel and club membership will not affect their access.

5. **QUESTION-** Could you include facts about how many spaces there are- up top, at Mayflower, at Deer Valley...

RESPONSE- Total current parking is 398 spaces, with 146 spaces at Roosevelt Gap hotel, 68 spaces at Snow Park and 185 spaces at Jordanelle.

6. **QUESTION-** What is typical demand, time of use of club, etc.

RESPONSE- The actual use of the various club amenities will be based on the discretion of club members once the club is operating. Other similar clubs operating in the area have indicated that during peak periods the usage never exceeds 20-25% of members at any given time. This level of use by club members represents a small portion of overall hotel capacity.

7. **QUESTION-** How to regulate check in, reservation, conflicts with hotel guests

RESPONSE- Club members will be subject to the same constraints as hotel guest, condominium owners or the general public. Access to amenities will be subject to existing capacity and they will need to make reservations for restaurant, spa, special events, ski lockers, etc.

8. **QUESTION-** We are also thinking about a one year review of the operations.

RESPONSE- We would be happy to report on club activities after one year of operation.

**ST REGIS DEER VALLEY RESORT
PARKING COUNT TABLE
2/9/2011**

AREA	ACTUAL CAPACITY	NOVEMBER - LOW SEASON				CHRISTMAS/NEW YEAR - HIGH SEASON				SUNDANCE WEEK- HIGH SEASON			
		WEEKDAY HOUR		WEEKEND		WEEKDAY HOUR		WEEKEND		WEEKDAY HOUR		WEEKEND	
		STALLS OCCUPIED	% OCCUPIED	STALLS OCCUPIED	% OCCUPIED	STALLS OCCUPIED	% OCCUPIED	STALLS OCCUPIED	% OCCUPIED	STALLS OCCUPIED	% OCCUPIED	STALLS OCCUPIED	% OCCUPIED
ROOSEVELT GAP	146	27	18%	36	25%	63	43%	44	30%	46	32%	55	38%
SNOW PARK	67	20	30%	30	45%	37	55%	30	45%	19	28%	42	63%
JORDANELLE	185	39	21%	10	5%	75	41%	55	30%	60	32%	85	46%
TOTAL	398	86	22%	76	19%	175	44%	129	32%	125	31%	182	46%

1. DATA REPRESENTS THE SINGLE HOUR IN 24 HOUR PERIOD WHEN THE TOTAL PROJECT PARKING LOAD IS HIGHEST - 23 REMAINING HOURS HAVE LESS TOTAL PARKING
2. JORDANELLE LOT LOAD INCLUDES SOME DAY SKIERS NOT RELATED TO HOTEL USE

Planning Commission Meeting

April 22, 2009

Page 17

2. The Use is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan, as amended.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval - 2300 Deer Valley Drive East

1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; and May 11, 2005, shall continue to apply as memorialized in the May 23, 2005 Action Letter, with the exception of Condition #3 amended with this CUP Amendment.

Condition number 3 shall be amended to read as follows:

No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operation and the parking **structure lot** at the North Snow Park site is complete and approved for occupancy.

4. The developer will build this project in three phases having a total of 130 UE. The first phase consists of the Roosevelt Gap hotel/condominiums 9approximately 99.5 UE), including a restaurant, bar and spa; the funicular and funicular building at Snow Park (which contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units), and a temporary sales office with surface parking. This phase is currently under construction. There will be 202 parking spaces created during this phase. The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). There will be 259 parking spaces at the end of this phase. The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). There will be 252 parking spaces at the end of this phase. The applicants shall have the option of constructing additional spaces at Snow Park.
5. The proposed surface parking at the north Snow Park area is proposed as part of the first phase with completion anticipated by Spring/Summer 2009 prior to issuance of certificates of occupancy for any units. This parking lot will be constructed as a

permanent lot, with permanent landscaping, lighting and final improvements to the associated retaining wall.

6. A final exterior lighting and landscaping plan shall be submitted to and approved by the Planning Department prior to issuance of a building permit for the parking lot. All lighting and landscaping shall be consistent with the plans reviewed and approved by the Planning Commission on January 28 2009. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. A timer system shall be installed on the parking lot lighting to reduce the amount of lighting after 11 PM.
7. All signs shall be consistent with the Park City Sign Code and no signs may be installed without approval of a sign permit.
8. The parking lot shall be constructed in accordance with the approved plans and requirements of the International Building and Fire Codes.
9. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations including storm system and trails) to be completed according to the final approved plans has been provided to the City in connection with the issuance of building permits for the first phase. All such public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee and prior to issuance of a final certificate of occupancy.
10. If the finished treatment of the soil wall behind the north parking lot, as reviewed by the Planning Commission on March 11, 2009, is not completed prior to issuance of the first certificate of occupancy, then a financial guarantee in a form and amount acceptable to the City assure completion of such work within on year of certificate of occupancy issuance, shall be provided to the City prior to the issuance of any certificates of occupancy for the first phase residential units. Completion of the parking structure for the North Snow Park condominiums will be a condition to the issuance of certificates of occupancy for the North Snow Park condominium units.
11. The City Engineer reviews and approves all associated access, utility, public improvements, grading and drainage plans for compliance with City standards is a condition precedent to building permit issuance for the parking lot.
12. An oil and water separator is required to control water quality for run-off from the surface parking lot. The City Engineer shall approve the design and installation of the oil and water separator prior to issuance of certificates of occupancy for the Roosevelt Gap units. The snow and storm run-off discharge points need to be identified on the parking lot plans at the time of submittal for a building permit.
13. Prior to issuance of a building permit for Phase 3 construction of the North Snow Park

parking structure and condominium units, the applicant shall submit for approval by the Planning Department staff an interim-parking layout addressing any temporary parking space shortage.

14. Within 5 years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park North site or apply for an amendment to the Deer Crest Hotel CUP, to be reviewed by the Planning Commission, that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park North.

5. 505 Woodside Avenue - Subdivision

Planner Katie Cattan reviewed the application for a plat amendment for 505 Woodside. There was a land swap between two neighbors and this plat amendment will memorialize the land swap and provide access agreement.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Murphy noted that the exhibits provided in the Staff report were difficult to understand. He was comfortable with the proposed plat amendment

MOTION: Commissioner Murphy moved to forward a POSITIVE recommendation to the City Council on the 505 Woodside Avenue subdivision, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Murphy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 505 Woodside Avenue

1. The property is located at 505 Woodside Avenue in the HR-1 zoning district.
2. The structure located at 505 Woodside Avenue is considered historic and is listed on the City's Historic Structures Inventory as significant.
3. The historic home is a valid complying structure as the building does not comply with setbacks on the south side property line. Section 15-2.2-4 of the LMC states that "Historic structures that do not comply with the building setbacks, off-street parking, and driveway location standards are valid complying structures".

Planning Commission Meeting
Minutes of May 11, 2005
Page 29

Conditions of Approval - 2300 Deer Valley Drive - CUP

1. All standard project conditions shall apply (Exhibit A).
2. All conditions of approval of the 1995 Deer Crest Hotel Settlement Agreement as amended continue to apply.
3. No certificates of occupancy for the Deer Crest Hotel shall be issued until the funicular is fully operational and the parking structure at the Snow Park site is complete and approved for occupancy.
4. A final exterior lighting and landscaping plan shall be submitted to and approved by the Planning Department prior to issuance of any full building permits. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be subdued in nature.
5. The applicant shall submit architectural details and materials to the Planning Commission for review and approval prior to the issuance of full building permits. Those materials reviewed and approved by the Planning Commission shall constitute exhibits as part of this conditional use approval.
6. A detailed review against specific requirements of the Uniform Building and Fire Codes is a condition precedent to issuance of a building permit. As a condition precedent to the issuance of any building permits, the developer shall provide the Chief Building Official with information regarding all existing mine shafts that could complicate foundation construction.
7. A Construction Mitigation Plan (CMP) submitted to and approved by the Planning, Building, and Engineering Departments is required prior to issuance of any building permit. The CMP shall address construction phasing, staging, storage, circulation, parking, delivery, re-vegetation of disturbed areas, temporary signs and lighting, dust, mud, and dirt, and clean water standards if applicable. The CMP shall also call for disposal of all excavated materials to be on Deer Crest property hauled via the shortest feasible route. A limit of disturbance plan shall be submitted as part of the CMP. The CMP shall address maintenance or rerouting of existing pedestrian and trail access during construction. The CMP shall include a detailed phasing plan and an interim landscaping plan, as necessary, to re-vegetate and landscape disturbed areas.
8. A financial guarantee in a form and amount acceptable to the City for the value of all public improvements, pedestrian amenities and trails, and landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations, and trails) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
9. A final record of survey plat must be submitted to the City for review and approval by the City Council and must be recorded at the County prior to closing on any sale of individual condominium units. The record of survey plat shall address compliance with the ADA, including the potential for all ADA-compliant units to be

- indicated on the record of survey plat as common space in perpetuity. Conditions, Covenants, and Restrictions for this development shall be submitted to the City Attorney for review and approval and shall be recorded at the time of record of survey plat recording.
10. A final subdivision plat (currently in the process of being recorded at Summit and Wasatch Counties) must be recorded prior to issuance of a footing and foundation permit.
 11. Any change in the access location at the Snow Park site may require additional easements and agreements with the adjacent property owners. These easements shall be in place prior to issuance of any building permits for the relocated access drive.
 12. All signs for this project shall comply with the Park City sign code. All signs shall be on-premise. Each sign requires a sign permit, reviewed and approved by the Planning and Building Departments, prior to installation. The Planning Director, prior to the issuance of individual sign permits, shall approve a master sign plan.
 13. The City Engineer shall review and approve all associated access, utility, public improvements, grading, and drainage plans for compliance with City standards as a condition precedent to building permit issuance and subdivision plat recordation. The final utility plans shall be consistent with the preliminary utility plan on file with the City.
 14. The Snyderville Basin Sewer Improvement District's review and approval of the sewer plans is a condition precedent to final plat recording and building permit issuance.
 15. The Jordanelle Special Service District's review and approval of sewer plans and water plans for the Roosevelt Gap site and an inter-local agreement for water service as necessary for the Snow Park Site is a condition precedent to final plat recording and building permit issuance. Prior to building permit issuance, the applicants shall provide will-serve letters from both the Snyderville Basin Sewer District and the Jordanelle Special Service District. As a condition precedent to the issuance of any building permit for the Deer Crest Hotel CUP, the State Engineer shall sign off any water transfer requests if required. If necessary, the Snow Park site shall be formally de-annexed from the Park City Water District by the applicant. If the City agrees to provide water service, in whole or in part, to the Snow Park site, all water issues related to that service, including water capacity, pressure, fire flows, utility easements, etc., shall be resolved prior to issuance of any building permits or plat recordation.
 16. The final parking plan will be reviewed and approved by the Planning Department prior to issuance of any foundation building permits and shall be consistent with the traffic and parking study approved by the Planning Commission on February 28, 2001, and March 24, 2004. The parking plan shall provide details on peak parking demand, employee parking in general, and at Jordanelle, special event parking and parking enforcement within the parking structure.

17. A shuttle system shall be in place and operation prior to issuance of any certificates of occupancy for the hotel. The shuttle system is a condition of approval, and the Conditional Use Permit shall be considered void if the shuttle system is terminated unless alternative transportation and parking plans are reviewed and approved by the Planning Commission as an amendment to the CUP.
18. A one-year review of the parking and traffic situation one year after certificates of occupancy are issued for the hotel, shall be conducted by the staff and presented to the Planning Commission. Modifications to the parking and/or traffic plan may result from the review. Further annual reviews may be required. In addition, any change of unit configuration or form of ownership which increases parking demands or traffic beyond that considered in the December 12, 2000, Sear-Brown traffic and parking study and amended with the March 10, 2004, plans shall require subsequent Planning Commission review and approval.
19. Final location and dimensions of all trails must be delineated in their approximate locations on the final plat with guarantees for completion in place prior to granting any building permits for construction.
20. Final approval regarding snow shedding from roofs and porches will be granted after the Chief Building Official reviews the final architectural and structural plans and finds them in compliance with the City's snow shedding requirements. Final approval for the funicular will be granted only after the Chief Building Official reviews the plans for compliance with all applicable Building Codes.
21. The Deer Crest affordable housing plan approved by the Planning commission on December 21, 2001, shall remain in full force and effect unless amended and approved by the Planning Commission. No certificates of occupancy shall be issued for this Deer Crest Hotel CUP until all affordable housing obligations (10% of the approved UE's) have been satisfied for each phase i.e., in-lieu fees paid and any built units certified for occupancy. Phase I in the approved affordable housing plan shall mean the Roosevelt Gap site, and Phase II shall mean the Snow Park site.
22. All retaining walls shall be pedestrian in scale and consistent with the Park City Design Guidelines. Retaining walls should be compatible in form, scale, and materials with the architectural details and materials of nearby buildings. Stepping of retaining walls and landscaping shall be incorporated into the design.
23. All mechanical equipment and vents shall be screened for both visible and audible impacts.
24. All loading and unloading delivery areas shall be screened from view of adjacent property and public rights-of-way. Detailed plans shall be reviewed and approved by the Planning, Engineering, and Building Departments prior to issuance of building permits.
25. A phasing plan shall be reviewed by the City prior to the issuance of a footing and foundation permit to ensure that any phase constructed stands on its own in terms of architecture, design, utilities, trails and circulation, landscaping, parking, and

access and is consistent with the approved CUP in the interim of construction of the remaining phases. The phasing plan shall address maintaining public access to the trail system during construction subject to the Chief Building Official's approval and closures due to health, safety, and welfare.

26. At the time of building permit submittal, the plans shall include a landscape and irrigation plan detailing the landscape or other temporary finish treatment of the top of the north parking structure to be approved by the City prior to issuance of a building permit.

17. 2300 Deer Valley Drive East, St. Regis Resort Deer Crest - Record of survey

Planner Whetstone reviewed the request for a condominium record of survey plat for 99.5 unit equivalents at Roosevelt Gap and one unit equivalent at Snow Park, with the remaining units approved by the CUP to be subject to a future condominium conversion expandable area. The Staff has reviewed the condominium plat, and a condition of approval requires that the City Attorney and City Engineer review and approve the final form and content of the record of survey plat as well as the condominium declaration and CC&R's. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff report, with a correction to Finding 3 from 105 UE's at Roosevelt Gap to 99.5 UE's.

Commissioner O'Hara referred to Condition of Approval 7 and asked on what it will be shown that the condominium project will be built as shown. Planner Whetstone clarified that it is as shown on the plat.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Volkman moved to forward a POSITIVE recommendation to the City Council for the condominium record of survey plat for 2300 Deer Valley Drive East, according to the findings of fact, conclusions of law, and conditions of approval outlined in the staff report with the amendment to Finding of Fact 3 regarding the 99.5 UE's at Roosevelt Gap. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2300 Deer Valley Drive - Record of Survey

1. The property is located in the RC and RD-MPD zoning districts.

Planning Commission Staff Report



Subject: Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV)
Author: Kirsten A. Whetstone, AICP
Date: February 23, 2011
Project # PL-11-01140
Type of Item: Administrative – Condominium Record of Survey plat amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV). Staff also recommends the Planning Commission consider any public input and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Topic

Applicant: Wichita LLP
Location: Lots 1 and 2 of the Silver Strike Subdivision, Pod A, Village at Empire Pass
Zoning: Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses: Other development parcels of the Village at Empire Pass, Pods A and B1, Silver Strike Lodge, and Open Space.

Proposal

The proposed Belles at Empire Pass condominium plat (Exhibit A) is an amended, consolidated, and restated condominium plat of the previously approved and recorded Christopher Homes condominium plats (I, II, III, and IV) (Exhibit B). The majority of the property is under new ownership. The proposed plat redefines the private area boundaries for the 17 units (reduced from the originally platted 18 Christopher Homes units and reconfigured from 10 detached/ 4 duplexes (18 units total) to 11 detached/3 duplexes (17 units total)). All conditions of approval of the underlying approvals, namely the Village at Empire Pass MPD and the Silver Strike Subdivision continue to apply and are reflected as conditions of approval and plat notes on this proposed amended plat.

The Christopher Homes condominium project, with the exception of Units 1, 2, 3, and 12, was purchased by Wichita LLP (Pat Prothro) who now represents the HOA and who owns the remaining units. Units 1, 2, 3, and 12 were sold to individual property owners.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement allowed a total of 60 single detached or duplex units within the entire Flagstaff annexation area with the remaining units to be configured as multi-family (stacked-flat or tri-plex or greater attached units).

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified this area of Pod A as the location for 18 detached single family homes and duplexes. (Exhibit C).

On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The Belles at Empire Pass condominiums (fka Christopher Homes) are located on Lots 1 and 2 of the Silver Strike Subdivision (which is a portion of pod A). Units 1-8 are located on Lot 2 and Units 9-17 are located on Lot 1.

Each of the successive Christopher Homes plats created units within Lots 1 and 2 of the Silver Strike Subdivision for a total of 18 units. On August 17, 2007, the City approved 4 units as the Christopher Homes condominium plat on Lot 2 and on November 29, 2007, the City approved the first amended Christopher Homes (II) condominium plat creating an additional 4 units on Lot 2. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes III. On August 28, 2008, the City Council approved the Christopher Homes IV for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. These four Christopher Homes condominium plats were subsequently recorded upon approval, at Summit County.

Analysis

The proposed Belles at Empire Pass amended record of survey plat creates 17 condominium units along Silver Strike Trail (a cul-de-sac). The layout is similar to the Nakoma and Paintbrush units in which each condo unit initially encompasses more than just the three-dimensional air space of the unit.

The prior recorded plats require that, after construction of the units, and prior to issuance of a final certificate of occupancy, the record of survey shall be amended to reflect the final as-built conditions and the boundaries of the units which identify the entire structure as private with the driveways and patio areas as limited common and the remainder of the land identified as common area in accordance with the Utah Condominium Act. These supplemental plats require Planning Commission review and final action by the City Council.

Units 1, 2 and 12 are constructed and Unit 9 is currently under construction. An application for the supplemental plat for Units 1, 2, and 12 has been submitted and is scheduled for review at this meeting, as the First Supplemental Plat for Constructed Units at The Belles at Empire Pass a Utah Condominium project. A separate supplemental plat for Unit 9 will be submitted upon completion of this unit.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the Land Management Code, plus 600 square feet for a garage. In this definition, basement area (below final grade) is exempt from the floor area calculations for house size. A note on the plat reflects this restriction.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, distinct from maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable.” Unit Equivalents are calculated by dividing the total square footage of all the units involved by 2,000. The unit equivalent area includes the basement area below final grade (the house size area excludes this basement area).

A maximum of 90,000 sf (45 UEs) are approved for these units under the Flagstaff Development Agreement. There are no conditions as to how the 90,000 sf may be distributed among the units. A note on the plat reflects this restriction.

The zoning is RD- Residential Development subject to the following criteria:

	Permitted	Proposed
Height	28' (+5' for pitched roof)	Up to 33' for pitched roof. No height exceptions proposed. Complies.
Front setback	20', 25' to front facing garage	No setback reductions. Property line in front is the back of the street gutter. Complies.
Rear setback	15' from Lot boundary	15' from Lot boundary. Complies.
Side setbacks	12' from Lot boundary	12' from Lot boundary. Complies.
Parking	Two spaces required	2 per unit. Complies.
Maximum House Size	5,000 sf (interior paint to paint gross floor area minus basement areas defined by LMC and 600 sf allowance for a garage).	Maximum of 5,000 sf to be verified prior to building permit issuance and reflected on the final supplemental plat.

Staff finds good cause for this record of survey amendment as it is consistent with the approved Silver Strike Subdivision. The plat is consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports related to the Flagstaff Development Agreement. The plat reduces the number of dwelling units previously approved by 1 unit, however the total UEs remains the same.

Department Review

This project has gone through an interdepartmental review. Issues regarding plat notes to reflect prior approvals and location of existing easements have been resolved with clarified plat notes. All previously recorded easements are reflected on the plat. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

Staff has not received any public input at the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation regarding the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV).
- The Planning Commission may forward a negative recommendation and request staff to prepare findings of fact for this decision, or
- The Planning Commission may continue the discussion to a date certain and provide the applicant and staff direction on additional information or changes needed to make a decision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The Christopher Homes plats (I-IV) would remain as recorded and the 18 units, instead of 17 as proposed, would be required to be constructed according to the configuration of the recorded plats.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV). Staff also recommends the Planning Commission consider input and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A- proposed plat (The Belles at Empire Pass)

Exhibit B- existing plats (Christopher Homes I-IV)

Exhibit C- aerial photo

Ordinance No. 11-

AN ORDINANCE APPROVING THE AMENDED, CONSOLIDATED, AND RESTATED CONDOMINIUM PLAT OF THE BELLES AT EMPIRE PASS (FORMERLY KNOWN AS CHRISTOPHER HOMES AT EMPIRE PASS I- IV), LOCATED ON LOTS 1 AND 2 OF THE SILVER STRIKE SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Belles at Empire Pass (formerly known as Christopher Homes at Empire Pass Condominiums I-IV), located on Lots 1 and 2 of the Silver Strike Subdivision plat, have petitioned the City Council for approval of the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 23, 2011, to receive input on the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass a Utah condominium project;

WHEREAS, the Planning Commission, on February 23, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on March 24, 2011, to receive public input on the plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass because it is consistent with the approved Silver Strike Subdivision and with the development pattern envisioned by the Village at Empire Pass Master Planned Development and the 14 Technical Reports related to the Flagstaff Development Agreement. The plat reduces the number of dwelling units previously approved by 1 unit, however the total UEs remains the same.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat incorporates property located on Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, known as the Village at Empire Pass.
2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010, the Planning Department received a complete application for an amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. The amended plat is an amended, consolidated, and restated condominium plat of The Belles at Empire Pass that supersedes, amends, replaces, and consolidates the Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV.
11. The purpose of the plat amendment is to describe and plat the private area for construction of the 17 condominium units as contemplated by the Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. Units 1-8 are located on Lot 2 and Units 9-17 are located on Lot 1 of the Silver Strike Subdivision.
12. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
13. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary

wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable, such as crawl spaces and mechanical chases. .

14. As conditioned, the proposed Belles at Empire Pass condominium plat is consistent with the approved Flagstaff Development Agreement, the Master Planned Development for the Village at Empire Pass and the conditions of approval of the Silver Strike Subdivision.
15. Units 1, 2 and 12 are constructed and Unit 9 is currently under construction. An application for the supplemental plat for Units 1, 2, and 12 has been submitted by the owners as the First Supplemental Plat for Constructed Units at The Belles at Empire Pass a Utah Condominium project. A supplemental plat for Unit 9 will be submitted upon completion of this unit.
16. The Silver Strike subdivision plat requires that, after construction of the units, and prior to issuance of a final certificate of occupancy, the boundaries of the units shall be amended to reflect the final as-built conditions identifying the entire structure as private with the driveways and patio areas as limited common and the remainder of the land identified as common area in accordance with the Utah Condominium Act.
17. Analysis section is incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers and compliance with the interface zone landscaping requirements is required to be submitted to the Building Department prior to issuance of building permits for the units.
5. All existing recorded easements shall be reflected on the plat prior to recordation.
6. Prior to issuance of final certificates of occupancy by the Park City Chief Building Official for completed units, a supplemental plat or plats shall be submitted to the City for review by the City Council and recorded at Summit County.

7. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
8. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable." A total of 45 UE (90,000 square feet) are permitted for the units designated by this plat.

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

PASSED AND ADOPTED this 24th day of March, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

29-83 Silver Strike Trail
The Belles at Empire Pass



1 inch = 300 feet



Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 29, 32, and 39 Silver Strike Trail
Author: Kirsten A. Whetstone, AICP
Date: February 23, 2011
Project #: PL-10-01023
Type of Item: Administrative – Supplemental Condominium Record of Survey plat of 1, 2, and 12 of the Belles at Empire Pass (formerly known as Christopher Homes)

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the First Supplemental Plat for Constructed Units amending Units 1, 2, and 12 of the Belles at Empire Pass and consider forwarding a positive recommendation to City Council to approve the amended plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Christopher Homes HOA (as the declarant) and owners of Units 1, 2, and 12
Location: Portions of Lots 1 and 2 of the Silver Strike Subdivision, Pod A, Village at Empire Pass
Zoning: Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses: Other development parcels of the Village at Empire Pass, Pods A and B1, Silver Strike Lodge, Belles at Empire Pass Condominium units, ski trails and open space.

Proposal

The purpose of the amendment is to plat the as-built conditions and identify common, limited common, and private areas for Units 1, 2, and 12, as stipulated in the conditions of approval of the underlying plats (The Belles at Empire Pass that supercedes the Christopher Homes at Empire Pass- Phases I, II, III, and IV and the Silver Strike subdivision, as well as the recorded CCRs).

All conditions of the underlying approvals, namely the Village at Empire Pass MPD, Silver Strike Subdivision, and the Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed amended plat (Exhibit A).

Background

On June 29, 2010, the Planning Department received an application for an amendment

to the Christopher Homes at Empire Pass Phase I condominium plat. Staff reviewed the submitted plat and required additional information to document the basement areas.

Following staff's request for additional information, the Christopher Homes condominium project, with the exception of Units 1, 2, 3, and 12, was purchased by Wichita LLP (Pat Prothro) who now represents the Belles HOA and who owns the remaining units. Units 1, 2, 3, and 12 were sold to individual property owners. Unit 3 has not been constructed. Units 1, 2, and 12 have been constructed and are subject to this plat amendment.

On December 20, 2010, a revised plat for all of the condominium units, known as the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass, was submitted. On January 21, 2011, this First Supplemental plat to the Belles at Empire Pass plat for Units 1, 2, and 12, was submitted.

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

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for 18 detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass condominiums utilize 17 of the 60 allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The Belles at Empire Pass condominium Units 1 and 2 are located on Lot 2 of the Silver Strike Subdivision and Unit 12 is located on Lot 1.

On August 17, 2007, the City approved 4 units as the first Christopher Homes condominium plat on Lot 2 and on November 29, 2007, the City approved the first amended Christopher Homes condominium plat (Phase II) creating an additional 4 units on Lot 2. On April 23, 2008, the City Council approved two more condominium units (Phase III) on Lot 1 of the Silver Strike subdivision. On June 6, 2008, the City Council approved eight additional condominium units (Phase IV) on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations.

Along with this plat amendment for Units 1, 2, and 12, the Planning Commission is reviewing a request to amend, consolidate, and restate the Christopher Homes at Empire Pass Condominium plats Phases I-IV. If approved, the Belles at Empire Pass-

an amended, consolidated and restated condominium plat- will supersede all of the Christopher Homes at Empire Pass condominium plats.

A condition of approval of the Belles at Empire Pass amended, consolidated, and restated condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying the as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

Analysis

This plat amendment request for The First Supplemental plat for Constructed Units at The Belles at Empire Pass amends Units 1, 2, and 12 to document the final as built conditions of these completed units in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD) subject to the Village at Empire Pass MPD. The following site and development requirements apply:

	Permitted	Proposed
Height	28' (+5' for pitched roof)	No height exception
Front setback	20', 25' to front facing garage	No setback reductions. Property line is the back of the street gutter.
Rear setback	15' from Lot boundary	15' from Lot boundary
Side setbacks	12' from Lot boundary	12' from Lot boundary
Parking	Two spaces required	2 per unit
Maximum house size (based on the LMC)	5,000 sf (gross floor area excludes basement area below final grade and 600 sf of garage area).	Unit 1- 4,982.9 sf Unit 2- 4,999.6 sf Unit 12- 4,984.9 sf
Unit Equivalent (based on the Village at Empire Pass MPD)	Gross ue floor area (excludes 600 sf garage and uninhabitable space, ie. crawl space, attic, chases. It includes all basement areas.)	Unit 1- 6010.8 sf/3.005 UE Unit 2- 6,614.1 sf/3.307 UE Unit 12-5275.8 sf/2.637 UE UE= gross floor area/2000 Total: 8.949 UE

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and the basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable.” Basement area is included in the UE calculations. A total

of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet.

Each unit meets the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. These three units utilize 8.949 Unit Equivalents (UE).

Staff finds good cause for this record of survey amendment as it memorializes and documents the as-built conditions and UE calculations and complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass, that is being reviewed concurrently with this plat amendment. In addition the three units are consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

Staff has not received any public input at the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation regarding the First Supplemental Plat for Constructed Units at The Belles at Empire Pass a Utah Condominium Project amending Units 1, 2, and 12 as conditioned or amended, or
- The Planning Commission may forward a negative recommendation and request staff prepare findings of fact for this decision, or
- The Planning Commission may continue the discussion to a date certain and provide the applicant and staff direction on additional information or changes needed to make a decision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The conditions of the original plat would not be met and the as built conditions would not be correctly depicted on the plat. A final certificate of occupancy couldn't be issued.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the First Supplemental Plat for Constructed Units amending Units 1, 2, and 12 of the Belles at Empire Pass and consider forwarding a positive recommendation to City Council to approve the amended plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- proposed plat

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS, AMENDING UNITS 1, 2, AND 12, LOCATED ON LOT 1 AND LOT 2 OF THE SILVER STRIKE SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominiums Units 1, 2, and 12, have petitioned the City Council for approval of the First Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project;

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to property owners according the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on February 23, 2011, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on February 23, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on March 24, 2011, to receive input on the supplemental plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the First Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed UEs for these three condominium units;

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The supplemental plat includes Units 1, 2, and 12 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area. The property is located on portions of Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, in an area

known as the Village at Empire Pass. The properties are addressed at 29, 39, and 32 Silver Strike Trail.

2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village at Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD-style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010, the Planning Department received a complete application for an amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. The amended plat is an amended, consolidated, and restated condominium plat of The Belles at Empire Pass that in whole supersedes, amends, replaces, and consolidates all of the Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. The amended plat is being reviewed concurrently with this First Supplemental plat.
11. On January 21, 2011, the Planning Department received a complete application for the First Supplemental Plat for Constructed Units at the Belles at Empire Pass a Utah Condominium project amending Units 1, 2, and 12.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and UE calculations for the constructed Units 1, 2, and 12 prior to issuance of a Certificate of Occupancy and to identify private, limited common, and common area for these units.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass, that is being reviewed concurrently with this plat amendment. In addition, the three units are consistent with

the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

14. Units 1 and 2 are located on Lot 2 and Unit 12 is located on Lot 1 of the Silver Strike Subdivision.
15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf, and Unit 12 house size is 4,984.9 sf.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet.
17. Unit 1 contains 6010.8 gross square feet and utilizes 3.005 UEs. Unit 2 contains 6,614.1 gross square feet and utilizes 3.307 UEs. Unit 12 contains 5,275.8 sf and utilizes 2.637 UEs. These three units utilize 8.949 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
19. The Analysis section is incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. Unit 1 utilized 3.005 UEs. Unit 2 utilized 3.307 UEs. Unit 12 utilized 2.637 UEs. The total UEs utilized for each unit must be written on the plat under the unit name.
5. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade

and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf, and Unit 12 house size is 4,984.9 sf.

6. The supplemental plat shall be recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy for these units by the Park City Chief Building Official.

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

PASSED AND ADOPTED this 24th day of March, 2011.

PARK CITY MUNICIPAL CORPORATION

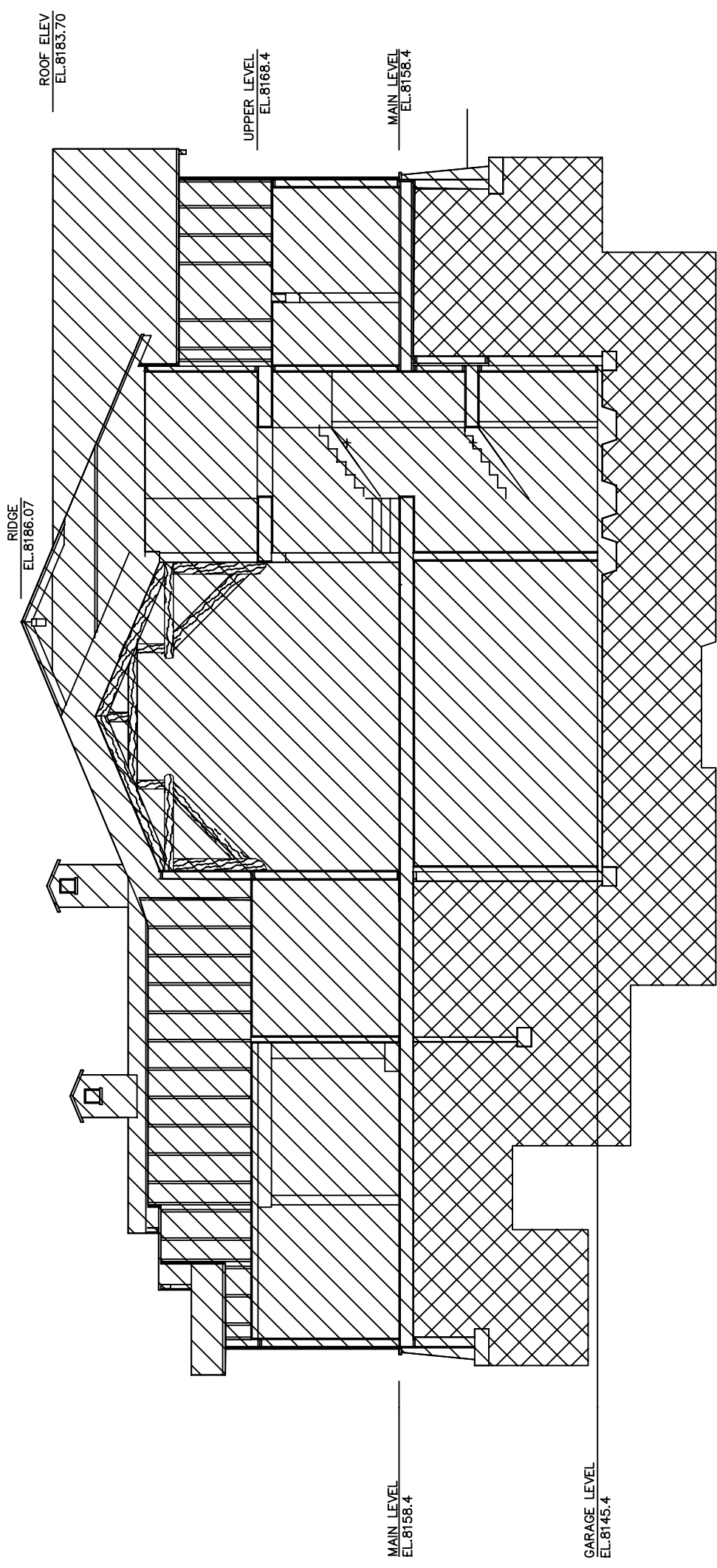
Dana Williams, MAYOR

ATTEST:

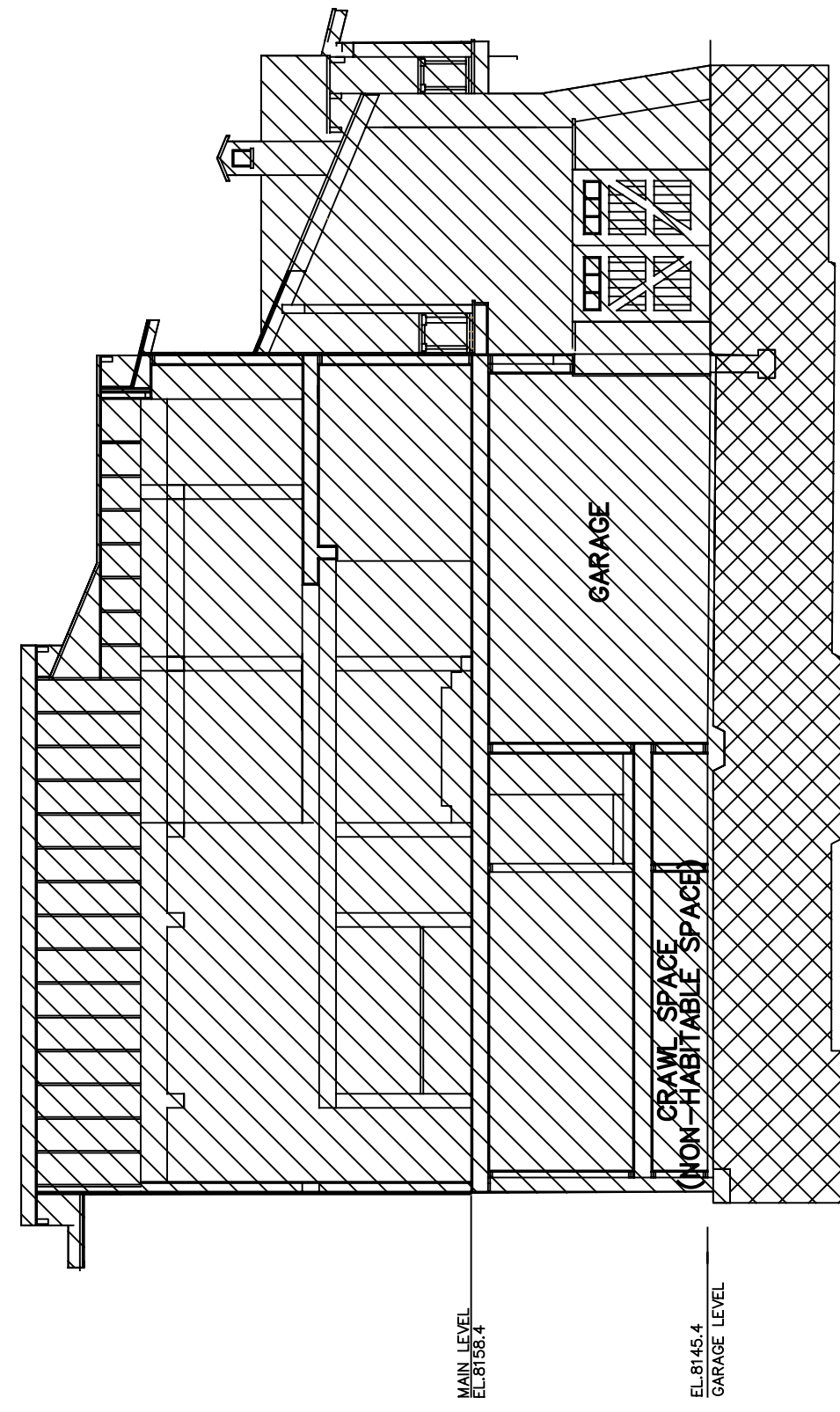
Jan Scott, City Recorder

APPROVED AS TO FORM:

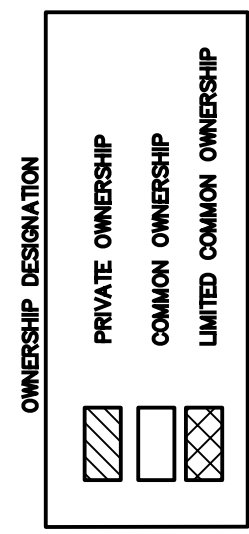
Mark Harrington, City Attorney



UNIT 1
SECTION A
1"=10'



UNIT 1
SECTION B
1"=10'



FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
 A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2
 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SUMMIT
 COUNTY, UTAH

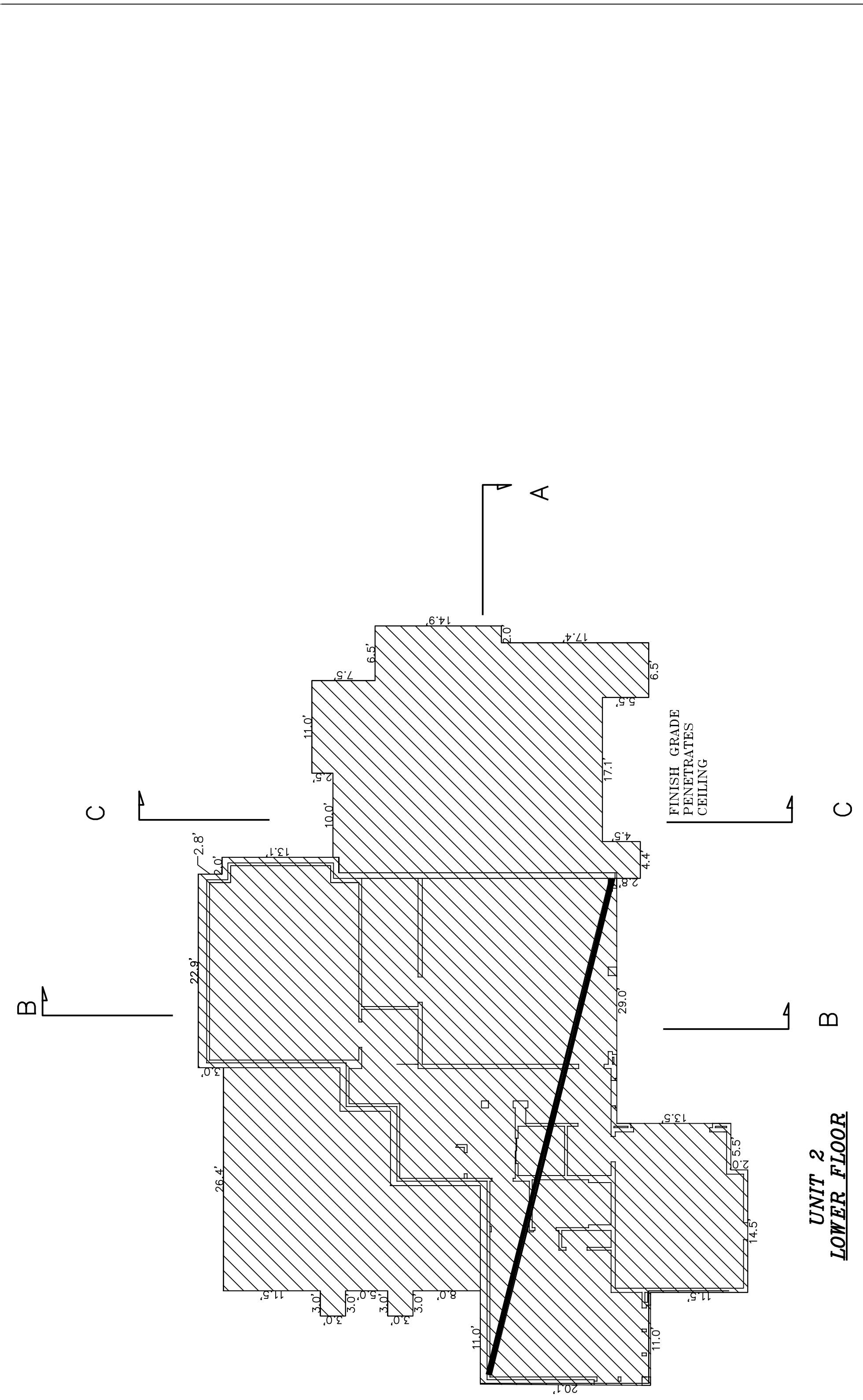
SHEET 3 OF 7

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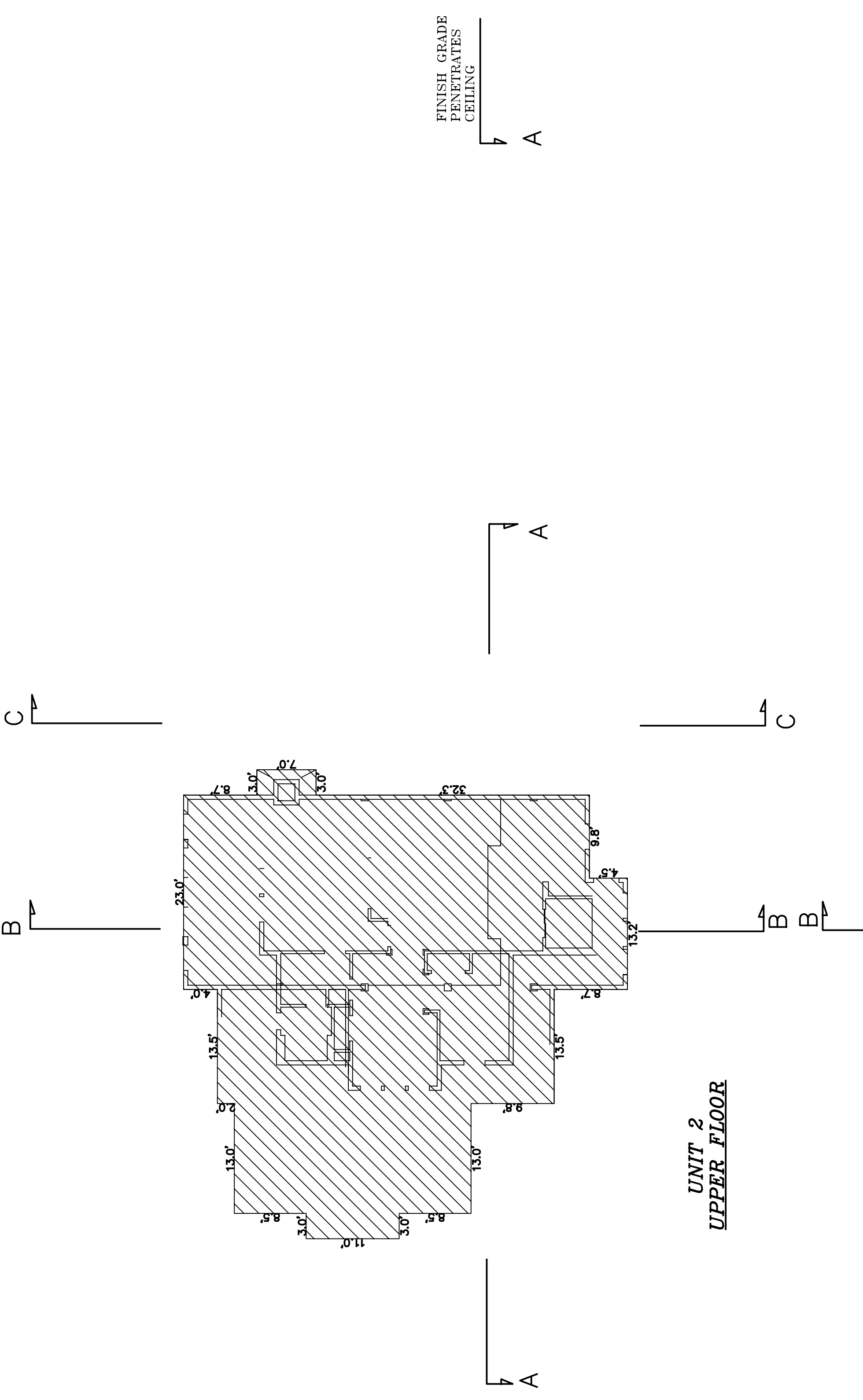
ENTRY NO. _____, BOOK _____, PAGE _____
 STATE OF _____, COUNTY OF _____, SUMMIT _____
 DATE _____, TIME _____
 RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER

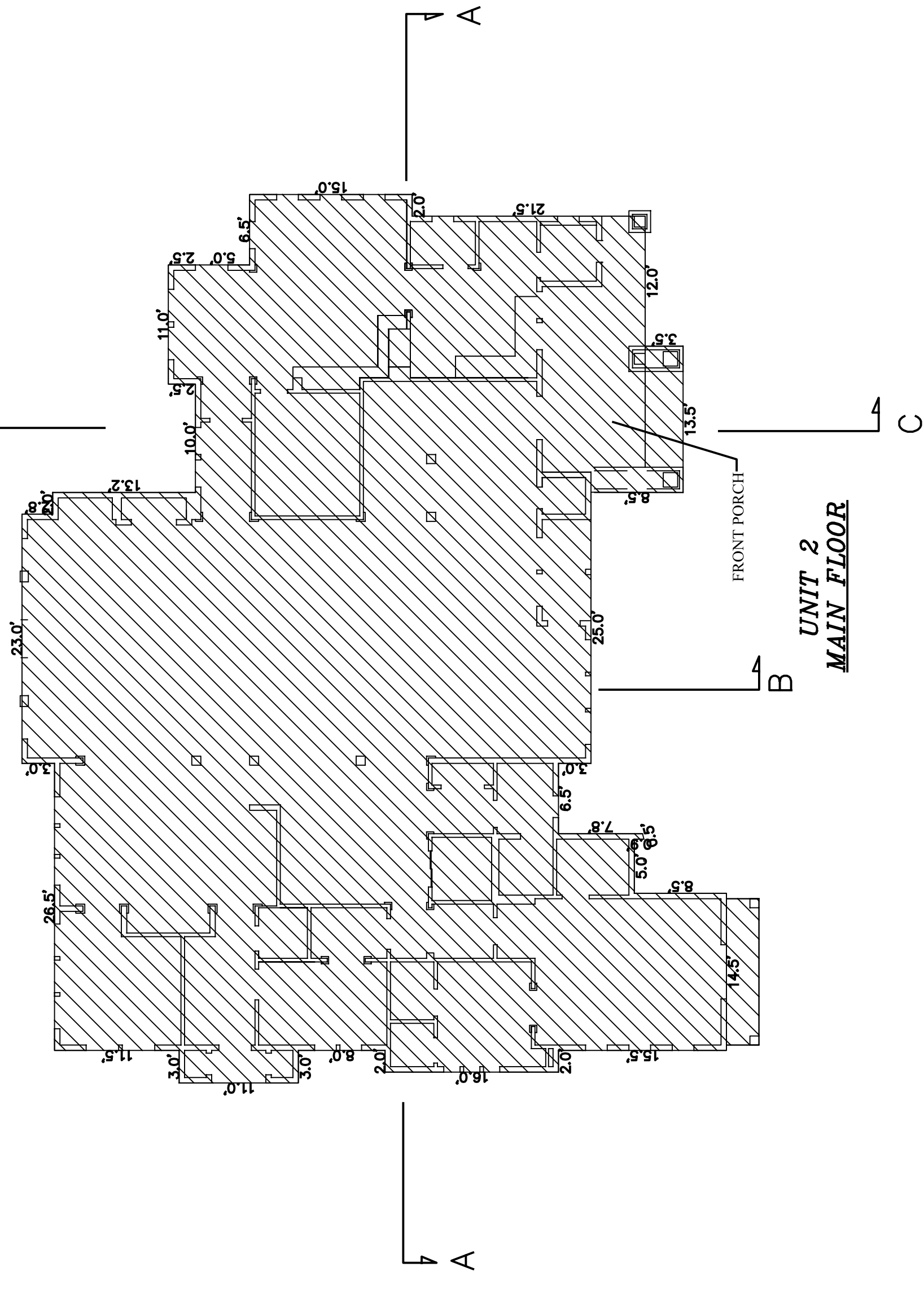
GC SURVEYING
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 801-520-8763 435-640-4200
 www.gc-surveying.com



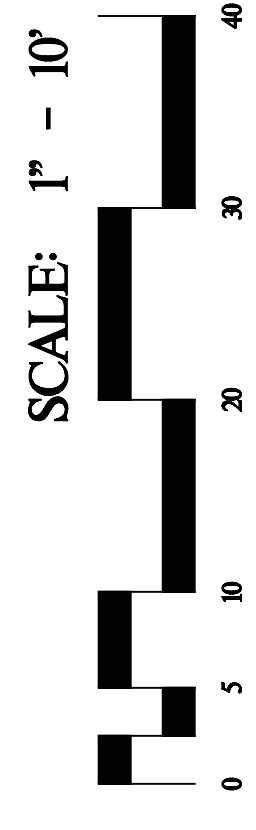
**UNIT 2
LOWER FLOOR**



**UNIT 2
UPPER FLOOR**

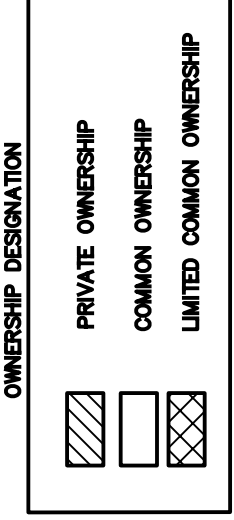


**UNIT 2
MAIN FLOOR**



**UNIT 2
SQUARE FOOTAGE CALCULATIONS**

UE-UNIT EQUIVALENT SQUARE FOOTAGE-(SF)	GROSS FLOOR AREA(SF)
185.3 sq. ft. lower level	348 sq. ft. lower level
306.5 sq. ft. upper level	306 sq. ft. upper level
1045.5 sq. ft. upper level	1045.5 sq. ft. upper level
147.2 sq. ft. garage extra	4999.6 sq. ft. TOTAL
664.1 sq. ft. TOTAL	
UE 3.307	



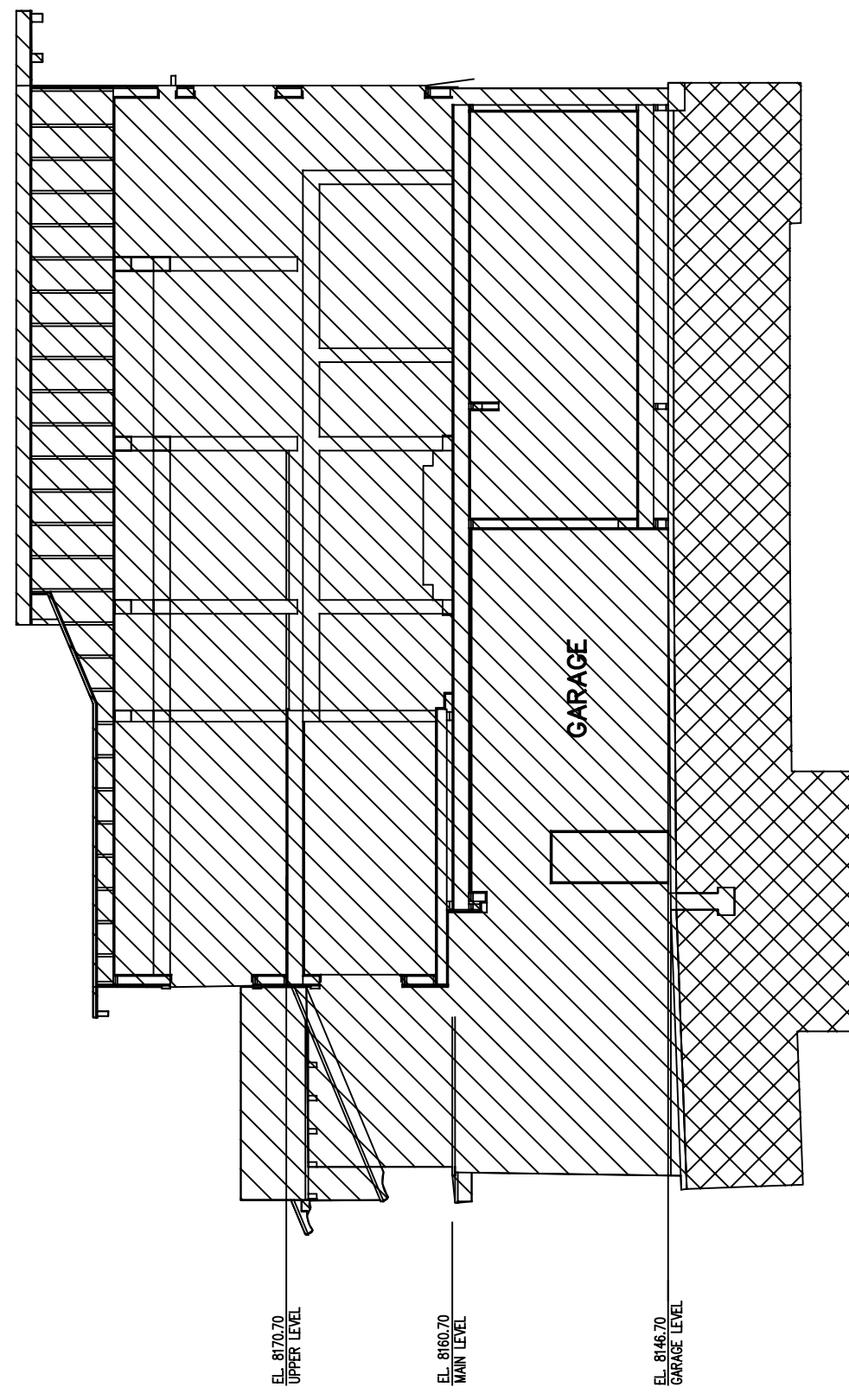
**FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SUMMIT
COUNTY, UTAH**

SHEET 4 OF 7

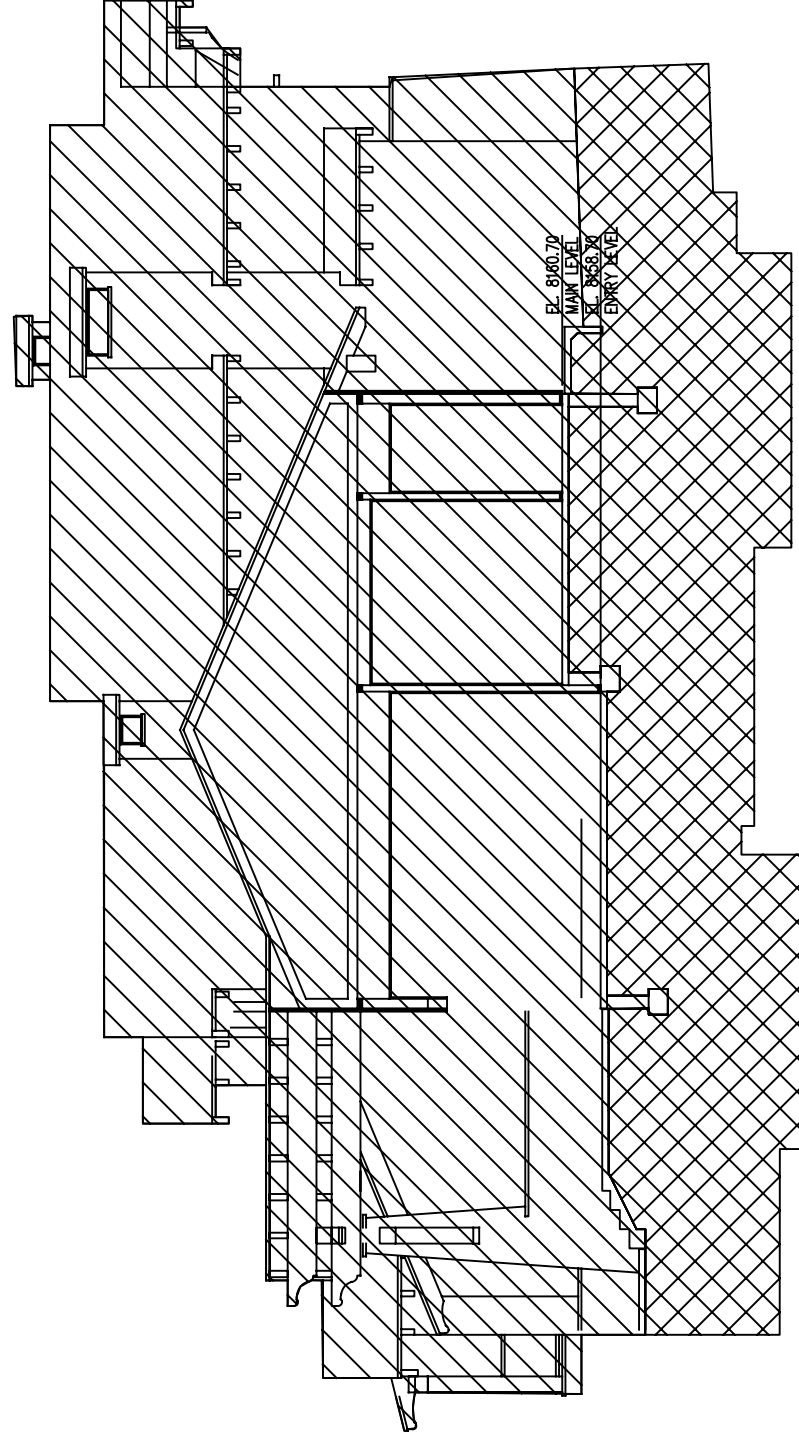
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DATE _____, TIME _____
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER _____

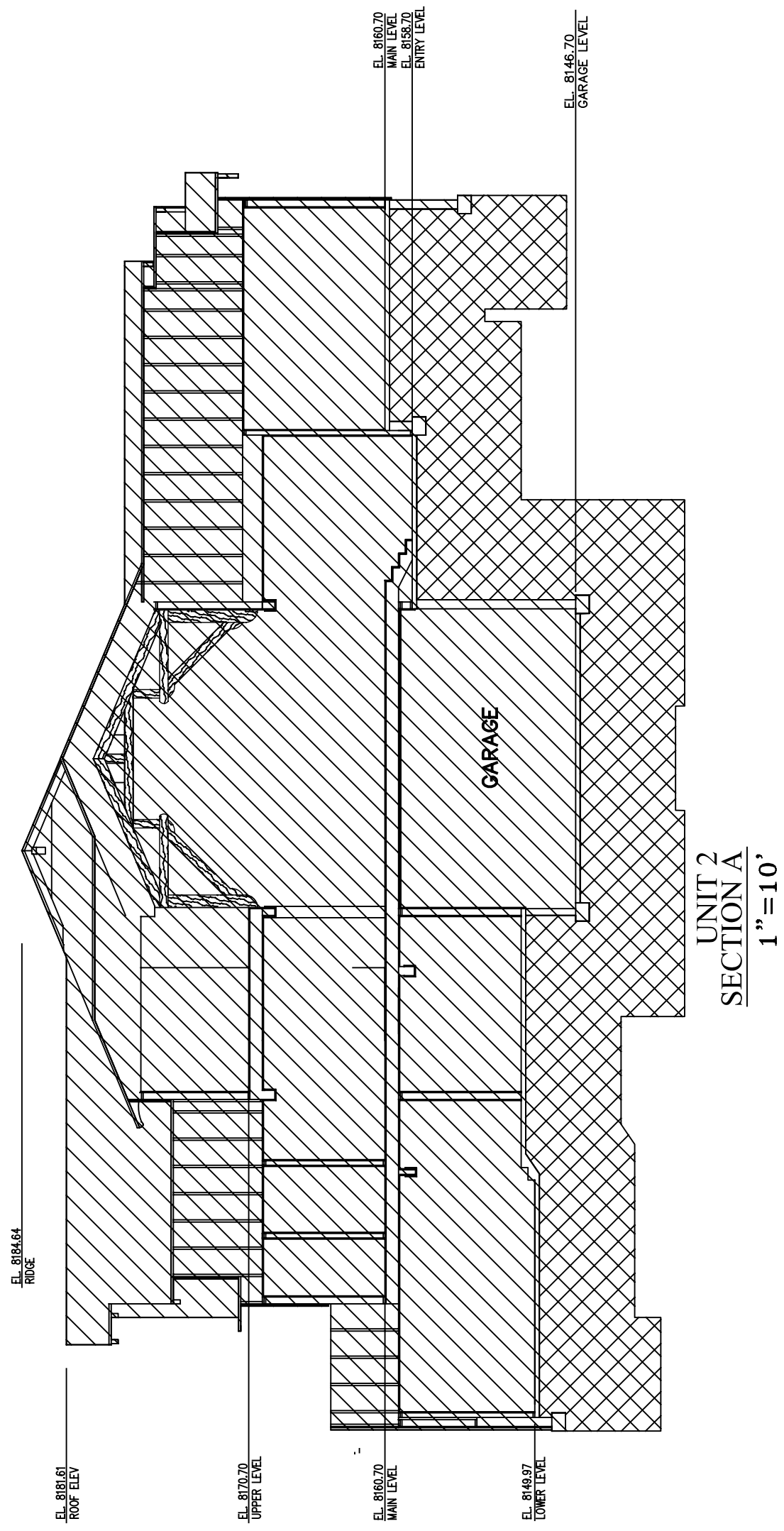
GC SURVEYING
2132 West 1235 South, Lehi, Utah 84043
801-520-8763 435-640-4200
www.gc-surveying.com



UNIT 2
SECTION B
1"=10'



UNIT 2
SECTION C
1"=10'



UNIT 2
SECTION A
1"=10'

OWNERSHIP DESIGNATION

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP

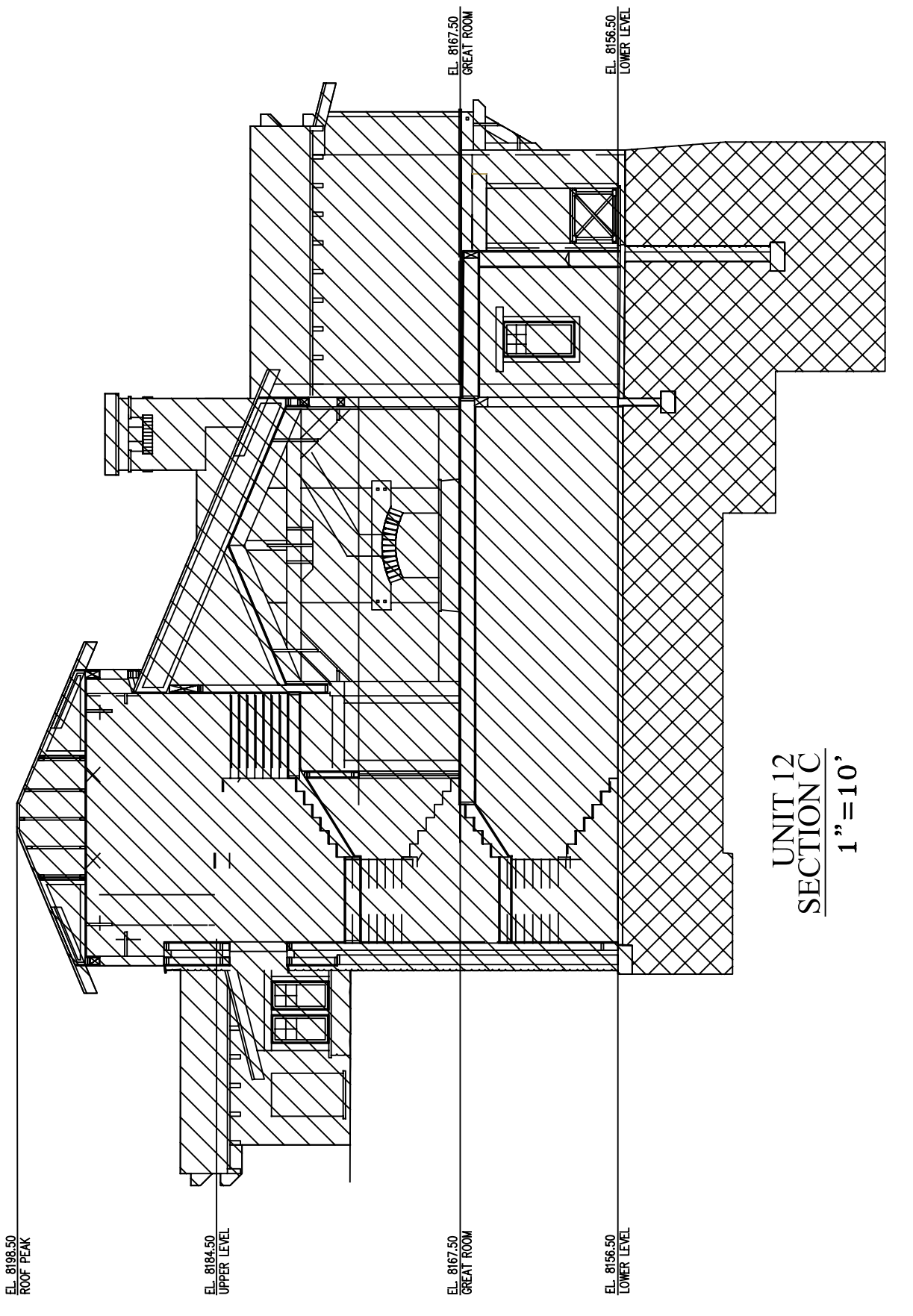
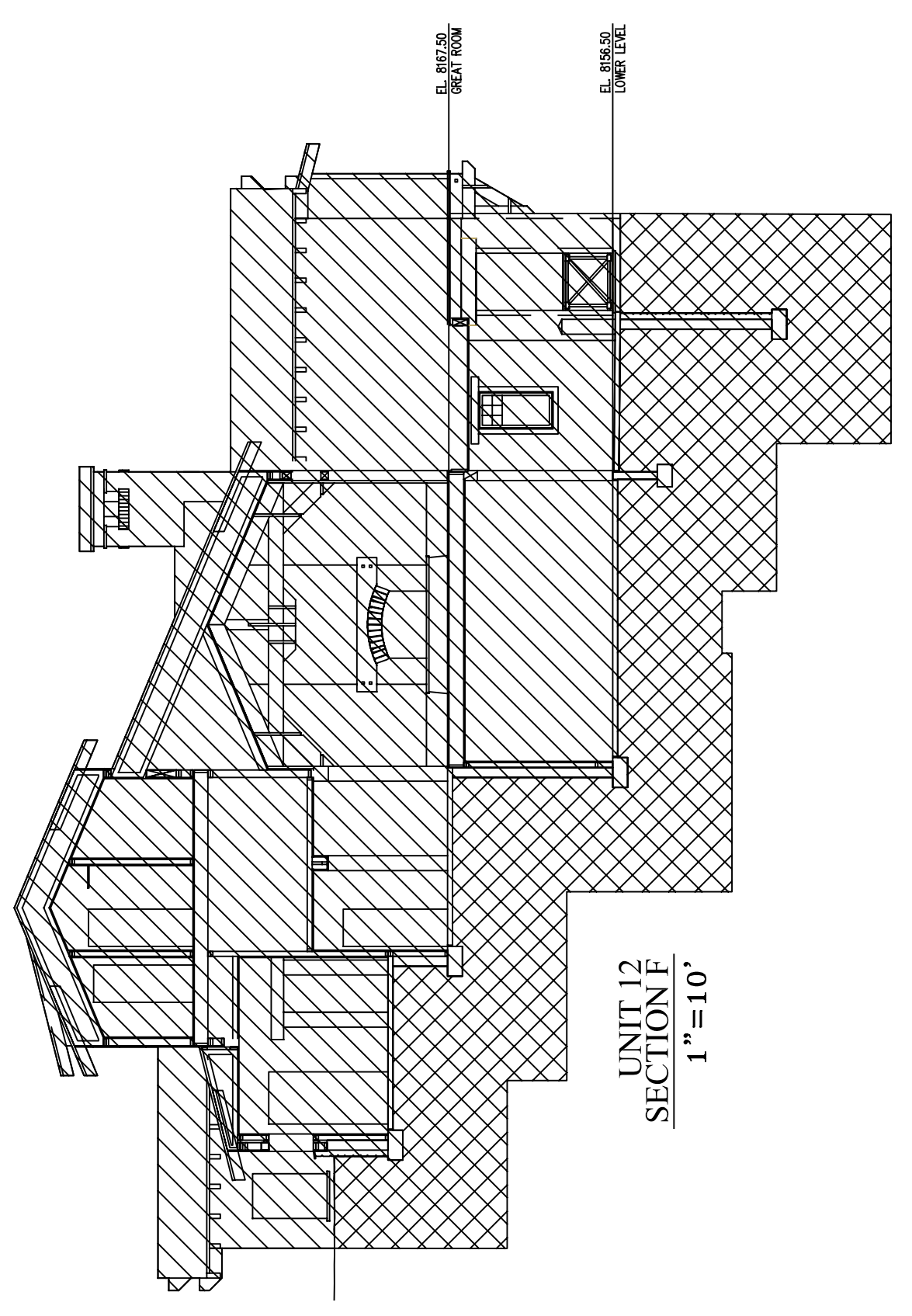
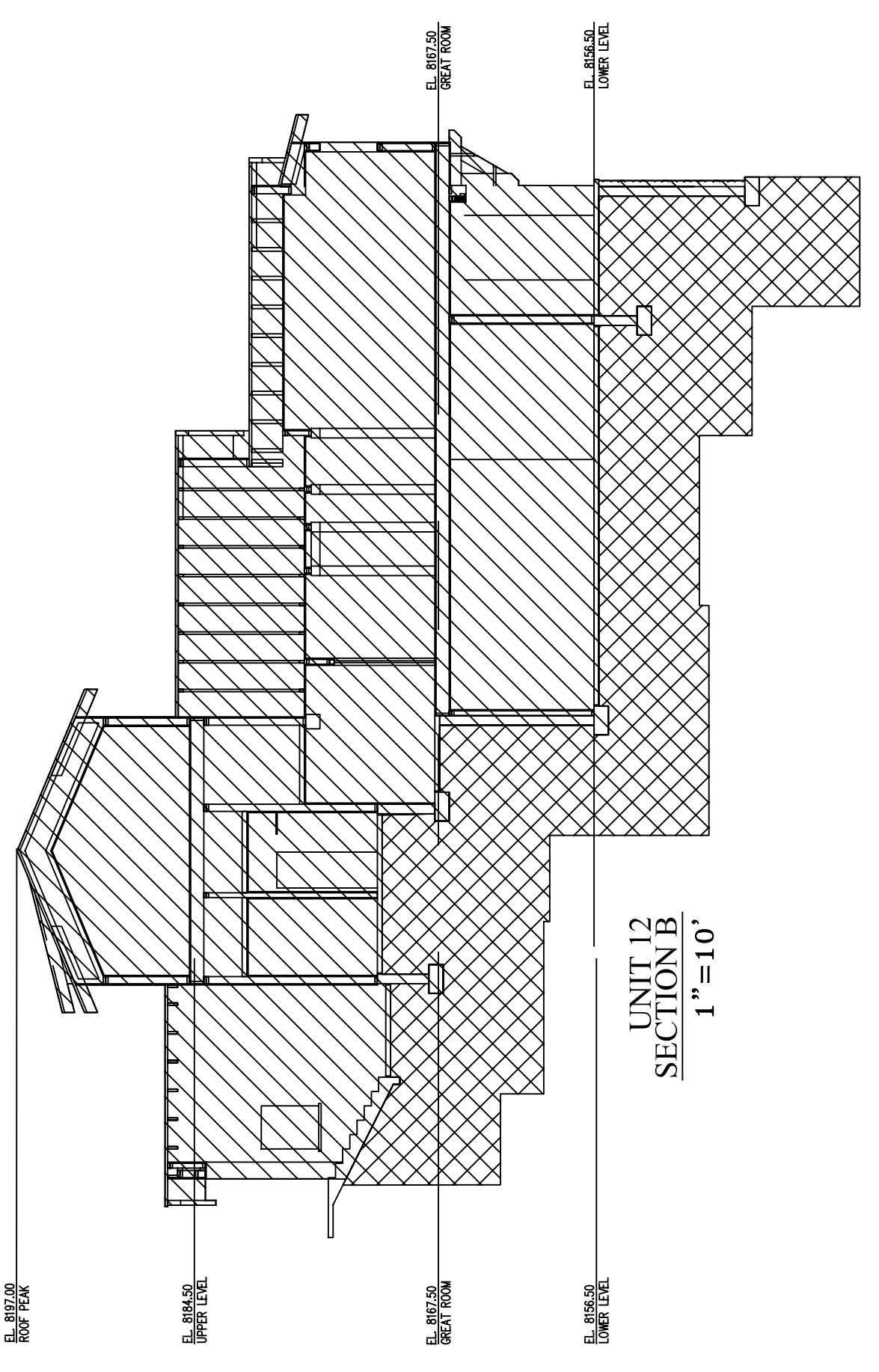
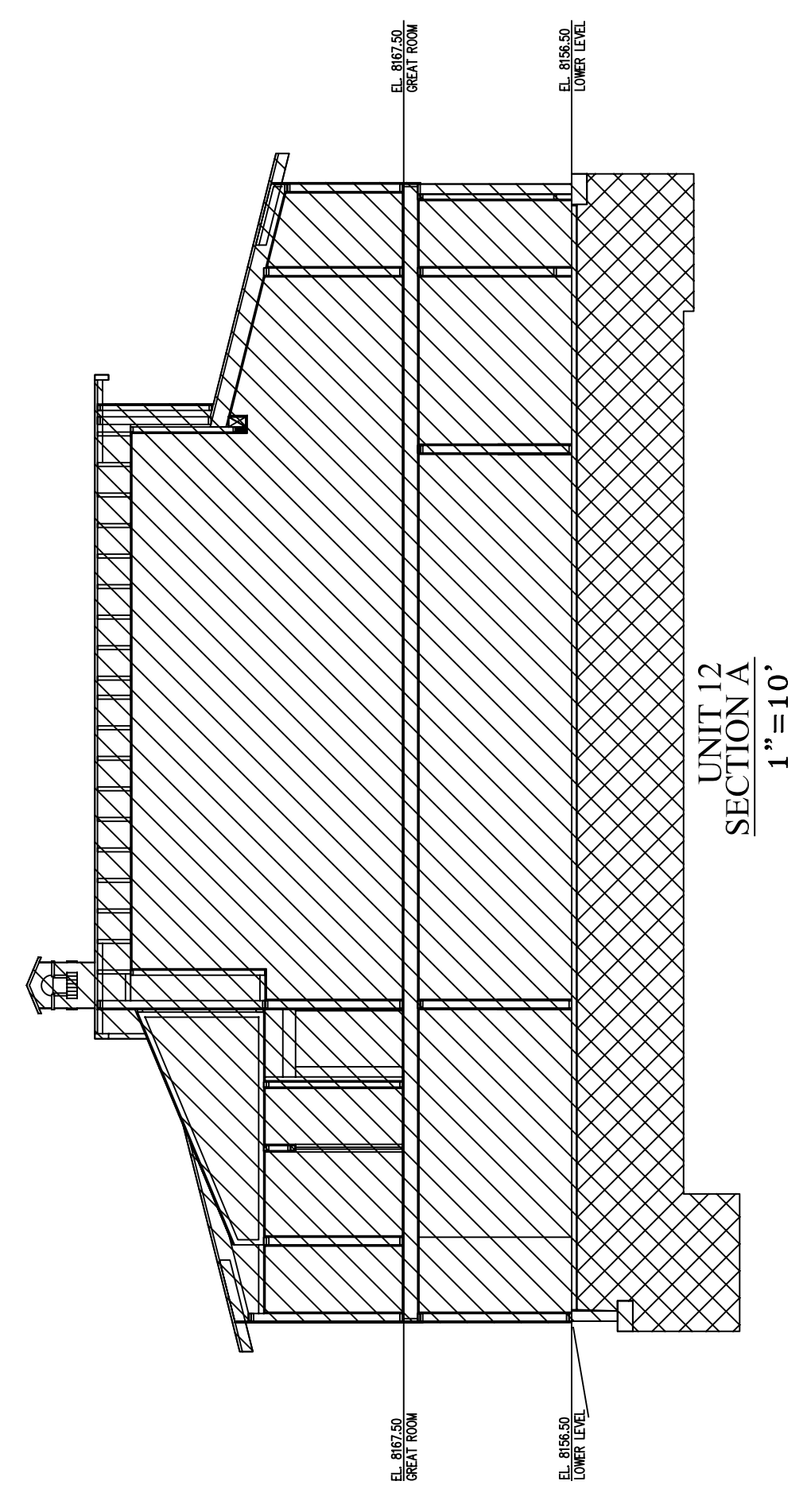
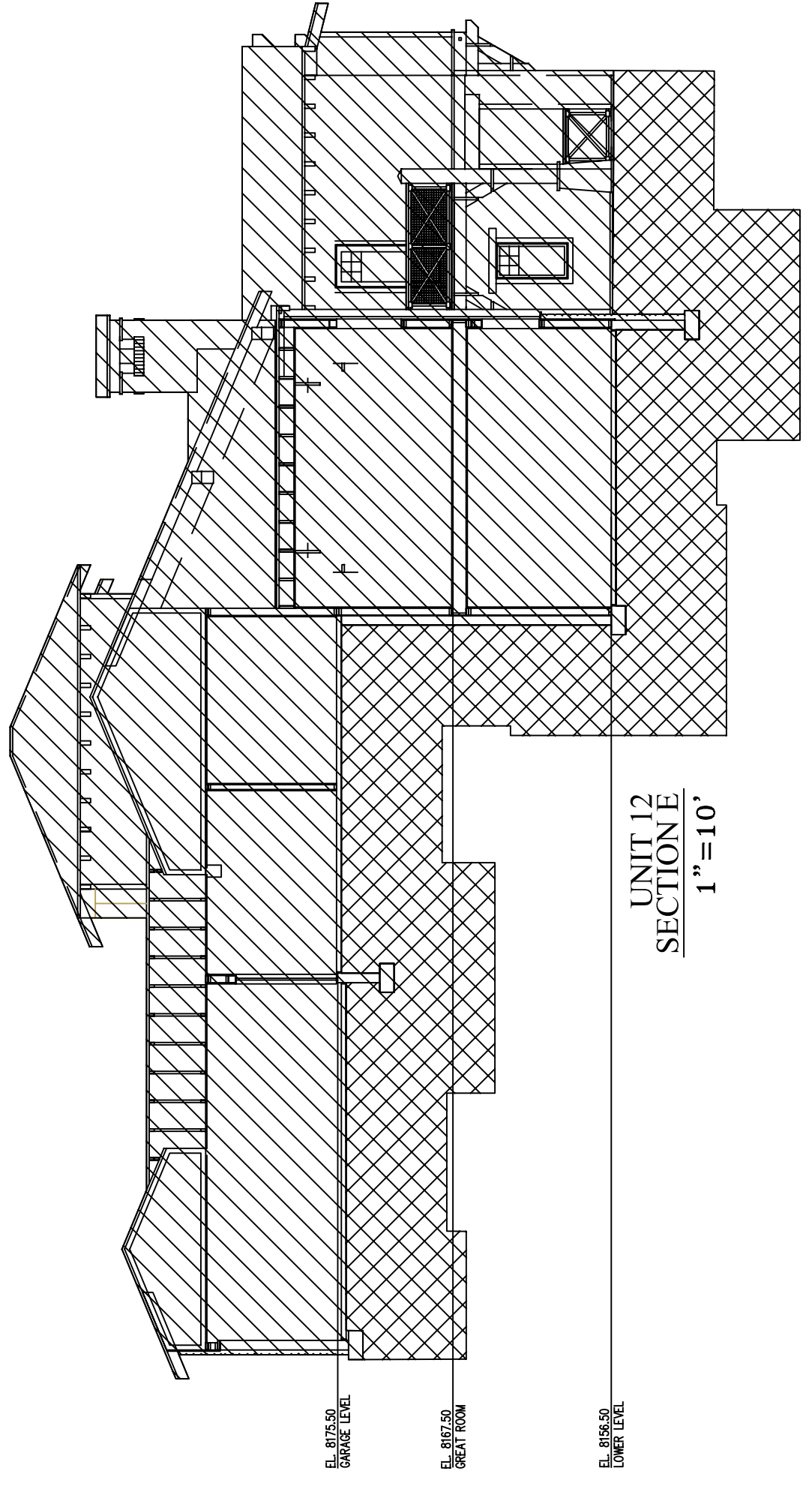
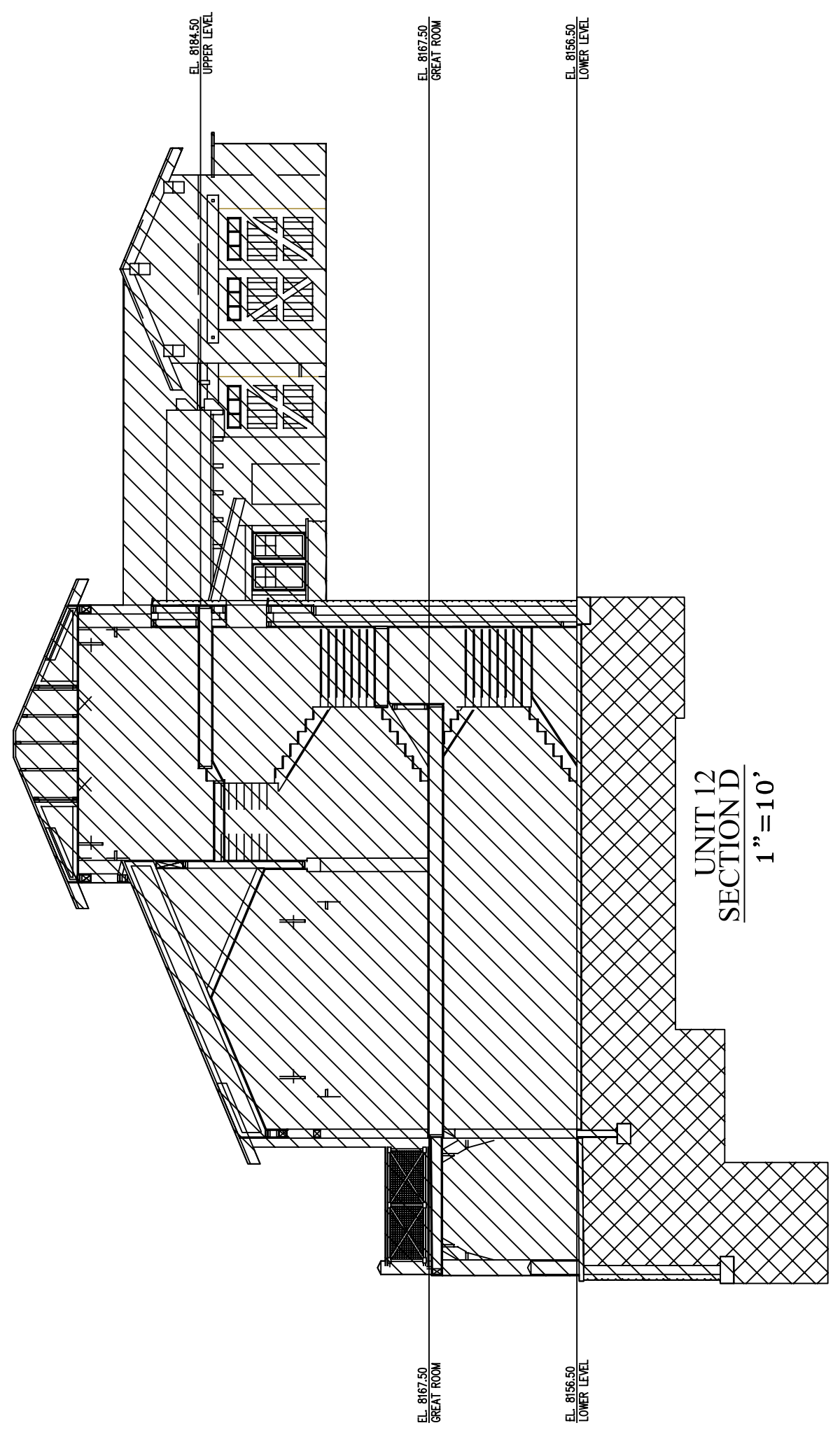
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COUNTY, UTAH

SHEET 5 OF 7

RECORDED

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COUNTY RECORDER _____

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801-520-8763 435-640-4200
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OWNERSHIP DESIGNATION

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
 A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2
 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SUMMIT
 COUNTY, UTAH

SHEET 7 OF 7

RECORDED

ENTRY NO. _____, BOOK _____, PAGE _____
 STATE OF UTAH, COUNTY OF SUMMIT
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 801-520-8763 435-640-4200
 www.gc-surveying.com

Planning Commission Staff Report



Subject: Park City Heights MPD
Author: Kirsten Whetstone
Date: February 23, 2011
Type of Item: Master Planned Development-work session

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, review and discuss the additional information provided by the applicant as requested at the work session on February 9, 2011, and continue the public hearing to March 9, 2011.

Description

Project Name: Park City Heights Master Planned Development
Project #: PL-10-01028
Applicants: The Boyer Company and Park City Municipal Corporation
Location: Southwest corner of the intersection of SR248 and US40
Zoning: Community Transition (CT)
Adjacent Land Uses: Municipal open space; single family residential; vacant parcel to the north zoned County- RR; vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex northwest of the intersection.
Reason for Review: Applications for Master Planned Developments require Planning Commission review and approval
Owner: The Boyer Company and Park City Municipal Corporation

Proposal

The proposed Park City Heights MPD application is a request for a mixed residential development of 239 units on 239 acres of land in the CT zoning district. The residential mix includes a) 160 market rate units in a mix of cottage units on smaller lots (6,000 to 8,000 sf) and single family detached units on 9,000 sf to 10,000 sf lots, b) 28 deed restricted townhouse units (IHC affordable), configured as seven four-plex buildings, and c) 32 AUE (PC Heights affordable) configured approximately as 16 deed restricted units in a mix of unit types from single family detached to townhouse units. Approximately 175 acres of the property are proposed to be open space. A public park, community gardens, trails and trail connections to the Rail Trail, bus stops, and a community center/club house area are included in the MPD.

Background

On June 30, 2010 the City received a complete application for the MPD following approval of the Park City Heights annexation by City Council on May 27, 2010. On September 22, October 13th, November 10th, and December 8th, 2010 and February 9, 2011, the Planning Commission conducted work sessions and/or public hearings on the MPD. On December 8, 2010, the applicants presented a revised MPD site plan and design guideline concepts with a photo study of architectural ideas for the different types of housing proposed with the Park City Heights MPD.

At the February 9, 2011, meeting the Commission reviewed the physical and computer models, discussed the draft design guidelines, and requested additional information regarding visual from vantage points around the site, perspectives, and preliminary plat information, i.e. lot dimensions and lot and street layouts with preliminary utility plans. The following information is provided for the Commission's review and discussion:

- Preliminary plat and utility plans
- Most current MPD site plan
- Visuals from various vantage points
- Perspectives shown at the previous meetings
- Wildlife study
- Physical model will be available for the discussion and public hearing

This information is supplemental to the information included in the Park City Heights binder. A comprehensive staff analysis will be prepared for the March 9, 2011 meeting.

Public Comment

The Commission should conduct a public hearing and may continue the hearing to the March 9, 2011 meeting for additional public input. Written public comment may also be provided to the Planning Staff and it will be forwarded to the Commission.

Staff Recommendation

Staff recommends the Planning Commission conduct a public hearing, review and discuss the additional information and continue the public hearing to March 9, 2011.

Exhibit

- Exhibit A- preliminary subdivision plat
- Exhibit B- MPD site plan
- Exhibit C- Visuals from various vantage points
- Exhibit D- Perspectives
- Exhibit E- Wildlife study

CALL BLUESTAKES
@ 1-800-862-4111
AT LEAST 48 HOURS PRIOR TO
THE COMMENCEMENT OF ANY
CONSTRUCTION.



PARK CITY HEIGHTS

PARK CITY, UTAH

INDEX OF DRAWINGS

C 1.0	OVERALL PRELIMINARY PLAT	C 3.0	OVERALL UTILITY PLAN
C 1.1	PRELIMINARY PLAT	C 3.1	UTILITY PLAN
C 2.0	OVERALL GRADING & DRAINAGE PLAN	C 3.2	UTILITY PLAN
C 2.1	GRADING & DRAINAGE PLAN	C 3.3	UTILITY PLAN
C 2.2	GRADING & DRAINAGE PLAN	C 3.4	UTILITY PLAN
C 2.3	GRADING & DRAINAGE PLAN	C 3.5	UTILITY PLAN
C 2.4	GRADING & DRAINAGE PLAN	C 3.6	UTILITY PLAN
C 2.5	GRADING & DRAINAGE PLAN	C 4.0	ROADWAY CROSS SECTIONS
C 2.6	GRADING & DRAINAGE PLAN		

UTILITY DISCLAIMER

THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTHS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS BY FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO LOCATE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO RELOCATE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO RELOCATE UTILITIES.

NOTICE TO CONTRACTOR

ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK SHOWN OR RELATED TO THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO LOCATE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO RELOCATE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO RELOCATE UTILITIES.

CONTRACTOR FURTHER AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO LOCATE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO RELOCATE UTILITIES.

NOTICE TO DEVELOPER/CONTRACTOR

UNAPPROVED DRAWINGS, SPECIFICATIONS, WORK IN PROGRESS, ARE SUBJECT TO CHANGE AND DO NOT CONSTITUTE A FINISHED ENGINEERING PRODUCT. ANY WORK UNDERTAKEN BY DEVELOPER, CONTRACTOR, BEFORE PLANS ARE APPROVED IS UNDERTAKEN AT THE SOLE RISK OF THE DEVELOPER, INCLUDING BUT NOT LIMITED TO EST. ESTIMATION, PERMITS, BIDDING, SITE CLEARING, GRADING, INFRASTRUCTURE CONSTRUCTION, ETC.

CITY ENGINEER ACCEPTANCE OF IMPROVEMENT PLANS

THE IMPROVEMENT PLANS FOR THIS SUBDIVISION HAVE BEEN REVIEWED BY THE CITY ENGINEER FOR GENERAL COMPLIANCE WITH THE CITY ENGINEER'S STANDARDS AND SPECIFICATIONS. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE GENERAL COMPLIANCE OF THE PLANS WITH THE CITY ENGINEER'S STANDARDS AND SPECIFICATIONS. THE CITY ENGINEER'S REVIEW IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED IN THESE PLANS. THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND RELATED FIELD INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND RELATED FIELD INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND RELATED FIELD INFORMATION.

BY _____ DATE _____

DEVELOPER
BOYER PARK CITY JUNCTION, LC
90 SOUTH 400 WEST SUITE 200
SALT LAKE CITY, UT 84101
(801) 521-4131

GENERAL NOTES

- ALL ROADWAY, WATERLINE AND DRAINAGE IMPROVEMENT WORK SHALL CONFORM WITH PARK CITY STANDARDS AND SPECIFICATIONS.
- CALL BLUE STAKES 48 HOURS PRIOR TO DIGGING.
- ALL EXISTING UTILITIES SHALL BE IDENTIFIED BY THE ENGINEER AND SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTHS OF EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO LOCATE UTILITIES.
- UTILITIES SHALL BE STUBBED A MINIMUM OF TWELVE FEET INSIDE PROPERTY LINES.

VICINITY MAP

NOT TO SCALE

NO SCALE

ENGINEER/SURVEYOR:

SALT LAKE CITY
1000 FIFTH AVENUE
SUITE 200
SALT LAKE CITY, UT 84102
PHONE: 801.252.6225
FAX: 801.252.6449
WWW.ENSIGNUTAH.COM

LAYTON
PHONE: 801.541.1100
PLEASANT GROVE
PHONE: 801.252.6225
TOOELE
PHONE: 801.252.6225

PARK CITY HEIGHTS

PRELIMINARY REVIEW - January 17, 2011

EXHIBIT A



PARK CITY HEIGHTS SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11,
AND THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

UNIT/LOT COUNT
8 STACKED FLATS
16 DUPLEXES
28 TOWNHOMES
187 SINGLE FAMILY

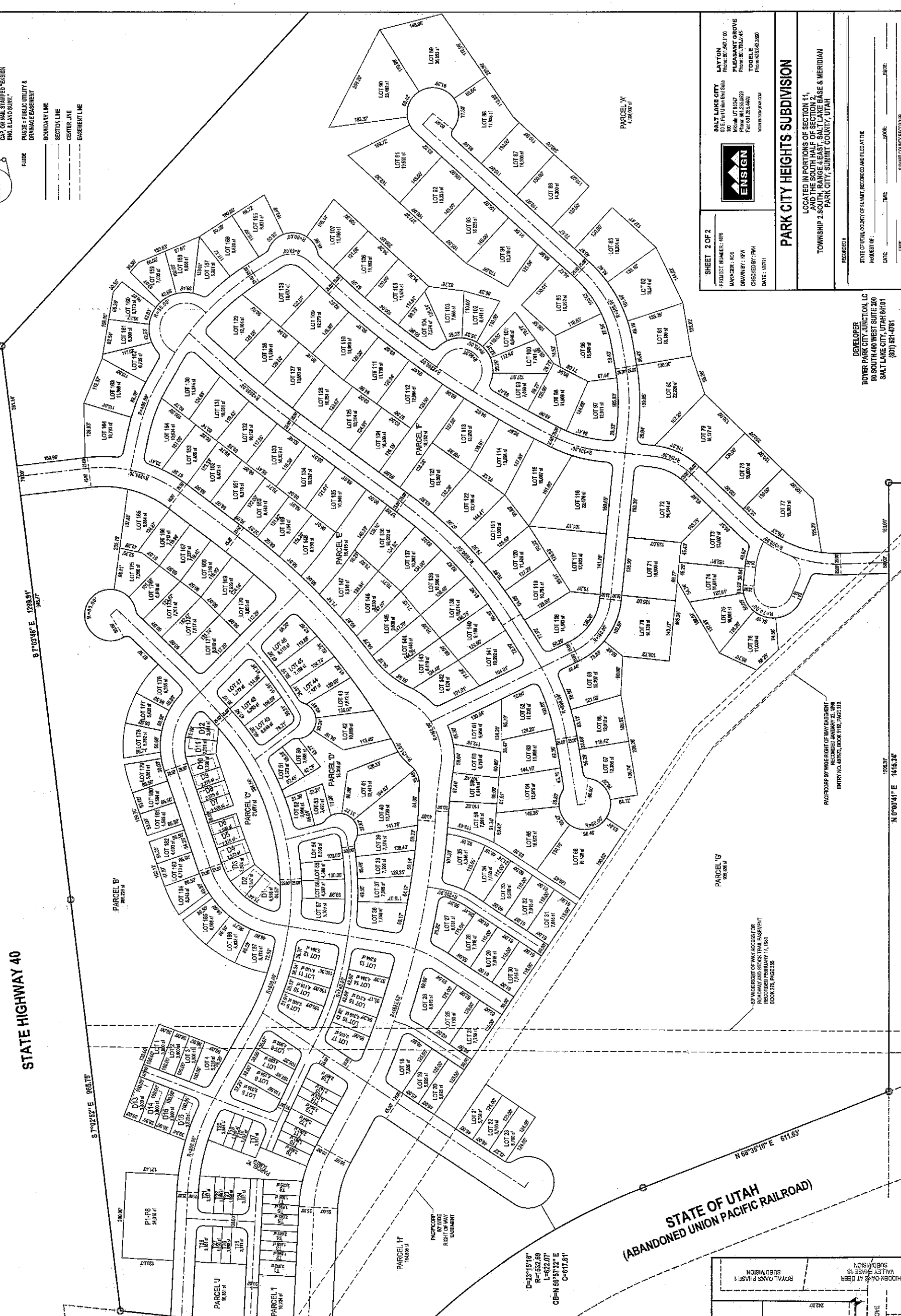
LEGEND

- SECTION CORNER SET BY
ENGINERS
LAND SURV.
REBAR WITH YELLOW PLASTIC
CAP OR GALV. STAINED DESIGN
ENG. & LAND SURV.
- FLUIDE = PUBLIC UTILITY &
DRAINAGE EASEMENT
- BOUNDARY LINE
- SECTION LINE
- CENTERLINE
- EASEMENT LINE

STATE HIGHWAY 40

RICHARDSON FLAT ROAD

STATE OF UTAH
(ABANDONED UNION PACIFIC RAILROAD)



SHEET 2 OF 2

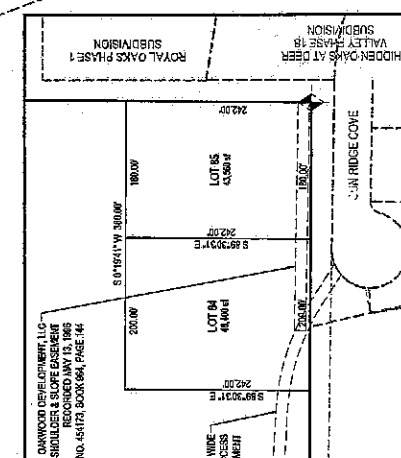
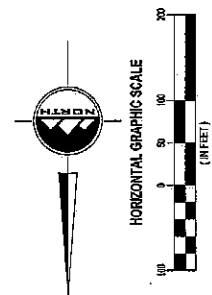
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MANAGER: BOE
DRAWN BY: JPH
CHECKED BY: JPH
DATE: 10/11

ENSIGN
SALT LAKE CITY
22 E. Foothill Blvd.
Salt Lake City, UT 84119
Phone: 801.333.4444
Fax: 801.333.4444
www.ensign.com

PARK CITY HEIGHTS SUBDIVISION
LOCATED IN PORTIONS OF SECTION 11,
AND THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

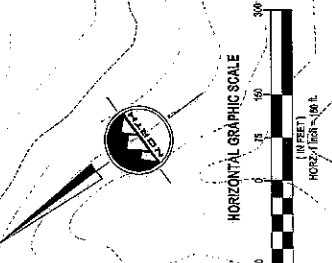
REGISTERED:
STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE
RECORDS DEPT.
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FEE: _____
SUMMIT COUNTY RECORDS

DEVELOPER
BOYER PARK CITY JUNCTION, LC
99 SOUTH 400 WEST SUITE 200
SALT LAKE CITY, UTAH 84101
(801) 321-4781



BENCHMARK
 NORTH QUARTER CORNER SEC. 11, TOWNSHIP
 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN &
 MOUNTAIN
 BENCHMARK
 ELEVATION *

CALL SUBMITTERS
 @ 1:00 PM AT LEAST 48
 HOURS PRIOR TO THE
 COMMENCEMENT OF ANY
 CONSTRUCTION



SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.255.0529
 Fax: 801.255.4449

LAYTON
 Phone: 801.547.1100

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 Phone: 801.796.5145

TOOELE
 Phone: 435.848.3550
 WWW.ENSIGNUTAH.COM

FOR:
 ENTER PARK CITY MUNICIPAL
 85 SOUTH WEST QUINCY
 SALT LAKE CITY, UTAH 84111

CONTRACT:
 PATRICK KOPFAT
 PHONE: 801.517.4781
 FAX:

PARK CITY HEIGHTS
PARK CITY, UTAH



DATE: 10/20/11
 DRAWN BY: J. WOOD
 CHECKED BY: R. ELBER

**OVERALL GRADING
 PLAN**

PROJECT NUMBER: 101111
 DRAWN BY: J. WOOD
 CHECKED BY: R. ELBER

C 2.0



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 90 E. Front Union Blvd
 Suite 100
 Midvale UT 84047
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 Fax: 801.285.4449

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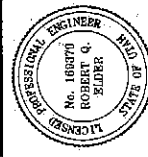
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TODELE
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 98 SOUTH 400 WEST SUITE 200
 SALT LAKE CITY, UTAH 84119

PATRICK UFFAT
 PHONE: 801.427.4781
 FAX:

PARK CITY HEIGHTS
PARK CITY, UTAH

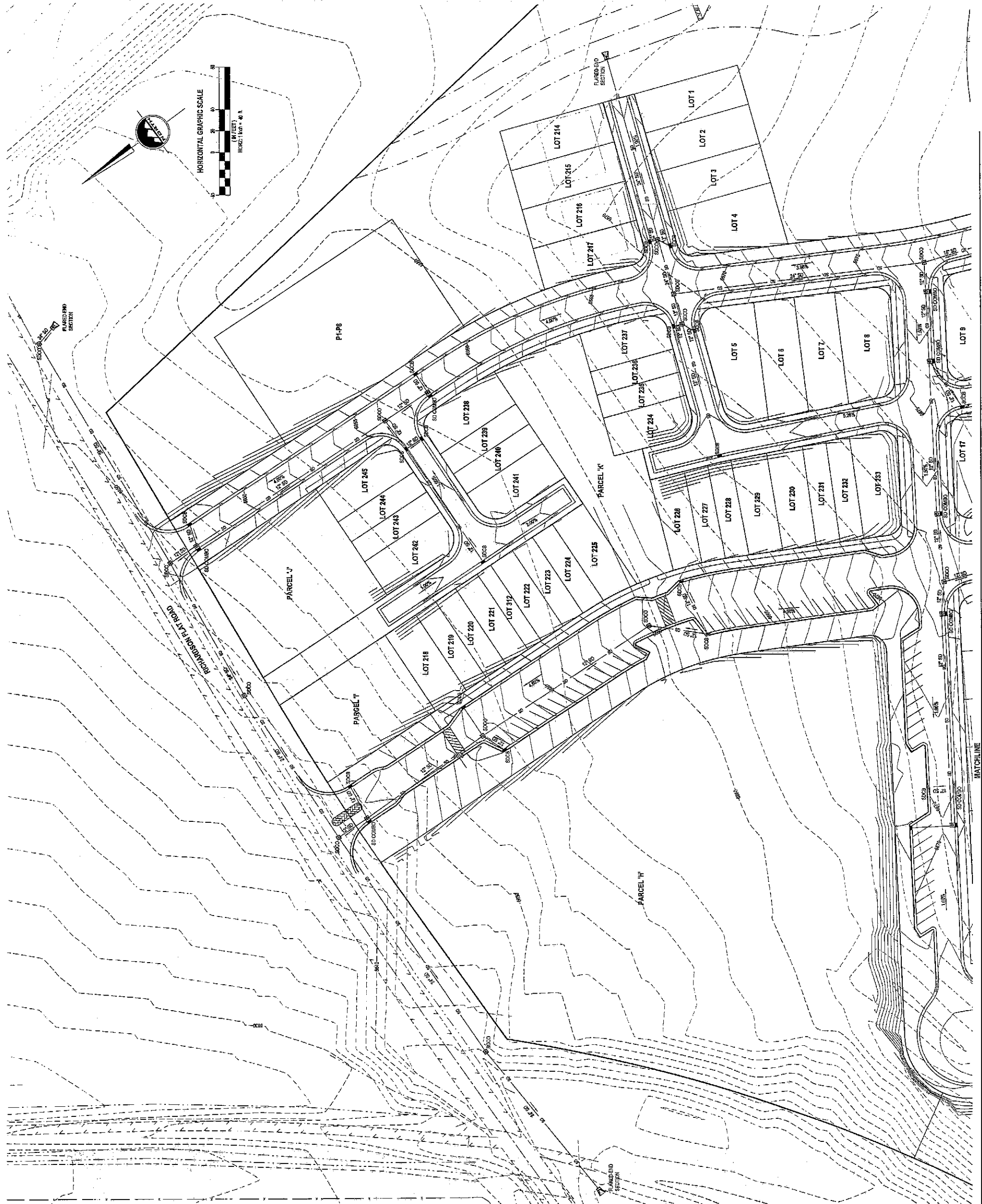


NO. DATE
 PROJECT NO. DATE
 SHEET NO. DATE
 SHEET TOTAL DATE

GRADING AND DRAINAGE PLAN

PROJECT NUMBER: 100000
 DATE: 01/11/11
 SHEET NO.: 100000
 SHEET TOTAL: 27700
 PROJECT MANAGER: B. HANLEY
 DESIGNER: R. ELDER

C 2.1





SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.265.0629
 Fax: 801.265.4419

LAYTON
 Phone: 801.547.1100

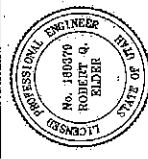
PLEASANT GROVE
 Phone: 801.796.8145

TOOLEE
 Phone: 801.433.3500
 www.ensignutah.com

FOR:
 BOVEN PARK CITY JUNCTION, LLC
 80 SOUTH W. WEST CENTER 200
 SALT LAKE CITY, UT 84115

DESIGNER:
 PATRICK W. KRAFT
 PHONE: 801.547.1100
 FAX:

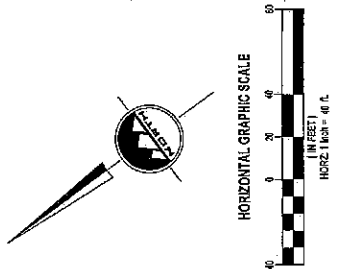
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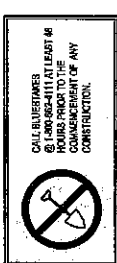
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 DATE: 11/11/11
 DRAWN BY: STANLEY J. FORD
 CHECKED BY: R. ELDER

C 2.2



BENCHMARK
 NORTH QUARTER CORNER SEC. 11, TOWNSHIP
 2 NORTH, RANGE 4 EAST, SALT LAKE BASIN &
 MERIDIAN
 ELEVATION =



- LEGEND**
- PRO STORM DRAIN CLEANOUT (SDCO)
 - PRO STORM DRAIN CATCH BASIN (SDCB)
 - PRO STORM DRAIN CHASE DUCK (SDCD)
 - PRO STORM DRAIN FLARED END SECTION
 - EXIST. MAJOR CONTOURS 5' INCREMENT
 - EXIST. MAJOR CONTOURS 1' INCREMENT
 - MAJOR CONTOURS 5' INCREMENT
 - MAJOR CONTOURS 1' INCREMENT
 - EXIST FLOW LINE
 - PRO FLOW LINE
 - GRADE BRACKES
 - EXIST STORM DRAIN LINE
 - PRO STORM DRAIN LINE
 - PROPOSED ROAD GRADE



SALT LAKE CITY
 30 E. First Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.255.0525
 Fax: 801.255.4449

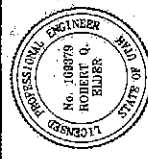
LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.798.8145

TOOELE
 Phone: 435.843.3330
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BOYER PARK CITY JUNCTION, LLC
 30 SOUTH 400 WEST SUITE 300
 SALT LAKE CITY, UT 84119
 OFFICE: 801.481.4711
 PHONE: 801.481.4711
 FAX:

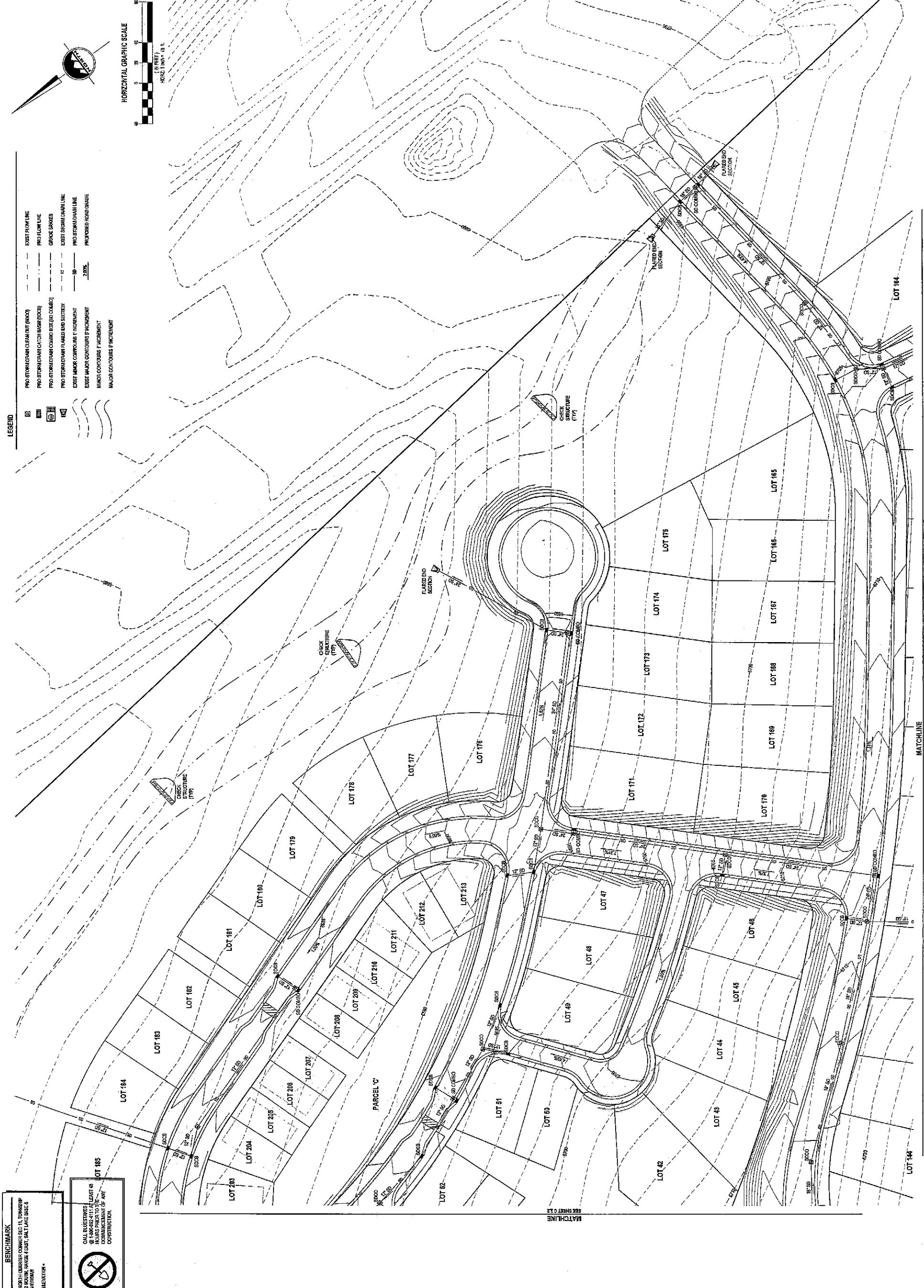
PARK CITY HEIGHTS PARK CITY, UTAH



**GRADING AND
 DRAINAGE PLAN**

PROJECT NUMBER: 11111
 DATE: 11/11/11
 COUNTY: SALT LAKE
 CITY: PARK CITY
 DRAWN BY: R. BLUM

C 2.3

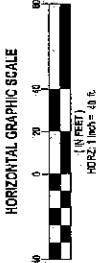


LEGEND

	PROPOSED STORM DRAIN CLEANOUT (SOD)		EXISTING STORM DRAIN LINE
	PROPOSED STORM DRAIN CATCH BASIN (CB)		PROPOSED STORM DRAIN LINE
	PROPOSED STORM DRAIN CLEANOUT BOX (SOD CB)		PROPOSED STORM DRAIN LINE
	PROPOSED STORM DRAIN FLANGED END SECTION		PROPOSED STORM DRAIN LINE
	EXISTING MINOR CONTOURS 1' INCREMENT		PROPOSED STORM DRAIN LINE
	MAJOR CONTOURS 5' INCREMENT		PROPOSED STORM DRAIN LINE
	MAJOR CONTOURS 1' INCREMENT		PROPOSED STORM DRAIN LINE

BENCHMARK
 NORTH QUARTER CORNER SEC 11, TOWNSHIP
 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE &
 MERIDIAN
 ELEVATION: *

CALL BLUEPRINTS
 @ 1-800-662-4111 AT LEAST 48
 HOURS PRIOR TO THE
 START OF ANY
 CONSTRUCTION.





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Midvale UT 84047
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Fax: 801.263.4448

LAYTON
Phone: 801.647.1100

PLEASANT GROVE
Phone: 801.796.3145

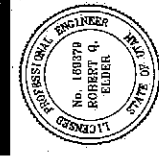
TOOELE
Phone: 435.843.3590

WWW.ENSIGNUTAH.COM

BOYER PARK CITY - JUNCTION, UT
80 SOUTH OF WEST STATE, 200
SALT LAKE CITY, UT 84119

CONTRACT
PATRICK MCFAT
PHONE: 843-4181
FAX:

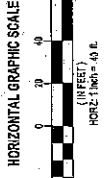
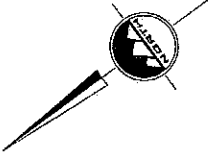
PARK CITY HEIGHTS
PARK CITY, UTAH



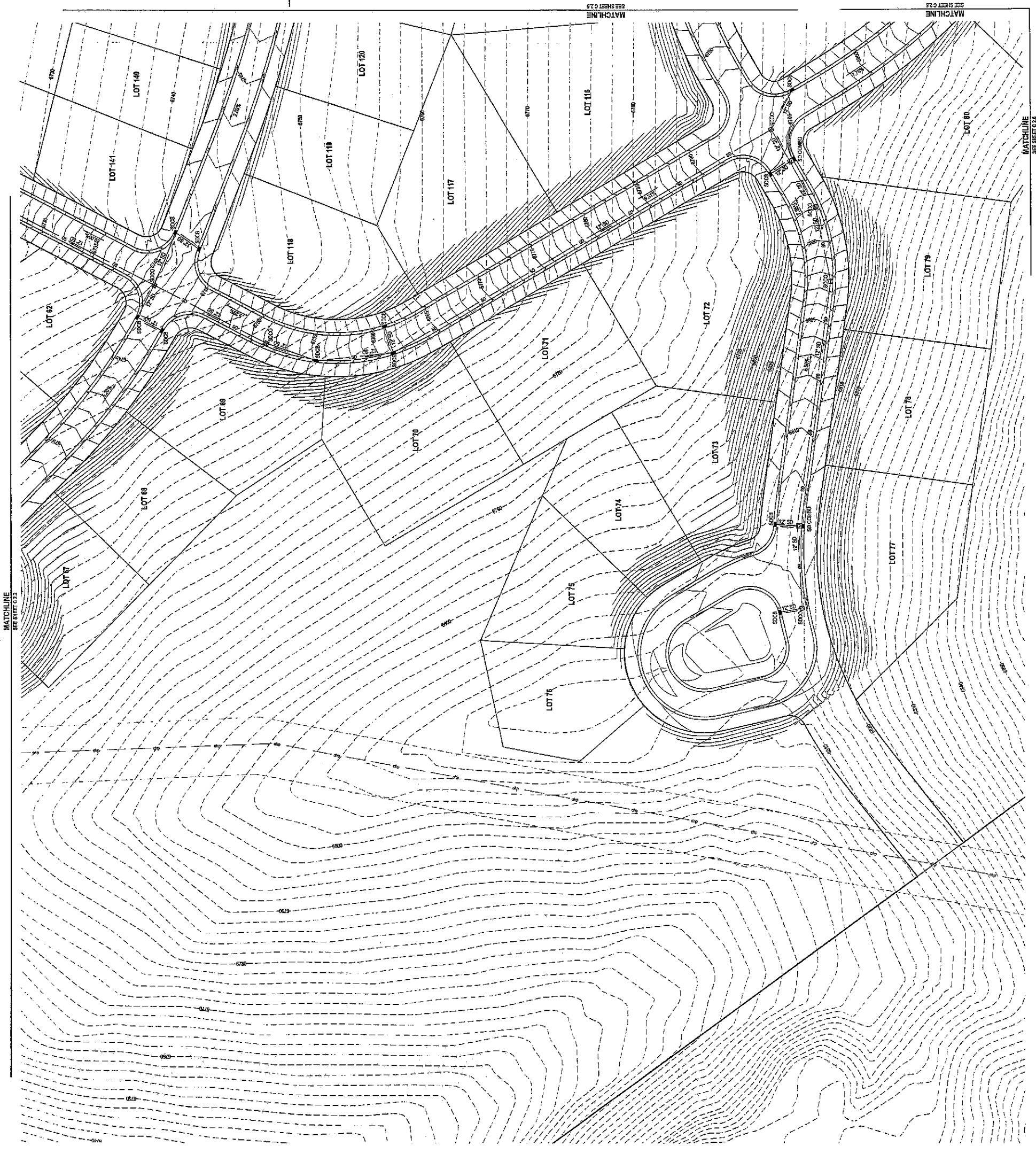
**GRADING AND
DRAINAGE PLAN**

DESIGNED BY: VTB
CHECKED BY: J.FORD
DATE: 1/11/11
PROJECT NUMBER: R. ELDER

C 2.4



- LEGEND**
- PRO STORM DRAIN CLEAN OUT (S&C)
 - PRO STORM DRAIN CATCH BASIN (S&C)
 - PRO STORM DRAIN COMB BOX (S&C)
 - PRO STORM DRAIN FLARED END SECTION
 - EXIST MINOR CONTOURS 1' INCREMENT
 - EXIST MAJOR CONTOURS 5' INCREMENT
 - MAJOR CONTOURS 1' INCREMENT
 - EXIST FLOW LINE
 - PRO FLOW LINE
 - GRADE BRAKES
 - EXIST 6" CON DOWN LINE
 - PRO STORM DRAIN LINE
 - PROPOSED ROAD GRADE
 - 2.0%



BENCHMARK
NORTH QUARTER CORNER SEC 11, TOWNSHIP
2 SOUTH, RANGE 4 EAST, SMT LANE SUB A
SECTION 11
ELEVATION =

CALL BLUEPRINTS
OF THIS PROJECT AT LEAST 48
HOURS PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.



SALT LAKE CITY
90 E. Fort Union Blvd
Suite 100
West Valley City, UT 84143
Phone: 801.255.6529
Fax: 801.255.4449

LAYTON
Phone: 801.547.1100

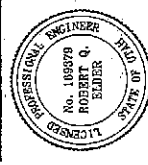
PLEASANT GROVE
Phone: 801.798.5145

TOOELE
Phone: 435.843.3500
WWW.ENSGN.UTAH.COM

BOYD
SOUTH PARK CITY JUNCTION, LC
80 SOUTH 400 WEST SUITE 200
SALT LAKE CITY, UT 84143

CONTRACT
PATRICK KOFFET
PHONE: 801.547.4111
FAX:

PARK CITY HEIGHTS
PARK CITY, UTAH



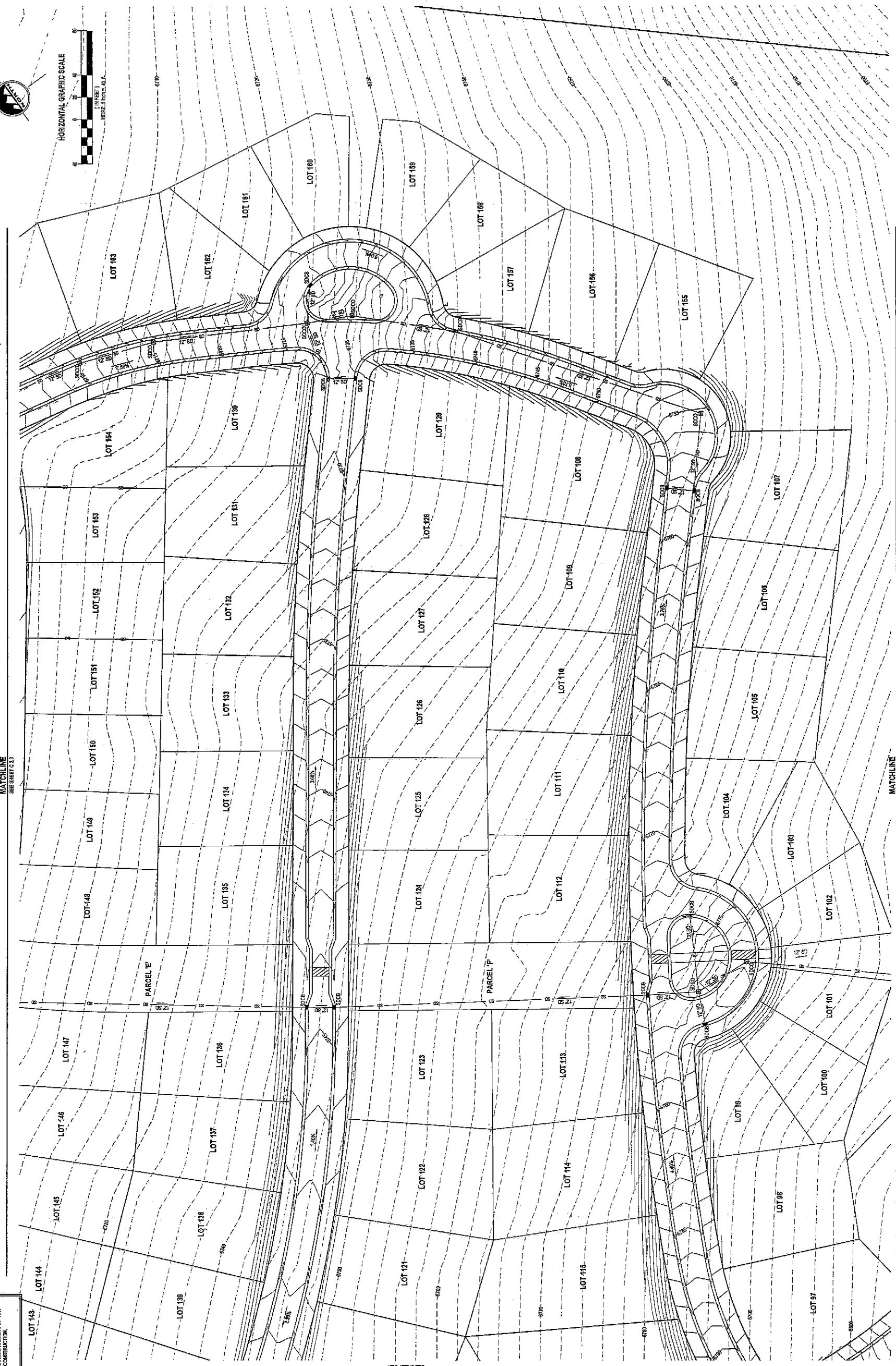
NO. 0000000000
DATE: 1/1/11
PROJECT NUMBER: 110000

GRADING AND DRAINAGE PLAN

DATE: 1/1/11
PROJECT NUMBER: 110000
DESIGNED BY: STANLEY
CHECKED BY: J. FORD
SCALE: AS SHOWN

C 2.5

- LEGEND**
- PRO STORM DRAIN CLEANOUT (SOD)
 - PRO STORM DRAIN CATCH BASIN (SOD)
 - PRO STORM DRAIN COMBED BOX (SOD)
 - PRO STORM DRAIN FLARED END SECTION
 - EAST MAJOR CONTOUR 5' INCREMENT
 - EAST MAJOR CONTOUR 1' INCREMENT
 - MAJOR CONTOUR 5' INCREMENT
 - MAJOR CONTOUR 1' INCREMENT
 - EXIST FLOW LINE
 - PRO FLOW LINE
 - GRADE BANKS
 - EXIST STORM DRAIN LINE
 - PRO STORM DRAIN LINE
 - 2.0%
 - PROPOSED ROAD GRADE



BENCHMARK
NORTH QUARTER CORNER SEC. 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
ELEVATION =

CALL LISTENERS
1400-824-1111 AT LEAST 8 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

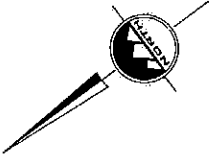


BENCHMARK
 NORTH QUARTER CORNER SEC 11, TOWNSHIP
 2 SOUTH, RANGE 4 EAST, MAINLINE SUB 8
 MERIDIAN
 ELEVATION =

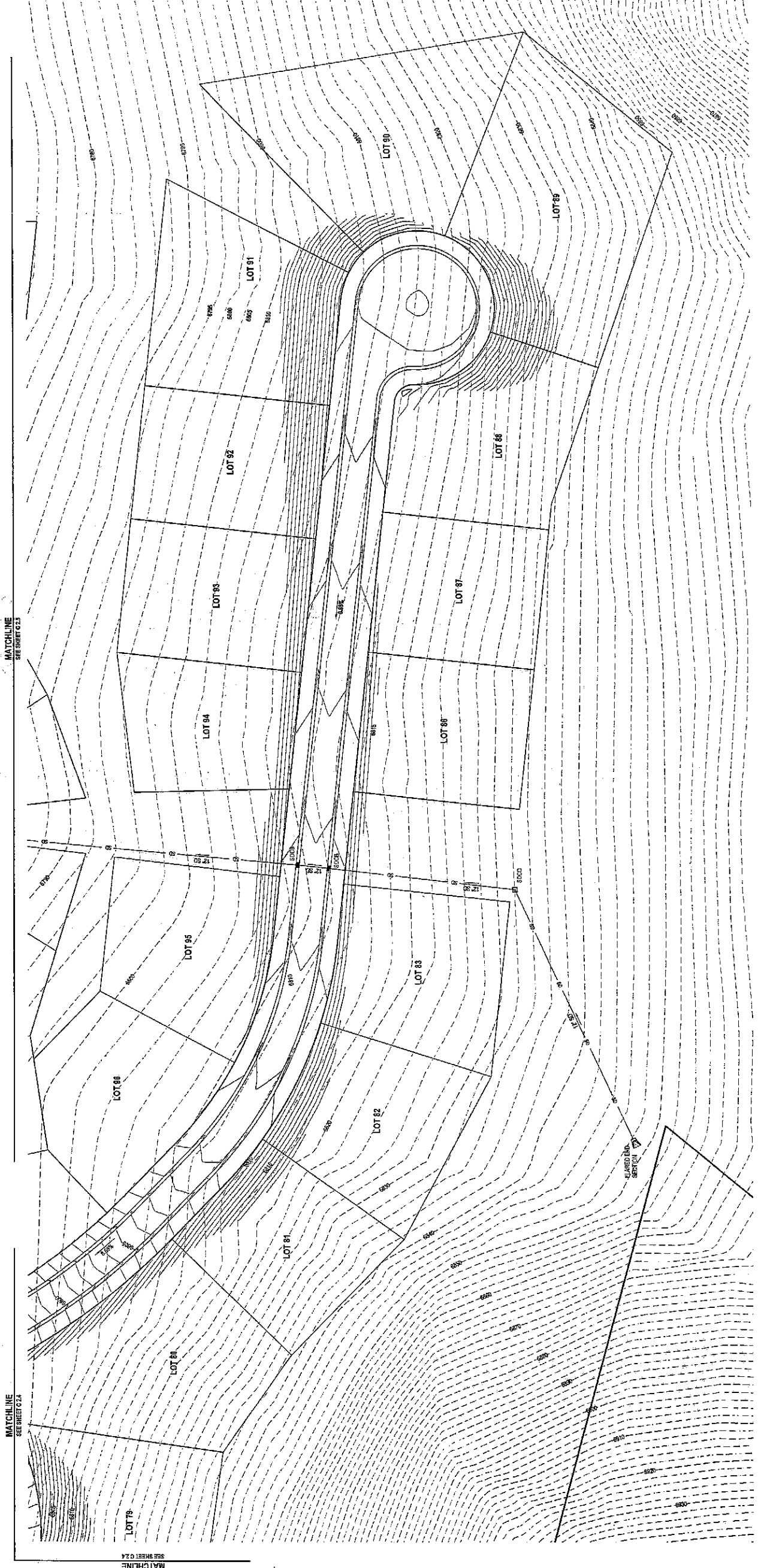
CALL BLUEPRINTS
 @ 1:500 SCALE AT LEAST 48
 HOURS PRIOR TO THE
 BEGINNING OF ANY
 CONSTRUCTION.



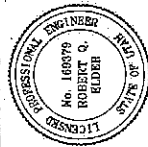
- LEGEND**
- PRO STORM DRAIN CLEAN OUT (SCCO)
 - PRO STORM DRAIN CATCH BASIN (SCOB)
 - PRO STORM DRAIN COMBO BOX (SCOB/CS)
 - PRO STORM DRAIN FLARED END SECTION
 - EXIST MAJOR CONTOURS 1' INCREMENT
 - MAJOR CONTOURS 1' INCREMENT
 - EXIST MAJOR CONTOURS 5' INCREMENT
 - MAJOR CONTOURS 5' INCREMENT
 - EXIST FLOW LINE
 - PRO FLOW LINE
 - GRADE BENCHES
 - 15' - EAST STORM DRAIN LINE
 - 30' - PRO STORM DRAIN LINE
 - Z 0.0% - PROPOSED ROAD GRADE



HORIZONTAL GRAPHIC SCALE
 0 10 20 30 40 50
 (IN FEET)
 HORIZONTAL SCALE = 1" = 40'



PARK CITY HEIGHTS
PARK CITY, UTAH



GRADING PLAN

DESIGNED BY: B. MASLEY
 CHECKED BY: J. FORD
 PROJECT MANAGER: R. ELDER

C 2.6



SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Midvale, UT 84047
 Phone: 801.265.0929
 Fax: 801.266.4449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.793.8145

TOOELE
 Phone: 435.643.3580
 WWW.ENSIGNUTAH.COM


FOR: EBYER PARK CITY JUNCTION, LLC
 80 SOUTH MAIN WEST SUITE 200
 SALT LAKE CITY, UTAH 84111

CONTACT: PATRICK W. FAT
 PHONE: 801-581-4781
 FAX:

BENCHMARK
 NORTH QUARTER CORNER SEC. 11, TOWNSHIP
 2 SOUTH RANGE 4 EAST, SALT LAKE MERIDIAN
 ELEVATION =

CALL BLUEPRINTS
 @ 1-800-624-4111 AT LEAST 48
 HOURS PRIOR TO THE
 COMMENCEMENT OF ANY
 CONSTRUCTION






SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Merivale UT 84047
 Phone: 801.253.0629
 Fax: 801.253.4449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.798.8145

TOOELE
 Phone: 435.843.3890
 WWW.ENSGN.UTAH.COM

PARK CITY HEIGHTS
 PARK CITY, UTAH



OVERALL UTILITY PLAN

PROJECT NUMBER: 044
 CITY: UTILITY
 DATE: 1/2011
 DRAWN BY: STANLEY
 CHECKED BY: ELDER

C 3.0



SALT LAKE CITY
 80 E. Fort Union Blvd.
 Suite 100
 Midvale UT 84047
 Phone: 801.255.0523
 Fax: 801.255.4449

LAYTON
 Phone: 801.547.1100

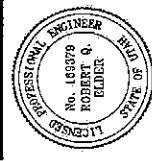
PLEASANT GROVE
 Phone: 801.796.8146

TOOELE
 Phone: 435.843.3590
 WWW.ENSIGNUTL.COM

8055 PARK CITY JUNCTION, LC
 99 SOUTH 400 WEST SUITE 200
 SALT LAKE CITY, UTAH 84101

BRUCE MOSEY
 PHONE: 801.541.1781
 FAX:

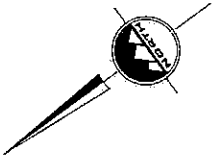
PARK CITY HEIGHTS
PARK CITY, UTAH



DATE: 07/21
 PROJECT NUMBER: 010
 DRAWN BY: S. HADLEY
 CHECKED BY: J. FORD
 PROJECT NUMBER: 010
 DATE: 07/21

UTILITY PLAN

C 31



BENCHMARK
 NORTH QUARTER CORNER SEC 11, TOWNSHIP
 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE &
 MERIDIAN
 ELEVATION *

CALL BUREAUS
 8 HOURS PRIOR TO THE
 START OF ANY
 CONSTRUCTION.
 CONNECT TO EXISTING SEWER





SALT LAKE CITY
 90 E. First Urban Bldg
 Suite 100
 Midvale UT 84047
 Phone: 801.265.0229
 Fax: 801.265.4449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.798.8145

TOOELE
 Phone: 435.433.3550

WWW.ENSIGNUTAH.COM

BOYER PARK CITY JUNCTION, LC
 80 SOUTH HANWAY BLVD. 200
 SALT LAKE CITY, UT 84143

OWNER:
 BAYBROOK/FAT
 PHONE: 801.547.1100
 FAX:

PARK CITY HEIGHTS
PARK CITY, UTAH

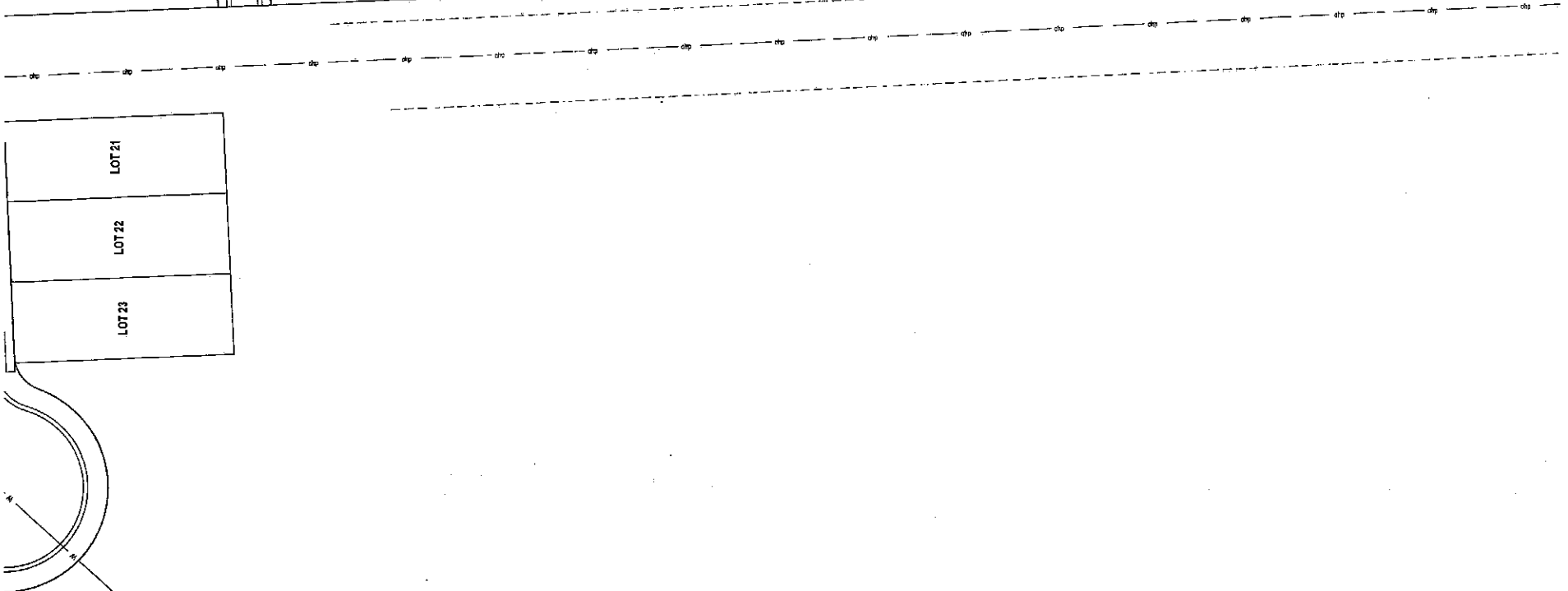


DATE	1/11/11
BY	ROBERT O. ELDER
PROJECT	PARK CITY HEIGHTS
SCALE	AS SHOWN

UTILITY PLAN

PROJECT MANAGER: R. ELDER
 DESIGNER: J. FORD
 CHECKER: J. FORD
 DATE: 1/11/11

C 3.2



BENCHMARK
 NORTH QUARTER CORNER SEC. 11, TOWNSHIP
 2 SOUTH RANGE EAST, SALT LAKE BASE &
 MERIDIAN
 ELEVATION =

CALL SUBMITTER
 AT LEAST 14 DAYS
 PRIOR TO THE
 COMMENCEMENT OF ANY
 CONSTRUCTION.





SALT LAKE CITY
801 E. First Union Blvd
Suite 100
Midvale UT 84047
Phone: 801.263.5229
Fax: 801.265.4449

LAYTON
Phone: 801.547.1100

PLEASANT GROVE
Phone: 801.796.8145

TOOLE
Phone: 435.843.3590
WWW.ENSGN.COM

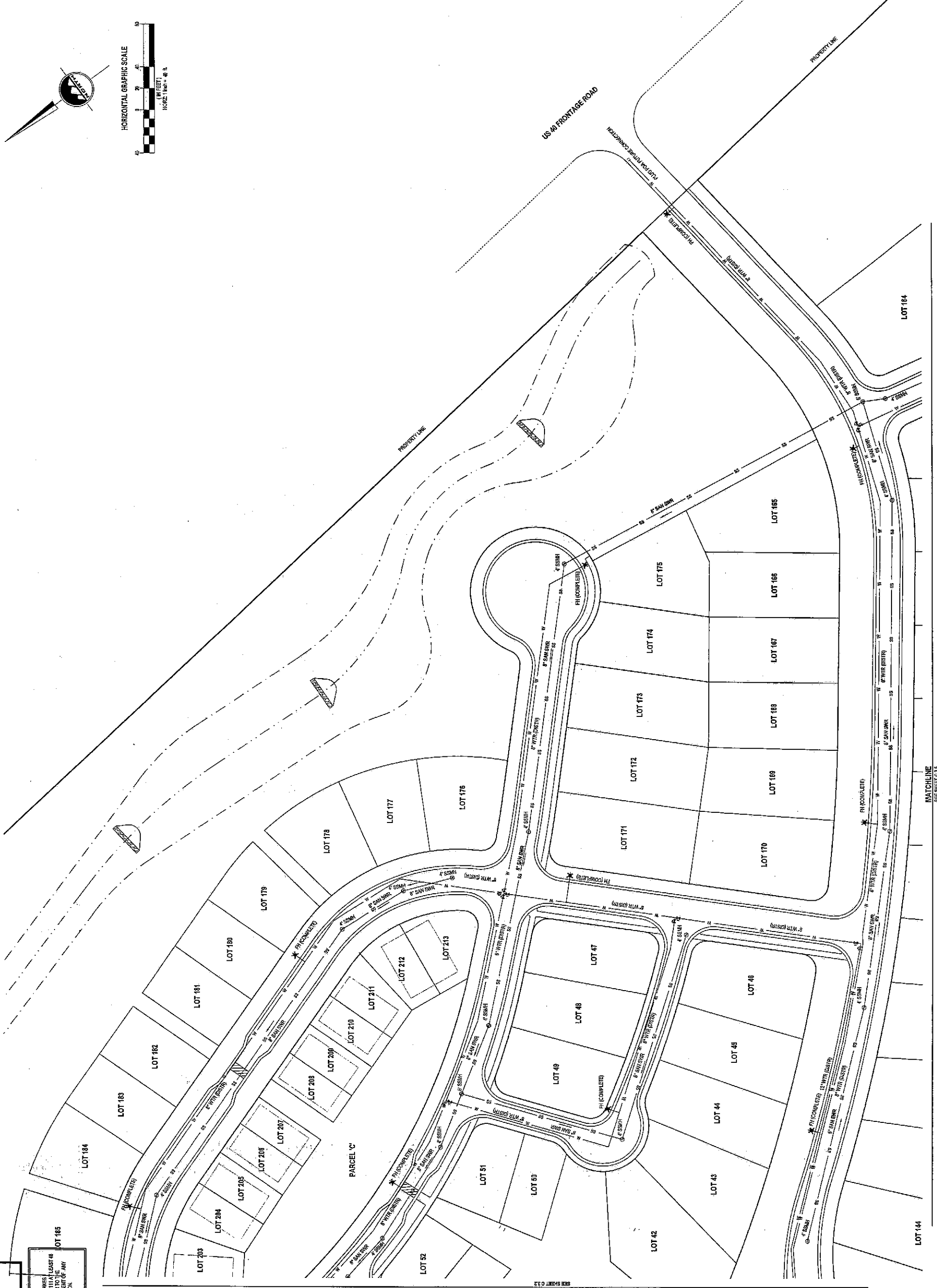
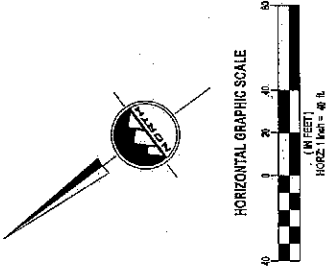
OWNER:
SUNBELT PARK CITY, INC.
100 WEST JUNCTION L.S.
800 N. 400 WEST SUITE 200
SALT LAKE CITY, UT 84119
ARCHITECT:
SUNBELT ARCHITECT
PHONE: 801.547.1100
FAX:

PARK CITY HEIGHTS
PARK CITY, UTAH



UTILITY PLAN
DATE: 1/11/11
PROJECT NUMBER: 4610
DRAWN BY: S. HACKETT
CHECKED BY: J. FORD
PROJECT NUMBER: PC 0328

C 3.3



BENCHMARK
NORTH QUARTER CORNER SEC. 11, TOWNSHIP
2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN 6
MEDIUM
ELEVATION =

CALL UTILITIES
@ 1-800-462-1111 AT LEAST 48
HOURS PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

MATCHLINE
SEE SHEET C 3.2

MATCHLINE
SEE SHEET C 3.3



SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.253.6529
 Fax: 801.255.4449

LAYTON
 Phone: 801.647.1100

PLEASANT GROVE
 Phone: 801.796.8145

TOOELE
 Phone: 435.843.3590
 WWW.ENSIGNUTAH.COM

BOYER PARK CITY JUNCTION, LLC
 99 SOUTH 400 WEST SUITE 200
 SALT LAKE CITY, UT 84101

REGISTERED PROFESSIONAL ENGINEER
 No. 168879
 ROBERT Q. ELDER
 STATE OF UTAH

PARK CITY HEIGHTS
 PARK CITY, UTAH

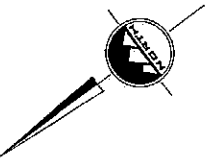


NO. SHEET: 111
 OF SHEETS: 111

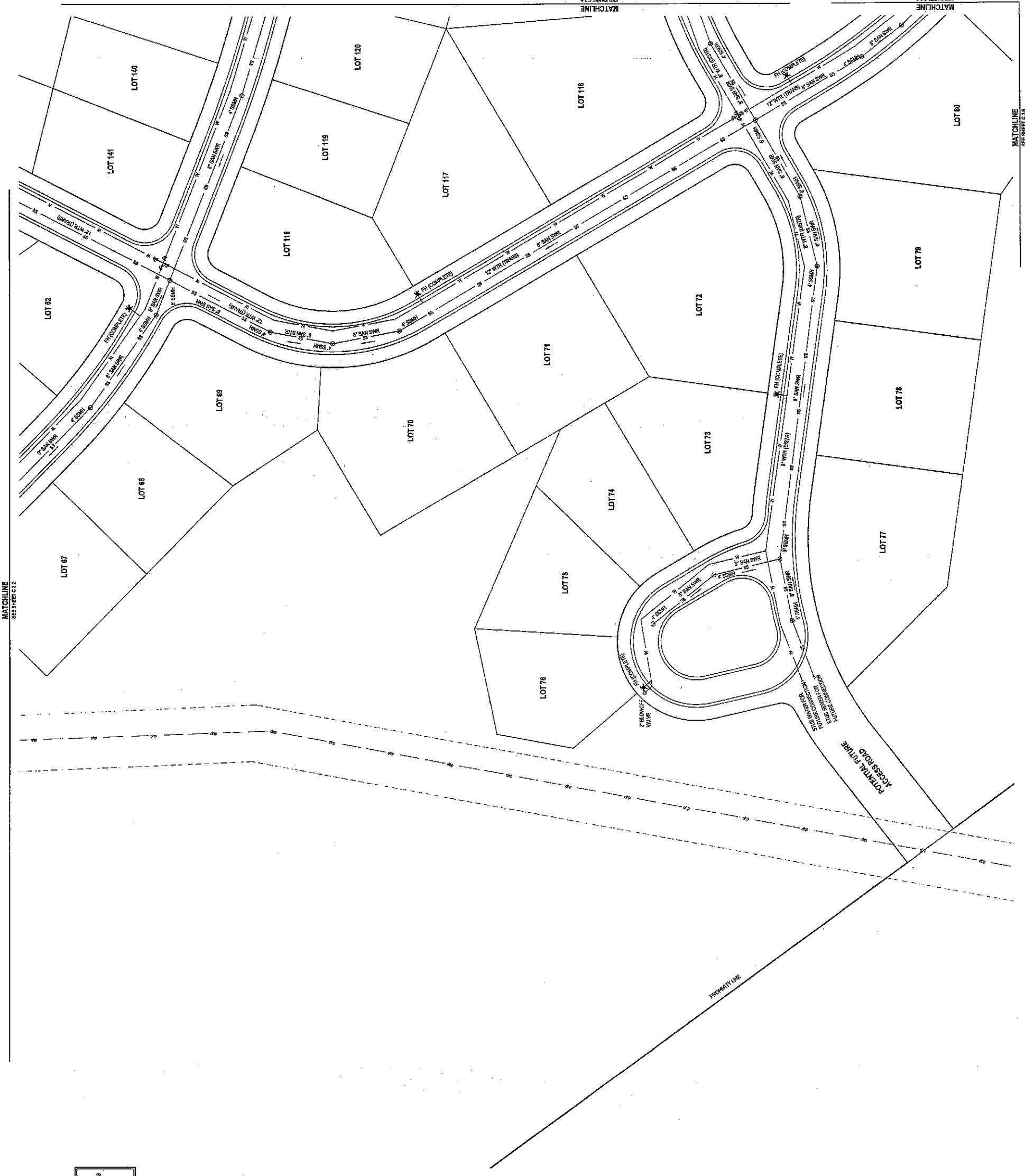
UTILITY PLAN

DATE: 10/11/11
 PROJECT: PARK CITY HEIGHTS
 DRAWN BY: S. TRIPLETT
 CHECKED BY: J. FORD
 PERFORMANCE: N. CLARK

C 3.4



HORIZONTAL GRAPHIC SCALE
 1" = 40'
 HORIZONTAL SCALE = 40:1



MATCHLINE
 SEE SHEET C3.3

MATCHLINE
 SEE SHEET C3.5

MATCHLINE
 SEE SHEET C3.5

MATCHLINE
 SEE SHEET C3.5

BENCHMARK
 NORTH QUARTER CORNER SEC 11, T14N R15W
 2.50MTR. RANGE 4 EAST, SALT LAKE BASE &
 MERRILL
 ELEVATION =

CALL UTILITIES
 @ 1-800-884-1111 AT LEAST 48
 HOURS PRIOR TO THE
 COMMENCEMENT OF ANY
 CONSTRUCTION.



BENCHMARK
 NORTH QUARTER CORNER 1/4 TOWNSHIP
 2 SOUTH RANGE 4 EAST, SALT LAKE BASE &
 MERIDIAN
 ELEVATION =

CALL BUSINESSES
 @ 1-800-462-4111 AT LEAST 48
 HOURS PRIOR TO THE
 COMMENCEMENT OF ANY
 CONSTRUCTION



SALT LAKE CITY
 80 E. Fort Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.255.0529
 Fax: 801.255.4449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.795.8145

TOOELE
 Phone: 435.813.3590
 WWW.ENSIGNUT.COM

PARK CITY HEIGHTS

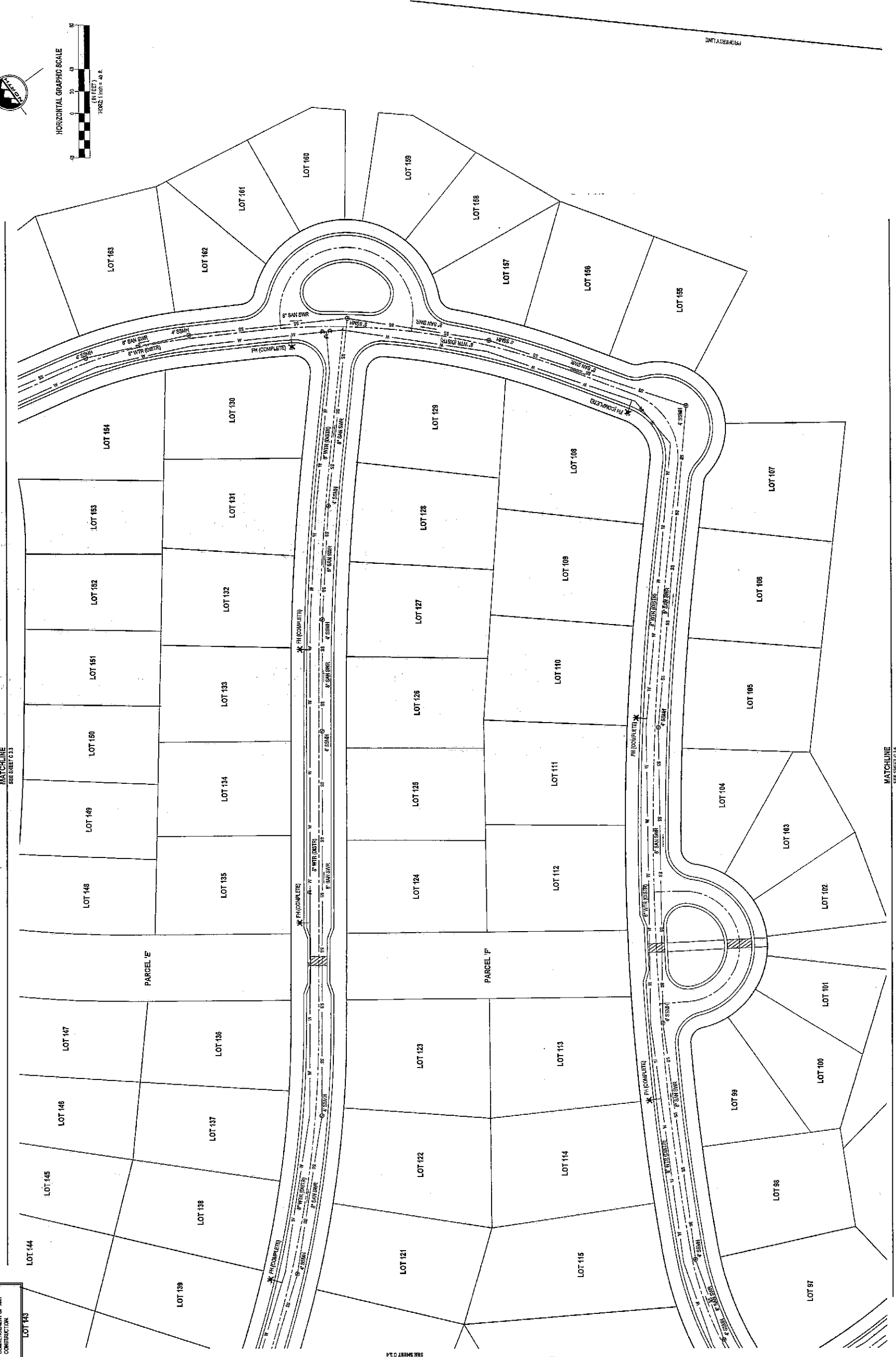
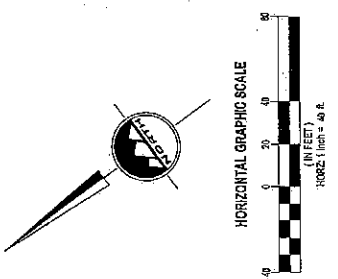
PARK CITY, UTAH

PROFESSIONAL ENGINEER
 No. 16979
 ROBERT Q. ELDRÉD
 STATE OF UTAH

UTILITY PLAN

DATE: 1/20/11
 DRAWN BY: J. HOBBS
 CHECKED BY: J. HOBBS
 PROJECT LEADER: R. EIBER

C 3.5



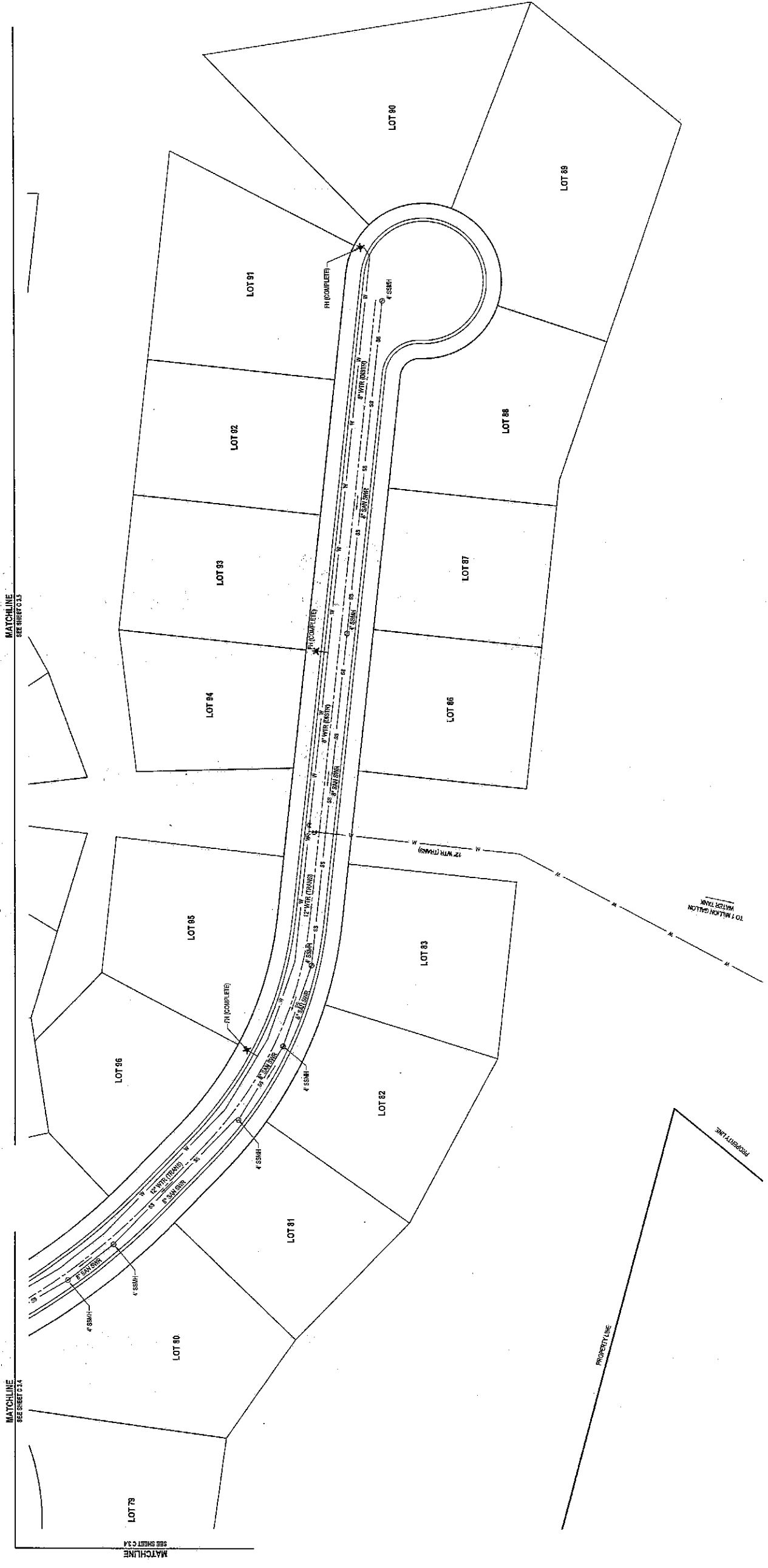
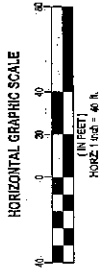
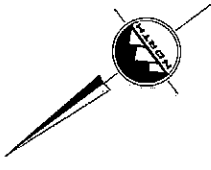
MATCHLINE
 SEE SHEET C.3.6

MATCHLINE
 SEE SHEET C.3.3

MATCHLINE
 SEE SHEET C.3.6

BENCHMARK
 NORTH QUARTER CORNER SEC 14, TOWNSHIP
 2 SOUTH, RANGE 4 EAST, GUT LANE BASE &
 MERIDIAN
 ELEVATION*

CALL BLUESTAGES
 @ 1-800-924-1111 AT LEAST 48
 HOURS PRIOR TO THE
 COMMENCEMENT OF ANY
 CONSTRUCTION.



SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Midvale, UT 84087
 Phone: 801.255.0529
 Fax: 801.255.4449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.798.8145

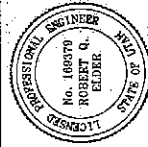
TOOELE
 Phone: 435.843.3590

WWW.ENSIGNUTAH.COM

BOYER PARK CITY, UTAH, LLC
 30 SOUTH 400 WEST SUITE 200
 SALT LAKE CITY, UTAH 84115

CONTACT:
 PATRICK MORTFAT
 PHONE: 801.541.4191
 FAX:

PARK CITY HEIGHTS
PARK CITY, UTAH



DATE: 01/20/11
 TIME: 10:00 AM

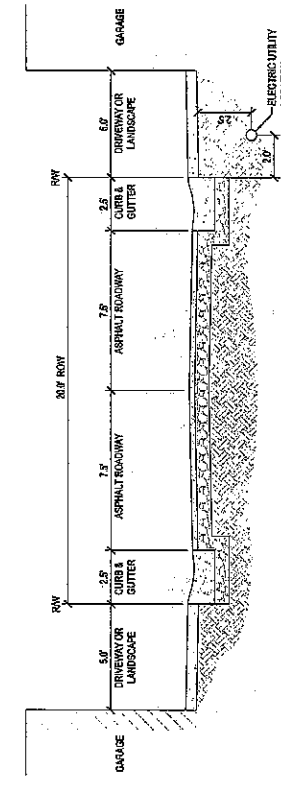
UTILITY PLAN

DESIGNED BY: R. ELDER
 CHECKED BY: J. FORD
 DRAWN BY: S. WALKER
 PROJECT NUMBER: R. ELDER

C 3.6

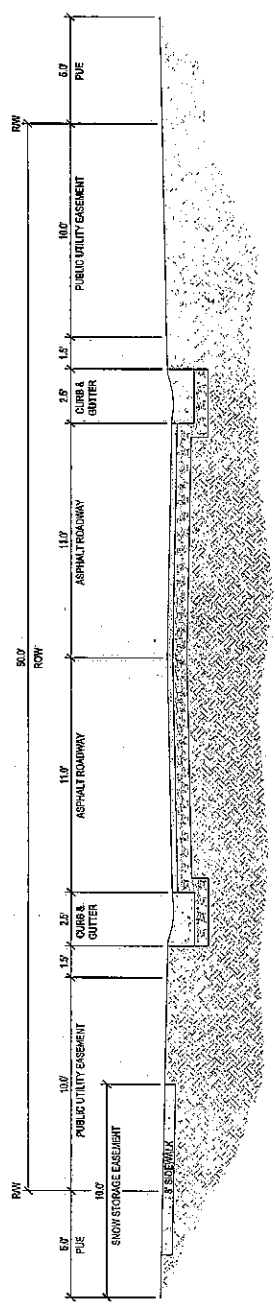
BENCHMARK
 NORTH QUARTER CORNER SEC 11, TOWNSHIP
 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE &
 MERIDIAN
 ELEVATION =

CALL BUREAUS
 @ 1:30-4:30 PM AT LEAST 48
 HOURS PRIOR TO THE
 BEGINNING OF ANY
 CONSTRUCTION



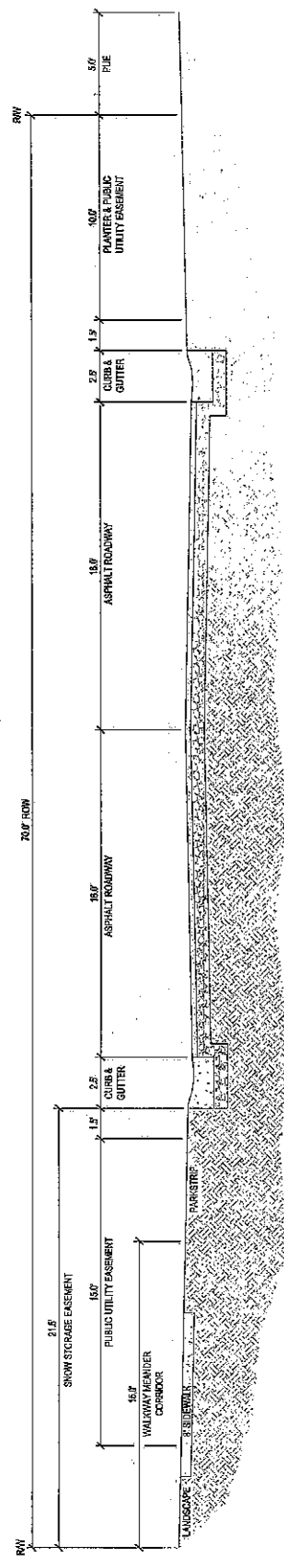
1 LOCAL STREET
 (PUBLIC RIGHT-OF-WAY)
 Scale: NTS

NOTE:
 1. PARKING TO BE LOCATED ON UPHILL SIDE OF ROAD
 2. SNOW STORAGE TO BE LOCATED ON DOWNHILL SIDE OF ROAD



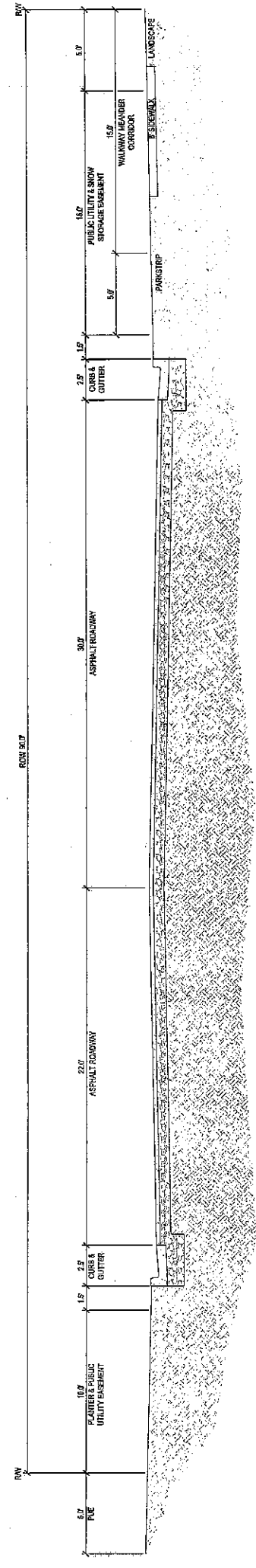
2 LOCAL RESIDENTIAL STREET
 (PUBLIC RIGHT-OF-WAY)
 Scale: NTS

NOTE:
 1. PARKING TO BE LOCATED ON UPHILL SIDE OF ROAD
 2. SNOW STORAGE AND WALKWAY TO BE LOCATED ON DOWNHILL SIDE OF ROAD



3 MINOR RESIDENTIAL COLLECTOR STREET
 (PUBLIC RIGHT-OF-WAY)
 Scale: NTS

NOTE:
 1. PARKING TO BE LOCATED ON UPHILL SIDE OF ROAD
 2. SNOW STORAGE AND WALKWAY TO BE LOCATED ON DOWNHILL SIDE OF ROAD



4 COMMERCIAL COLLECTOR STREET
 (PUBLIC RIGHT-OF-WAY)
 Scale: NTS

PARK CITY HEIGHTS
PARK CITY, UTAH



SALT LAKE CITY
 90 E. Red Union Blvd
 Suite 100
 Midvale UT 84047
 Phone: 801.255.0529
 Fax: 801.255.4469

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.786.8145

TOOELE
 Phone: 435.843.3590
 WWW.ENSIGNUTAH.COM

PROJECT:
 8078 PARK CITY JUNCTION, LLC
 36 SOUTH AND WEST STATE 200
 SALT LAKE CITY, UTAH 84143

DESIGNER:
 PARK CITY HEIGHTS
 PHONE: 801.421.4311
 FAX:



NO. SHEET: _____
 TOTAL SHEETS: _____

ROADWAY CROSS SECTIONS

DATE: _____
 DRAWN BY: S. WAREY
 CHECKED BY: J. FORD
 PROJECT NUMBER: P. 1101
 P. ELDER

C 4.0



EXHIBIT B

PARK CITY HEIGHTS

NEIGHBORHOOD MASTER PLAN

entry corridor & visual assessment - 1

park city heights
park city, utah &
summit county, utah

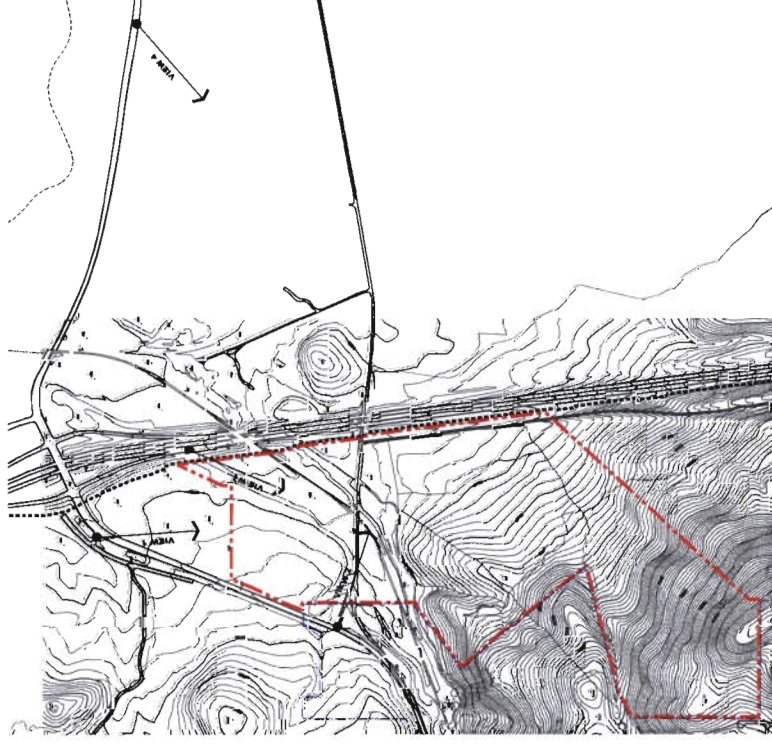
june 2010

DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS PRESENT WITHIN OR ADJACENT TO THE SITE

- VIEW 1
- UTAH HIGHWAY 248 AT THE TURN-OUT ONE QUARTER MILE WEST FROM U.S. HIGHWAY 40

OTHER DESIGNATED VANTAGE POINTS

- VIEW 2
- UTAH HIGHWAY 248 AT THE TURN-OUT TO OLD DUMP ROAD
- VIEW 3
- U.S. HIGHWAY 40 SOUTHBOUND AT TOP OF ON-RAMP FROM UTAH HIGHWAY 248
- VIEW 4
- UTAH HIGHWAY 248 WESTBOUND AT SIDE OF ROAD FROM KAMAS



after development - view 1



after development - view 2



before development - view 1



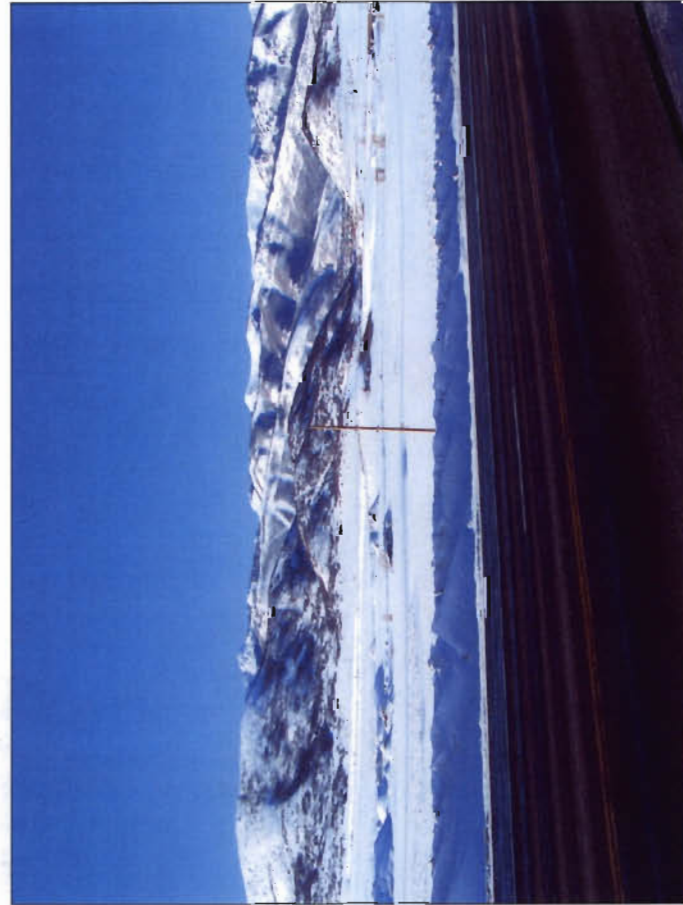
before development - view 2



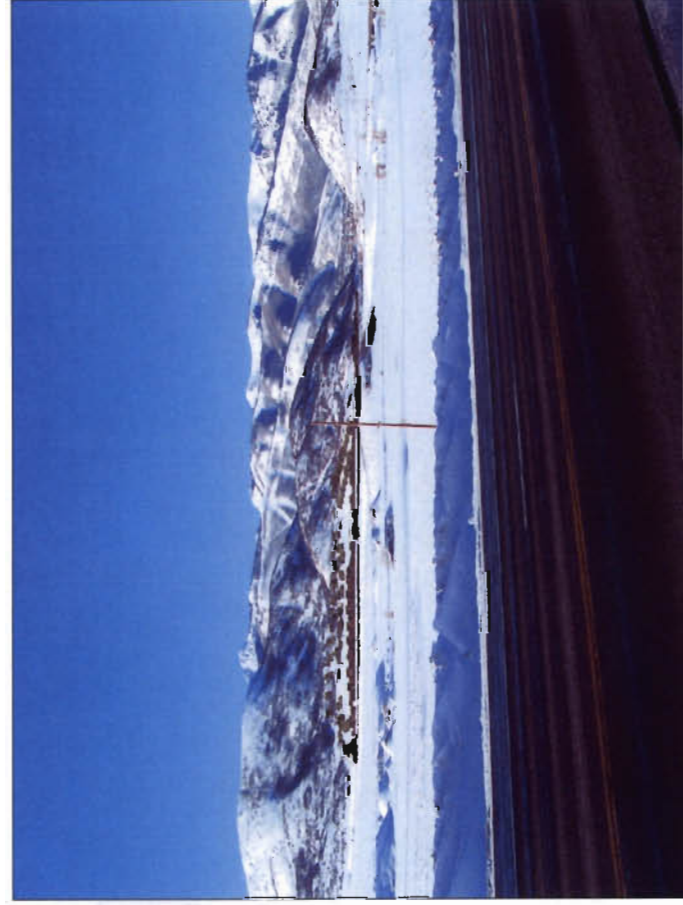
before development - view 3



after development - view 3



before development - view 4



after development - view 4

DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS PRESENT WITHIN OR ADJACENT TO THE SITE

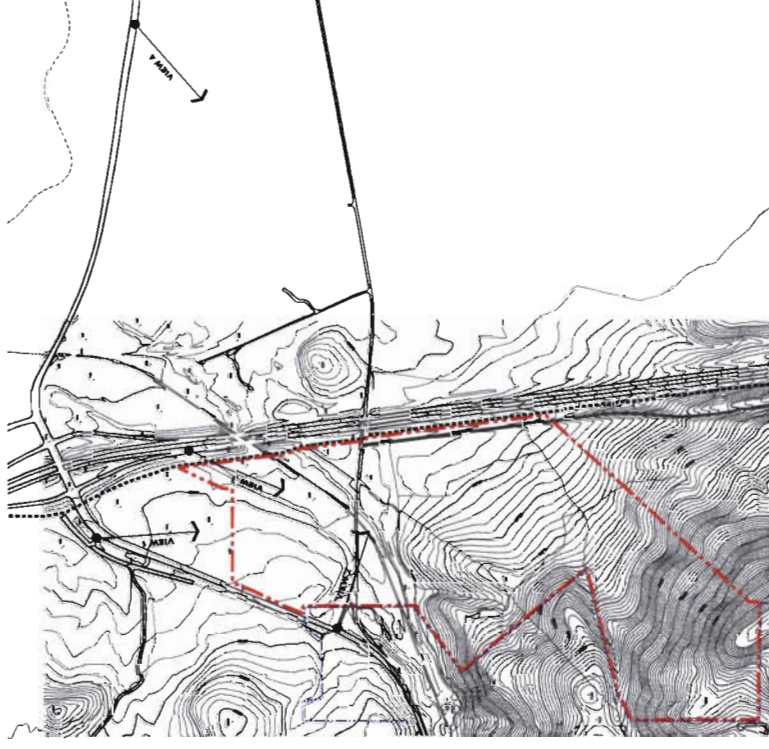
VIEW 1
 - UTAH HIGHWAY 248 AT THE TURN-OUT ONE QUARTER MILE WEST FROM U.S. HIGHWAY 40

OTHER DESIGNATED VANTAGE POINTS

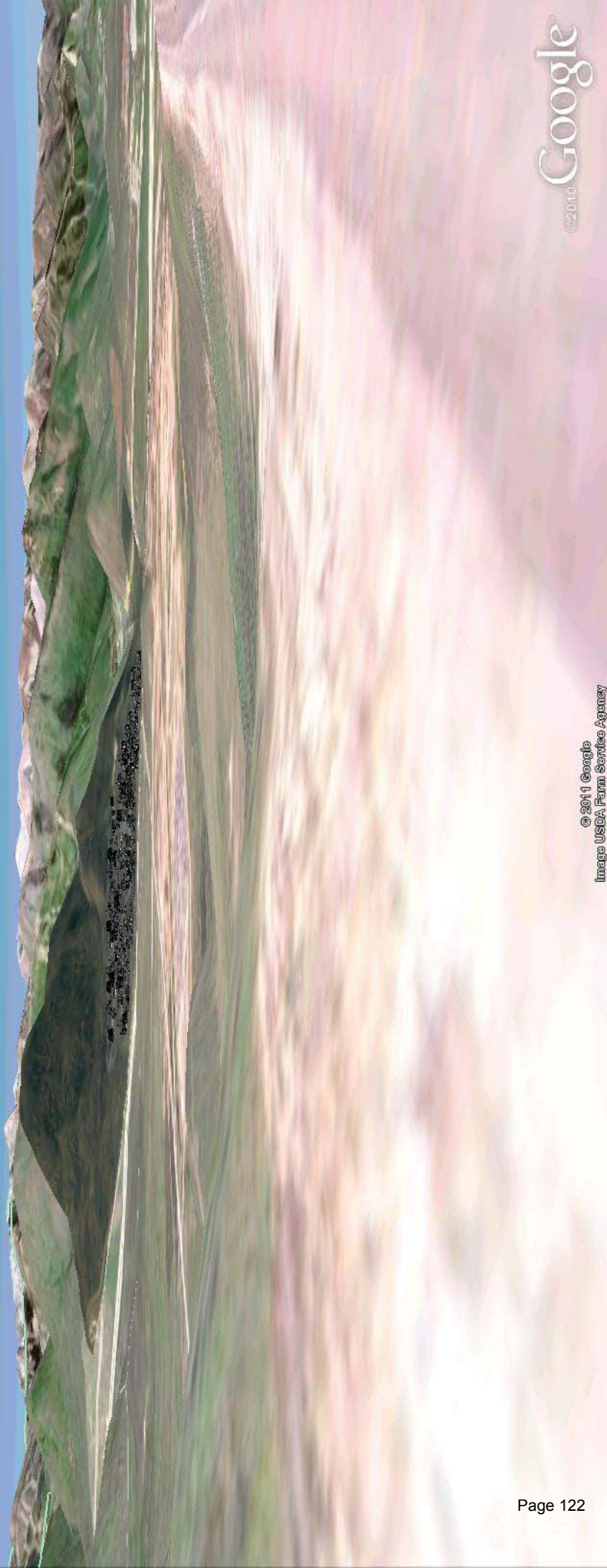
VIEW 2
 - UTAH HIGHWAY 248 AT THE TURN-OUT TO OLD DUMP ROAD

VIEW 3
 - U.S. HIGHWAY 40 SOUTHBOUND AT TOP OF ON-RAMP FROM UTAH HIGHWAY 248

VIEW 4
 - UTAH HIGHWAY 248 WESTBOUND AT SIDE OF ROAD FROM KAMAS



Exit ground-level view



©2010 Google

© 2011 Google
Image USDA Farm Service Agency
Image © 2011 DigitalGlobe

40°40'42.15" N 111°27'56.64" W elev 6765 ft

Imagery Date: 6/17/2010 1993

Eye alt 6763 ft



Planning Commission - February 23, 2011



View 2



Exit ground-level view



© 2011 Google
Image State of Utah
Image USDA Farm Service Agency





View 1





SILVER SUMMIT

HWY 40

150?

©2010 Google

Eye alt 7670ft

© 2011 Google
40°42'48.28"N 111°29'07.04"W elev. 6566 ft

Imagery Date: 6/17/2010 1993



Google

Eye alt 7,749 ft

©2010

REDSTONE

150'

HWY 224

©2011 Google
40°43'08.66" N 111°32'37.22" W elev 6413 ft

Imagery Date: 6/17/2010 1993



PARK WEST VILLAGE

HWY 224

140'

Google

Eye alt - 7490 ft

© 2011 Google
40°41'18.46" N 111°32'38.49" W elev 6683 ft

Imagery Date: 6/17/2010 1993

N

©2010 Google

Eye alt. 10086 ft

HWY 40

40

Richardson Flat Rd

PARK CITY HEIGHTS

1735'

1365'

350'

350'

425'

425'

©2011 Google

40°40'16.56" N 111°27'47.42" W elev 6692 ft



HWY 40

IHC HOSPITAL

700'

©2010 Google

©2011 Google
40°41'16.87" N 111°28'05.63" W elev. 6688 ft
Eye alt 8189 ft
1993

ICE ARENA & SPORTS COMPLEX

1,250'

HWY 248

©2010 Google

Eye alt 8932 ft

©2011 Google
40°40'52.68" N 111°28'07.33" W elev 6656 ft

Imagery Date: 6/17/2010 1993



©2010 Google

Eye alt 7601 ft

HWY 224

HOTEL PARK CITY

©2011 Google
40°39'42.79" N 111°30'45.54" W elev 6815 ft

Imagery Date: 6/17/2010 1993



CANYON CREEK CLUB

INTERSTATE 80

225

Google

Eye alt 7415 ft

©2011 Google
40° 43' 24.00" N 111° 31' 40.44" W elev 6384 ft

Imagery Date: 6/17/2010 1993



BLACK HAWK
STATION

INTERSTATE 80

250'

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40°43'28.48" N 111°31'58.00" W elev 6385 ft

Imagery Date: 6/17/2010 1993

Eye alt 7826 ft



ASPEN VILLAS

©2010 Google

Eye alt 7297 ft

65'

HWY 248

©2011 Google

40°39'55.73" N 111°29'50.05" W elev 6768 ft

Imagery Date: 6/17/2010 1993



PARK CITY HEIGHTS

HOMESTEADS PERSPECTIVE

FEBRUARY 9, 2010



PARK CITY HEIGHTS

PARK HOMES PERSPECTIVE

FEBRUARY 9, 2010



PARK CITY HEIGHTS

COTTAGE HOMES PERSPECTIVE

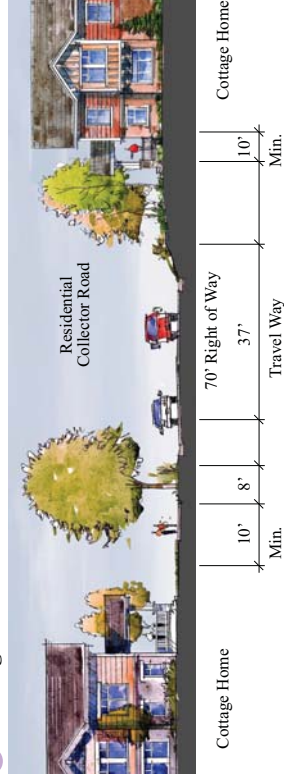
A Park Homes Section



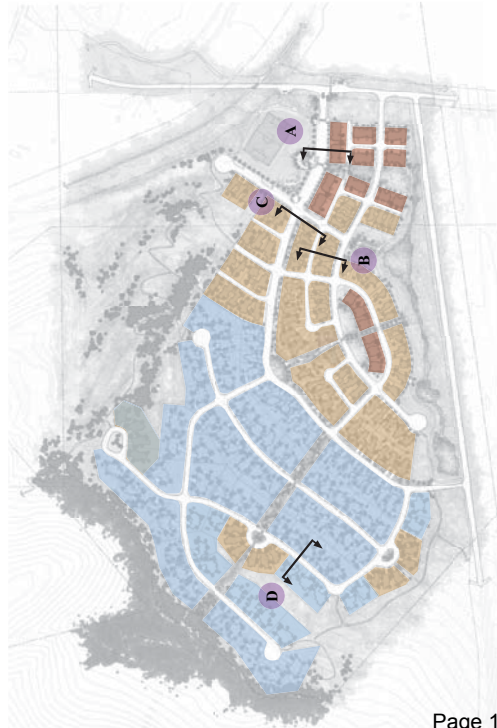
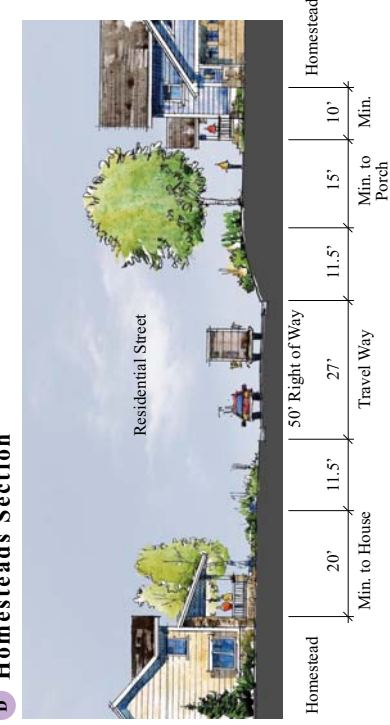
B Cottage Homes Section



C Cottage Homes Section



D Homesteads Section



PARK CITY HEIGHTS

STREET SECTIONS

Biological Resources Overview

for

Park City Heights

Prepared for

The Boyer Corporation
90 South 400 West, Suite 200
Salt Lake City, UT 84101

Prepared by



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December 2010

Table of Contents

1. Background.....	1
2. Project Location	1
3. Ecological Setting.....	4
4. Species Identification	9
5. Habitat Suitability for the Greater Sage-grouse	13
6. Findings	17
7. Recommendations	17
8. Conclusions.....	18
9. Literature Cited.....	18
10. Additional Information.....	19
11. Signatures.....	20

List of Figures

Figure 1. Project location.....	2
Figure 2. Project area.....	3
Figure 3. Vegetation communities and disturbed land types on the developable property	5

List of Tables

Table 1. Special status species potentially occurring in the project area	10
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List of Appendixes

Appendix A. Preliminary Site Plan.....	A-1
Appendix B. Photographs.....	B-1
Appendix C. UDWR Letter	C-1

1. Background

The Boyer Company has proposed a residential development for a parcel of land along Richardson Flat Road, called Park City Heights. The Boyer Company requested that Logan Simpson Design Inc. (LSD) visit the Park City Heights project area and evaluate biological resources present in the area. This includes identifying any protected or sensitive biological resources that may occur in the project area or could be affected by the proposed development; documenting the ecological setting of the project area; providing a qualitative assessment of wildlife habitats within the area; identifying the common plant and animal species occupying the property; identifying and determining the suitability of habitats within the project area for endangered, threatened, or special concern plants and animals known from Summit County, Utah; providing an evaluation of the suitability of habitat for greater sage-grouse, which has been documented near the project area; and providing a review of the Park City Sensitive Lands Overlay (SLO) Zoning Regulations.

Throughout this Biological Resources Overview, the term “project site” is used to represent the development footprint (area of disturbance); the term “developable property” is a 216 acre contiguous parcel of land within which the project site is located; and the term “project area” includes lands generally surrounding the developable property. The term “project vicinity” is used to denote a more expansive landscape context. Note, a non-contiguous parcel of approximately 23 acres will be included in the zoning permit request; however this land was not considered in this biological study because it will not to be developed.

2. Project Location

The developable property is an approximately 216-acre parcel located south of Utah State Route (SR) 248 and west of US Highway 40 (US 40) in Park City, Summit County, Utah (Figures 1 and 2). The property lies adjacent to, but outside the city limits of Park City. Approximately one third of the property is proposed for development – a site plan is included in Appendix A. The proposed development is at the base of the mountains, east to US 40, and north to nearly Richardson Flat Road. Lands adjacent to the property are a combination of mountain slopes with undeveloped shrublands in conservation easements (to the west), residential developments (to the west and southwest), riparian corridors and agricultural land (to the north) and an embankment for a controlled access highway (to the east). The developable property’s legal description includes portions of the southern half of section 2 and the northern half of section 11, Township 2 South, Range 4 East (Salt Lake Baseline and Meridian).

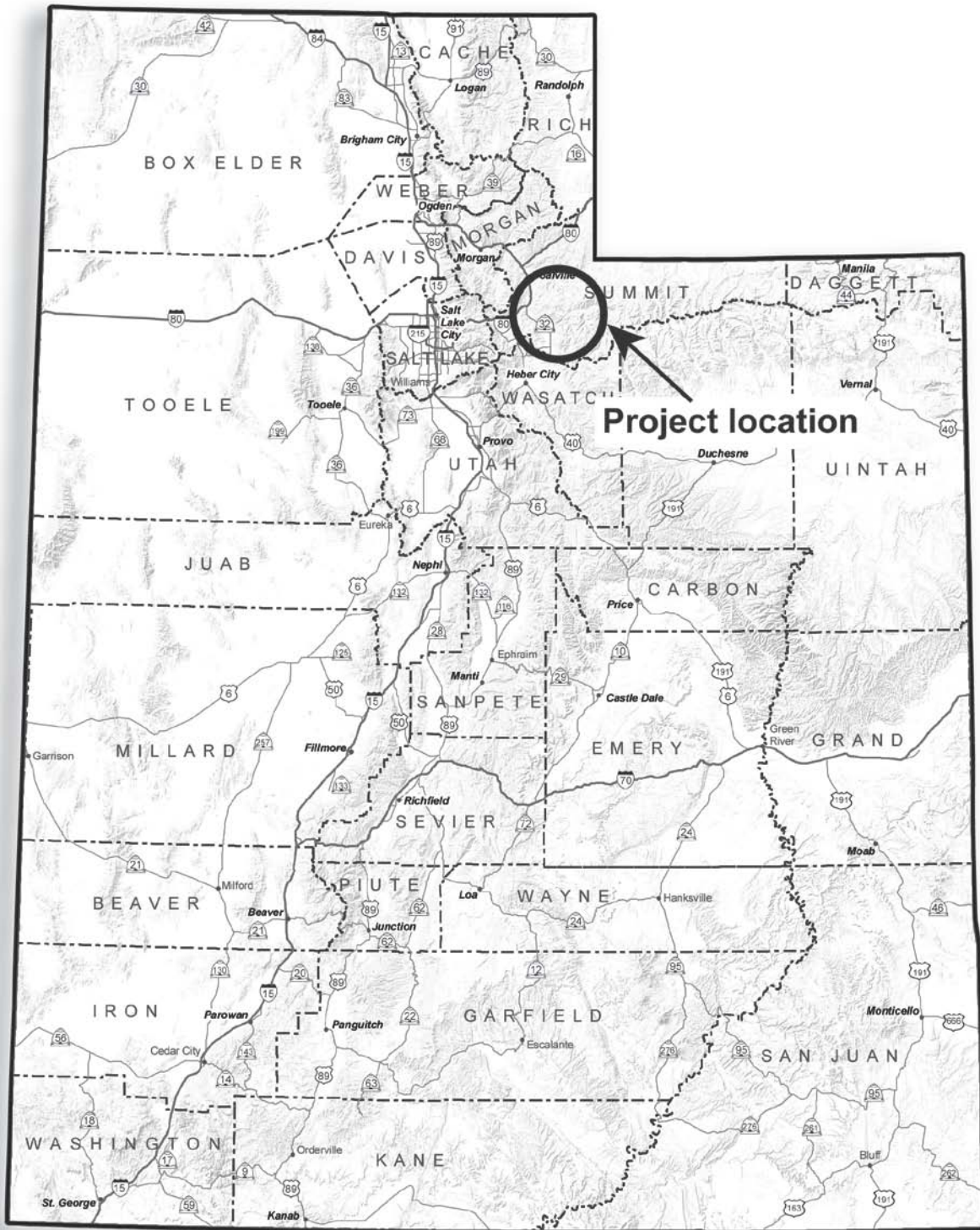


Figure 1. Project location.



Legend

Project_Boundary

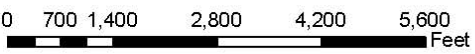


Figure 2. Project area.

3. Ecological Setting

LSD biologist Gary Reese conducted a site visit to the Park City Heights project area on December 6 and 7, 2010. Data was collected on the existing biological resources of the project area. Site visit photographs are included in Appendix B. While snow depth averaged nine inches on uplands, conditions were ideal for evaluating the suitability of the habitat for wintering greater sage-grouse. A collapsible snow shovel was used to remove the snow in those areas where the herbaceous flora needed to be evaluated (Photograph 1). A four wheel drive vehicle aided in navigating the unimproved roads; areas not accessible by vehicle were surveyed on foot.

The project area is located within the Utah-Wyoming Rocky Mountains Ecological Region, which includes the mountains just north of Yellowstone National Park in south-central Montana, the Bighorn Mountains in northeast Wyoming, the Uinta Mountains of northeast Utah and Northwest Colorado, Utah's Wasatch Range, and the mountains and valleys of the southeastern corner of Idaho (Noss et al. 2001). Park City, which encompasses approximately 12 square miles with a resident population of approximately 7,300 people (2000 Census) and a substantial tourism industry, is located on the east side of the Wasatch Range. Park City consists of a core downtown area that is surrounded by lower-density residential and commercial developments, golf courses, and ski resorts.

The developable property is a 216-acre vegetated parcel that is situated south of Silver Creek, in the part of Richardson Flat lying west of the US 40 grade (Photograph 2). Elevation ranges from 6,640 to 7,580 feet. The highway realignment in the late 1980s resulted in an embankment being built across the western side of Richardson Flat (Photograph 3). Richardson Flat is located in a low gradient valley surrounded by hills of about 1,000 feet relief. The hills are comprised of either Woodside Shale or Weber Quartzite (Bromfield and Crittenden 1971). The erosion and weathering of these hills formed the old alluvial soils of the foothills. These soils are rich in clay and exhibit very low water permeability. The flat is drained by Silver Creek (Photograph 4), which flows from Park City to its east, then turns north from the developable property and passes the Richardson Flat tailings. The tailings and the riparian zone for Silver Creek have been undergoing remediation for heavy metal toxicity, left as a legacy of historic mining around Park City.

Figure 3 provides a map of the vegetation communities on the developable property, which includes six natural habitats and two types of disturbed areas. The vegetation communities are: Gambel oak shrubland (108 acres), mountain big sagebrush shrubland (99 acres), mountain big sagebrush - Saskatoon serviceberry shrubland (2 acres), sparsely vegetated wet meadow (1 acre), Douglas-fir woodland (1 acre), and quaking aspen shrubland (less than 1 acre). Disturbed areas include ruderal vegetation (7 acres highway grade and 2 acres abandoned railroad grade); and excavated land (4 acres). The wet meadow and part of the aspen shrubland are riparian wetland habitat, the remainder is upland.

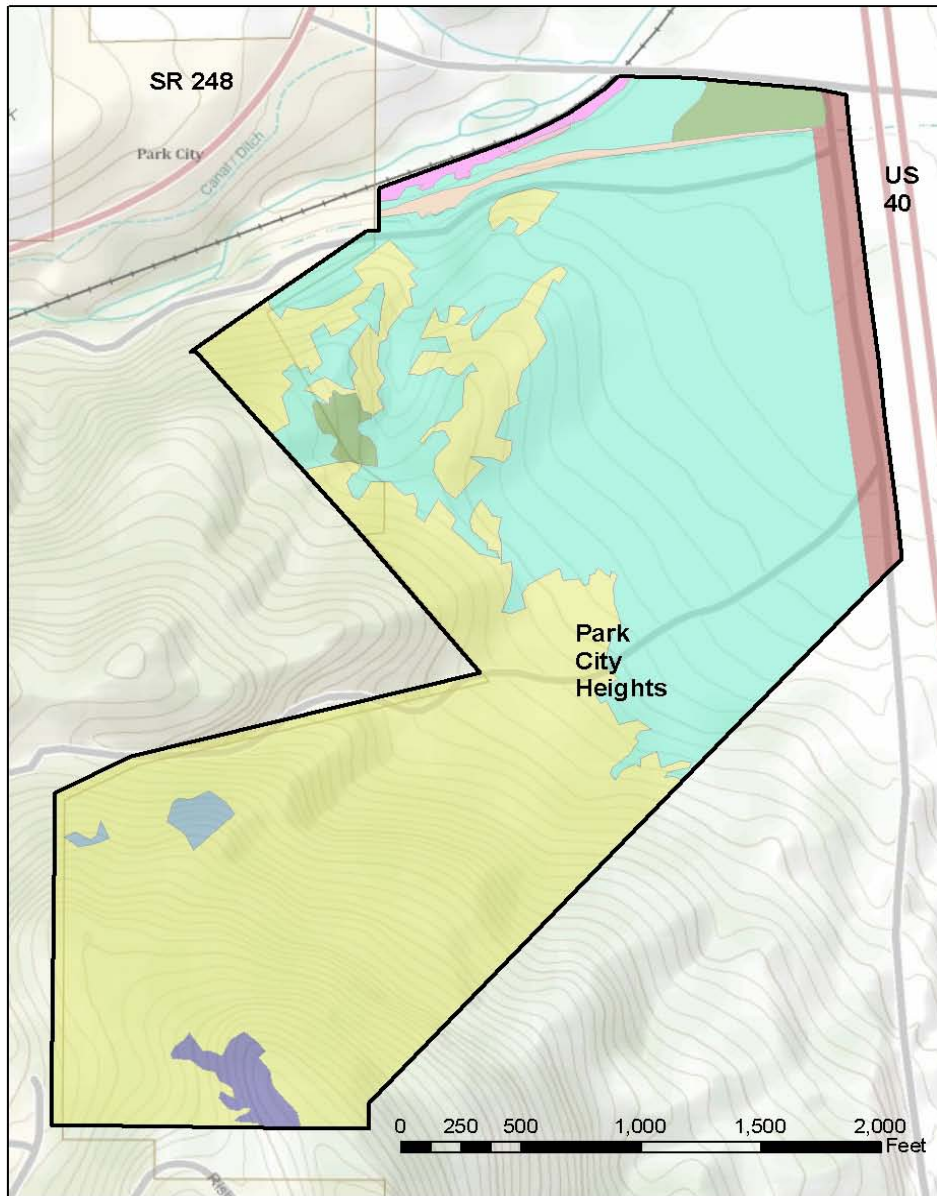


Figure 3. Vegetation communities and disturbed land types on the developable property.

Gambel Oak Shrubland

Shrublands dominated by Gambel oak (*Quercus gambelii*) are the most common habitat type in the developable property. The oaks form thickets averaging 20 feet high and have sparse understories of shrubs, grasses, and herbs. These shrublands generally occupy steeper slopes and higher elevations in the project area (Photograph 5) than does the Mountain big sagebrush shrubland. The dense bushy environment provides cover for animals and their young. The high tannin content of Gambel oak doesn't seem to bother mule deer, who browse year-round on its foliage. Oak acorns which are rich in carbohydrates, fats, and proteins take a year to mature. Oak acorns are important food sources for ravens, jays, turkeys, squirrels, chipmunk, and deer.

Park City's SLO Zone Regulations limits the density of residential development in oak shrublands. They are recognized as both a sensitive wildlife habitat and because they occupy steep slopes generally unsuitable for development. Within the project area, this habitat will not be directly impacted by the proposed development.

Mountain Big Sagebrush Shrubland

Mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*) shrubland is the second most extensive habitat on the developable property (Photograph 6). It extends throughout the eastern side of the developable property, occupying moderate slopes. Mountain big sagebrush dominates the shrub canopy, with localized Saskatoon serviceberry (*Amelanchier alnifolia*) as an associated species. The average cover of sagebrush emerging from 9 inches of snow was 28 percent, with an average height of 23 inches emergent above snow. The herbaceous understory has been diminished from many years of grazing by cattle, sheep and horses. The understory appears to be dominated by cheatgrass (*Bromus tectorum*), an exotic grass which has invaded sagebrush rangelands throughout the region.

Big sagebrush is highly preferred and nutritious winter forage for mule deer, and provides habitat for a diverse assemblage of birds and mammals across the western United States (Welsh 2005). Songbirds such as dark-eyed juncos, horned larks, and white-crowned sparrows occupy sagebrush and consume big sagebrush seed. Additionally, the greater sage grouse requires sagebrush for its survival.

Mountain Big Sagebrush – Saskatoon Serviceberry Shrubland

The transition zone between Gambel oak and mountain big sagebrush is where Saskatoon serviceberry is most common. These edge areas are highly variable in vegetative composition and are not readily mappable on aerial photography. However, this plant community forms a mappable habitat on ridgelines, a topographic feature protected under the Park City SLO Zone Regulations. Mountain big sagebrush – Saskatoon serviceberry shrubland is important wildlife habitat due to the proximity of protective oak cover

to serviceberry plants and its fruits. Deer and moose browse serviceberry and its fruit is relished by a variety of song and game birds (NRCS 2006). The ridgeline will not be directly impacted by the proposed development.

Sagebrush and serviceberry are co-dominants on the ridge along the southern edge of the developable property (Photograph 7). This area had abundant wildlife tracks (Photograph 8) and was the only area with a significant herbaceous component to the shrubland. The grasses identified included slender wheatgrass (*Elymus trachycaulus*) and crested wheatgrass (*Agropyron cristatum*). Except in times of high winter wind, this ridgeline appears to provide excellent wildlife habitat. Deer Valley subdivisions are immediately below the ridge. Lack of cover and proximity to homes limit the utilization of this habitat to species which tolerate human presence.

Sparsely Vegetated Wet Meadow

Silver Creek flows within 5 to 100 feet of the northeastern edge of the developable property. The floodplain is bisected by a historic Union Pacific railroad grade, now converted to a rail trail. The ballast which built up the railroad bed is from mining operations and is toxic. The rail trail and Richardson Flat Road are the northern boundary for the developable property. Silver Creek is classified as a cold water fishery and supports willows (*Salix* spp.), cattails (*Typha latifolia*), and emergent and floating vegetation. The density and height of this riparian vegetation is quite variable, depending on the influence of beaver dams.

Along the rail trail is a sparsely vegetated wet meadow where the vegetation is dominated by sedges, with a small patch of aspen (*Populus tremuloides*) (Photograph 9). The wet meadow may be sparsely vegetated due to soil toxicity, or having been covered with soil.

Riparian habitats associated with Silver Creek are adjacent to the developable property and will not be disturbed by the proposed development. These riparian habitats will continue to offer forage and cover for birds, mammals (including resident beavers), fish, amphibians, reptiles, and aquatic invertebrates. Birds expected in the area include: red-tailed hawk, bald eagle (non-nesting), killdeer, rock pigeon, belted kingfisher, northern flicker, black-billed magpie, common raven, black-capped chickadee, European starling, song sparrow, dark-eyed junco, and house finch.

Douglas-fir Woodland

Two small groves of Douglas-fir (*Pseudotsuga menziesii*) occupy a sheltered area below the ridge line and in a valley between two hills within the Gambel oak shrubland. This vegetation type was only examined through binoculars due to deep snow buildup and hazardous walking conditions. These groves can provide nesting sites and cover for birds such as owls and woodpeckers, as well as tree canopy habitat for squirrels. Douglas-fir groves are protected within Park City under the SLO Zone Regulations.

Quaking Aspen Shrubland

Twelve 20 feet high quaking aspen (*Populus tremuloides*) saplings occupy the upland edge of the sparsely vegetated wet meadow (Photograph 9). There are 4 to 6 feet high suckers colonizing the wet meadow near the saplings. This appears to be vegetative recovery after beaver removal. With time, these saplings will probably be felled by the beaver lodging immediately north in Silver Creek. This vegetative type is narrow and barely evident on the 2009, 1:945 scale aerial photography that was used for mapping the vegetation of the developable property.

Ruderal Vegetation

The area between the riparian habitat and the sagebrush uplands is bisected by an historic alignment of the Richardson Flat Road (now a two-track on the south side of Silver Creek) and an abandoned railroad spur (Photograph 10). The abandoned railroad grade and its cut embankments are dominated by weedy plants which have spontaneously colonized the site after the tracks were removed.

A steep embankment on the east side of the developable property is a highway re-seeding after construction of a grade for US 40 in the late 1980s. The seeding is a mix of grasses and herbs (Photograph 11). The top of the embankment is flat and has an unimproved road running parallel to the US 40 right-of-way fence.

Excavated Land

A 4-acre excavated site in the northeast corner of the developable property is used in winter as the Park City snow storage area (Photograph 12). It is also used as an unimproved parking lot and staging area for heavy equipment.

Wildlife

Various owls and raptors may occur incidentally throughout the project area. While there were perch sites on power line poles near the riparian area, no large nests were observed. Fresh tracks representing bobcat, turkey, coyote, and fox were observed during the site visit. Large mammal (e.g. ungulates, such as deer, elk, and moose) have been reported in the area by Utah Big Game Range Trend Studies and migrate across Silver Creek, crossing SR 248 both north and south (Dynamac Corporation 2002). They may be attracted to the willows to forage; however, because of the small size of the riparian area, large-scale vegetation removal in the last 20 years, and nearby human presence, it does not provide adequate cover areas for breeding. The riparian corridor may see occasional foraging use by these species.

Use of the project area by wildlife would be relatively similar between different seasons, with the exception that fewer species would be present in winter because many species migrate or hibernate to escape cold temperatures and scarce resources. Winter is when larger species such as deer and elk are more likely to

risk entering the developed areas of Park City to browse on the supplemental vegetation available in landscaped areas, particularly golf courses and gardens.

The steep oak shrublands and riparian corridor can serve as linkages for wildlife movements in fragmented landscapes. But the portion of the developable property to be developed currently has reduced value as a movement corridor because of the extent of human presence, the barrier fence along US 40, and the openness of the habitat in full view to any predator perched on the US 40 embankment. These factors preclude the movements of many wildlife species through the proposed developable property.

In summary, the project area currently provides various habitats for wildlife species that tolerate the presence of human development and disturbance. These species consist of small bird and mammal species with relatively small home range requirements. The surrounding habitat not proposed for development offers habitat for a variety of species. Although the area proposed for development may receive occasional use by wildlife for cover, foraging, roosting, and perching, occurrences by these species would be incidental and the habitat in the proposed development area is not critical to the survival of these species in the greater Park City area.

4. Species Identification

Threatened, Endangered, and Sensitive Species

The US Fish and Wildlife Service (USFWS) list of endangered, threatened, proposed, candidate, and conservation agreement species occurring in Summit County and the Utah Division of Wildlife Resources (UDWR) list of sensitive species for Summit County were reviewed to determine if any of these special status species have the potential to occur within the project area. Species included on the USFWS and UDWR lists are addressed in Table 1. No plants were included on either the USFWS or UDWR lists for Summit County. A project coordination letter from UDWR revealed that UDWR has not documented the presence of any special status species within the project area. The project area does not include any critical habitat that has been designated or proposed under the Endangered Species Act (16 U.S. Code 1531–1544, as amended).

Table 1. Special status species potentially occurring in the project area

Species	Status ^a	Habitat Requirements	Suitable Habitat Present?
Invertebrates			
Deseret mountainsnail (<i>Oreohelix peripherica</i>)	SPC	Closely associated with limestone outcrops under vegetation and associated leaf litter, specifically mountain maple (<i>Acer</i> sp.), scrub oak (<i>Quercus gambelii</i>), and balsam root (<i>Balsamorhiza</i> sp.).	Project area is outside of species' known distribution.
Western pearlshell (<i>Margaritifera falcata</i>)	SPC	Small streams. Possibly extirpated in Utah, although small populations may exist in historical localities.	Project area is outside of species' known distribution.
Fish			
Bluehead sucker (<i>Catostomus discobolus</i>)	CS	A benthic species of small or mid-sized tributaries of moderate-to-fast velocity in high gradient reaches of mountain rivers of the Upper Colorado River system, the Snake River, and the Lake Bonneville basin.	Project area is outside of species' known distribution.
Boneytail (<i>Gila elegans</i>)	ESA LE	Colorado River drainage	Project area is outside of species' known distribution.
Bonneville cutthroat trout (<i>Oncorhynchus clarkia utah</i>)	ESA LE	Found in a number of habitat types, ranging from high elevation mountain streams and lakes to low elevation grassland streams. In all habitats, a functional stream riparian zone providing structure, cover, shade and bank stability is required.	Historically present throughout the region; there are no recent records from Silver Creek.
Colorado River cutthroat trout (<i>Oncorhynchus clarkia pleuriticus</i>)	CS	This subspecies of the cutthroat trout that is native to the upper Colorado River drainage of UT, WY, CO, AZ, and NM has been reintroduced into lakes in the Uinta Mountains, in the northeastern part of the state.	Project area is outside of species' known distribution.
Colorado pikeminnow (<i>Ptychocheilus lucius</i>)	ESA LE	Colorado river drainage	Project area is outside of species' known distribution.
Humpback chub (<i>Gila cypha</i>)	ESA LE	Colorado river drainage	Project area is outside of species' known distribution.
Least chub (<i>Lotichthys phlegethontis</i>)	ESA C	Springs, streams and lakes associated with the Bonneville Basin	Project area is outside of species' known distribution.
Razorback sucker (<i>Xyrauchen texanus</i>)	ESA LE	Colorado river drainage	Project area is outside of species' known distribution.
Northern Leatherside chub (<i>Lepidomeda Copei</i>)	SPC	Native to streams and rivers of the southeastern portion of the Bonneville Basin.	Project area is outside of species' known distribution.

Table 1. Special status species potentially occurring in the project area (continued)

Species	Status ^a	Habitat Requirements	Suitable Habitat Present?
Reptiles and Amphibians			
Columbia River spotted frog (<i>Rana luteiventris</i>)	CS	Isolated springs and seeps that have a permanent water source, although individuals are known to move overland in spring and summer after breeding.	Historical records for this species in the vicinity of the project area, but unsuitable habitat within the project area.
Smooth green snake (<i>Opheodrys vernalis</i>)	SPC	Moist areas, especially moist grassy areas and meadows where it is camouflaged due to its solid green dorsal coloration.	According to UDWR natural heritage records, there are no documented occurrences of this species in Summit County.
Western toad (<i>Bufo boreas</i>)	SPC	Found in a variety of habitats, including slow moving streams, wetlands, desert springs, ponds, lakes, meadows, and woodlands.	Project area is outside of species' known distribution.
Birds			
Bald eagle (<i>Haliaeetus leucocephalus</i>)	SPC	Nests in tall trees near bodies of water where fish and waterfowl prey are available. Winters in sheltered stands of trees near open water. Generally avoid human activity and development.	Occurrence in project area is unlikely. Occurrence would be incidental; no foraging, roosting, or nesting habitat is present.
Bobolink (<i>Dolichonyx oryzivorus</i>)	SPC	Wet meadows, grasslands, and agricultural areas associated with riparian or wetland areas. Populations in Utah are found in the northern half of the state near Logan, Brigham City, Kamas, Heber, Morgan, Mountain Green, Huntsville, West Layton, Provo, and Bear Lake.	Not expected to occur in the project area due to a limited area of potential suitable habitat.
Ferruginous hawk (<i>Buteo regalis</i>)	SPC	Flat and rolling terrain in grasslands, agriculture lands, sagebrush/saltbush/greasewood shrub lands, and at the periphery of pinyon-juniper forests. In the winter, uses farmlands, grasslands, deserts, and other arid regions where lagomorphs, prairie dogs, or other major prey items are present.	Occurrence in project area is unlikely. Occurrence would be incidental; no foraging, roosting, or nesting habitat is present.
Grasshopper Sparrow (<i>Ammodramus Savannarum</i>)	SPC	Summer resident, nesting in Utah in grasslands or shrub-steppe with a minor component of sagebrush.	No suitable habitat in the project area.
Greater sage-grouse (<i>Centrocercus urophasianus</i>)	ESA C	Plains, foothills, and mountain valleys with an overstory of sagebrush and an understory of grasses and forbes for breeding habitat which maybe adjacent to wet meadow areas for brooding habitat. Low density sagebrush on south and southwestern slopes below ca. 6500 feet for winter habitat.	Occupied habitat within a ½-mile radius of the project area, but unsuitable habitat within the project area.

Table 1. Special status species potentially occurring in the project area (continued)

Species	Status ^a	Habitat Requirements	Suitable Habitat Present?
Birds (continued)			
Lewis's woodpecker (<i>Melanerpes lewis</i>)	SPC	Within Utah, found in central part of state in open park-like ponderosa pine forests. Attracted to burned Douglas-fir, mixed conifer, pinyon-juniper, riparian, and oak woodlands. Prefers understory of grasses and shrubs to support insect prey populations. Nests in dead trees and stumps.	No suitable nesting habitat in the project area. Occurrence in the project area is unlikely based on the lack of Ponderosa pine or burned habitat and lack of understory in Douglas fir and Gambel oak.
Northern goshawk (<i>Accipiter gentilis</i>)	CS	Uncommon, permanent resident in Utah. Prefers montane forests and riparian zone habitats.	No suitable habitat in the project area.
Short-eared owl (<i>Asio flammeus</i>)	SPC	Large open grassland or wetland areas, such as hayland, retired cropland, small-grain stubble, shrub-steppe and wet meadow zones of wetlands.	Occupied habitat in the vicinity of the project area, but no suitable habitat within the project area
Three-toed woodpecker (<i>Picoides tridactylus</i>)	SPC	Engelmann spruce, sub-alpine fir, Douglas fir, grand fir, ponderosa pine, tamarack, aspen, and lodgepole pine forests, generally above 8,000 feet. Require soft wood for excavation and scaly barked trees or snags infested with boring insects for foraging.	No suitable habitat in the project area.
Western Yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>)	ESA C	Rare breeder in Utah. Large blocks of riparian habitat with dense sub-canopies below 6,500 feet.	No suitable habitat in the project area.
Mammals			
Black-footed ferret (<i>Mustela nigripes</i>)	ESA LE	Underground prairie dog borrows. Reintroduced to the Coyote Basin of Uintah County, Utah.	Project area is outside of species' known distribution.
Canada lynx (<i>Lynx canadensis</i>)	ESA LT	Montane conifer forests. Rare in Utah.	Project area is outside of species' known distribution.
White-tailed prairie dog (<i>Cynomys leucurus</i>)	SPC	Similar to other prairie-dogs, these form colonies and spend much of their time in underground burrows.	Project area is outside of species' known distribution.

Source: Utah Conservation Data Center, <http://dwrcdc.nr.utah.gov/ucdc/ViewReports/te_cnty.htm>; <<http://dwrcdc.nr.utah.gov/ucdc/ViewReports/sscounty.htm>>; and <http://www.fws.gov/utahfieldoffice/Documents/Species%20by%20County_12092010.pdf>. Accessed December 15 2010.

^a Status definitions: SPC=Wildlife of Special Concern in Utah, CS=Species receiving special management under a Conservation Agreement in order to preclude the need for Federal listing, ESA=Endangered Species Act, C=Candidate, LE=Listed Endangered, LT=Listed Threatened

5. Habitat Suitability for the Greater Sage-grouse

This section provides an informed evaluation of the habitat suitability of the developable property for greater sage-grouse (*Centrocercus urophasianus*) in various seasons. It is based on field surveys and 2009 aerial imagery interpretation of the vegetation types in the project area. It is also based upon findings in recent published research studies and from the greater sage-grouse conservation plan for Morgan and Summit Counties, Utah (MSARM 2006).

The proposed Park City Heights development project lies within an area presently mapped by the UDWR as greater sage-grouse habitat. The property boundaries were submitted to the UDWR along with a request for a sensitive species overview of the area. A response letter dated December 13, 2010 (Appendix C) stated that "Within a ½-mile radius of the project area (section 2 & 8, Township. 2 South Range. 4 East), the Utah Division of Wildlife Resources (UDWR) has recent records for greater sage-grouse." No additional information on the sage-grouse occurrences was provided by UDWR.

In 1999, the UDWR mapped at a 1:980,000 scale the extent of seasonal habitat types for greater sage-grouse in the Morgan and Summit Counties Resource Area (MSARM 2006). Figure 4 from that report depicts sage-grouse nesting and brood habitat. It is of sufficient resolution to depict occupied nesting and brood habitat in the valley drained by Silver Creek, including the Richardson Flat area. Figure 5 from that report depicts winter habitat over the entire project area and region. These maps appear to be derived from the SGID93_BIOSCIENCE-Habitat-SageGrouseBrood and SGID93_BIOSCIENCE-Habitat-SageGrouseWinter geographical information system (GIS) data layers available at the Utah GIS Portal. Those data sets represent sage-grouse brooding and winter use areas in Utah as determined by UDWR field biologists in spring 1999. They show brood habitat extending into the project area and winter habitat over the entire property. Noteworthy is that boundaries of both potential habitats are highly generalized at this mapping scale, and thus included areas which scientific studies have shown are not preferred habitat.

Doherty, et al. 2010 produced a map depicting the location and relative population size of sage-grouse breeding areas (leks) in the western United States. For the Park City area of the map, the Silver Creek valley, extending from Richardson Flats north 4 miles to Interstate 80, has at least three leks, which are all categorized in the smallest population size class. These low density leks are shown as 8.5 kilometer (km) diameter areas, to denote the typical range around a lek within fragmented habitats like Richardson Flat. The implication of this size class analysis is that leks like the ones in the project vicinity should be considered of lower priority. Further evidence of a low density of birds in western Summit County is provided by lek survey results in a report by UDWR (2005). It reports three leks surveyed in 1995 and one lek in 2000 and 2001. There were only one male and three females birds counted. However, not all leks are counted on a reoccurring basis.

Suitable habitat depends on a wide variety of factors which can transform a habitat with preferred vegetation into one that sage-grouse won't occupy. For the property area, these exclusionary factors included poor quality habitat, such as exotic plant dominance and even-aged structure; unsuitable habitat such as oak shrubland; unsuitable topography and aspect; omnipresent human disturbance such as roads, parking lots, and construction staging areas; transmission lines and poles; presence of known predators; toxic soils; wildlife exclusion fencing; juniper encroachment; habitat fragmentation; and adjacent developed land. The following discussion provides evidence to support a hypothesis that the combination of these factors within the property area makes the developable property poorly suited to supporting sage-grouse in any season.

Preferred and suitable habitats for sage-grouse depend, in part, upon the topography, as well as the structure and composition of existing vegetation, which varies by season. Preferred topography and aspect for sage-grouse wintering habitat has been determined in research studies summarized by Connelly et al. (2011) to be on south or southwest-facing aspects. These aspects capture sun at the best angles for warming sage-grouse during sunny days. They are also on gentle slopes of less than 5 percent grade. The project area is the direct opposite, being primarily northeastern slopes and in part over 5 percent grade. Most areas of undeveloped land near known leks and within these preferred winter habitat topographic parameters are east of the property area across US 40; on the eastern side of Silver Creek and Richardson Flat.

Sage-grouse are obligate sagebrush species, meaning that sagebrush (*Artemisia* sp.) is a necessary component of their habitat. The species, height, and cover of sagebrush selected as habitat depends upon the season and type of activity the sage-grouse are engaged in (i.e., breeding, nesting/brooding, or wintering). Much of the developable property is Gambel oak, which immediately excludes it from consideration as sage-grouse habitat. Research studies summarized by Connelly et al. (2011) shows that preferred sagebrush habitat must lie within a restricted range of cover and height classes for the shrub. These parameters varied by state. In Utah, satellite imagery was used by Homer et al. (1993) to classify winter habitat of sage-grouse into seven shrub categories. Wintering grouse preferred shrub habitats with medium to tall (16-24 inch high) shrubs and moderate shrub canopy cover (20–30 percent). Sage-grouse avoided winter habitats characterized by medium (16-20 inch high) shrub height with sparse (less than 14 percent) sagebrush canopy cover. However, Bohne et al. (2007) caution that efforts to inventory wintering areas need to validate the maps of potential sage-grouse winter habitat indicated by vegetation and snow deposition patterns developed from aerial or satellite imagery. They summarized the winter range sagebrush preferences of sage-grouse in Wyoming as 10-30 percent canopy cover, 10-14 inches in height above snow, with preference for windblown ridges with low sagebrush in a landscape mosaic of taller

sagebrush. Sage-grouse winter range in Wyoming does not occur above 7,500 feet elevation, or in areas where there is Juniper (*Juniperus osteosperma*) encroachment.

Based upon eight transects of 100-200 feet in length, completed during the site visit when there was an average of nine inches snow cover, most of the sagebrush within the developable property exceeded the optimum height or cover parameters for preferred winter habitat. The average cover along the transects was 28 percent (range 8-46), with an average height of 32 inches (i.e., 23 inches emergent above snow; height range of 21 to 41 inches). However, winter sagebrush cover is dependent on snow depth. As the depth increases, emergent cover decreases. Records compiled by the Western Regional Climate Center indicate the average winter snow depth in Park City is 5-6 inches, with a February maximum of 18-20 inches. Thus as the winter progresses, less sagebrush is exposed and a migratory sage grouse population could move 50-100 miles (Patterson 1952) to lower elevations and milder conditions. When snow depths reach 14 inches, sage-grouse abandon flat areas for drainages and steeper southwest facing slopes (Autenrieth 1981, Hupp and Braun 1989). Thus, even if an optimum combination of sagebrush cover and height were attained sometime between January and March on the developable property, the 14 inches or greater average snow depth and northeast-facing aspect of the developable property would preclude winter occupancy by sage-grouse.

Brooding habitat must have available succulent forage. The sagebrush in the project area would classify under the National Vegetation Classification system as an *Artemisia tridentata* ssp. *vaseyana* / *Bromus tectorum* (Mountain big sagebrush / cheatgrass) Semi-natural Shrubland [and Sparse Shrubland] Association. The herbaceous understory vegetation is dominated by an exotic grass and poor in the quantity and quality of forage preferred by sage-grouse during brooding season.

Sage-grouse are potentially subject to increased mortality and disturbance resulting from manmade structures including fences, power lines, and other tall structures (wind turbines, communication towers), though this threat is poorly understood (MSARM 2006). Sage-grouse may fly into these structures which can result in death or may injure them to the point where they cannot effectively avoid predators. Sage-grouse mortalities due to collision with power lines, fences, and other tall structures have been observed in Colorado, Utah, and other areas (Gunnison Sage-grouse Rangewide Steering Committee 2005). Photograph 11 shows a five foot high, hog-wire fence along US 40 and an embankment fragmenting the developable property from more extensive and diverse sagebrush habitat in Richardson Flat, to the east. It apparently was installed to prevent moderate-sized mammals from entering the highway right-of-way and being a collision risk. Given its height and orientation along the crest of the embankment, it could present a hazard to low-flying sage-grouse. The poles provide perches for avian predators of sage-grouse, which include black-billed magpie and common raven (both observed on a December 7 site visit), as well as eagles and hawks (MSARM 2006). The predators can also perch on the edge of the embankment and

command a view of the entire acreage of sagebrush in the project area (Photographs 3 and 11). Along the oak/sagebrush transition are encroaching junipers which have been highline browsed in winter by deer and serve as perches for predators. Studies in Nevada have shown sage-grouse leks and brooding areas are not found within view of junipers, due to threats from predators (Dallin 2010).

While sagebrush adjacent to riparian zones can be a preferred habitat for nesting, a combination of exclusionary factors makes the developable property unsuitable habitat. A power line crosses the north end of the developable property near to the Silver Creek riparian area. The power line poles serve as perching sites for avian predators. From atop these poles, some of which are shown in Photograph 11 the entire upland/riparian transition area within the project area is visible to predators. Ravens were observed on these poles during the December field visit.

Welsh (2005) summarized the available research on sage-grouse habitat preference and wrote that “the ideal brooding habitat would consist of big sagebrush with a canopy cover of some 25 percent with a small creek running through it. A riparian zone about 50 feet wide would reduce the big sagebrush canopy cover to zero and provide the needed forbs for the chicks to eat with the adjacent big sagebrush cover providing shading, loafing, escape, food, and a source of insects.” In contrast, the Silver Creek floodplain is approximately 500 feet wide and toxic waste underlies the riparian vegetation and pools formed by beaver activity. On the rail trail, the toxic ballast of the former Union Pacific Railroad has been partly paved over and presently provides a pedestrian rail trail through the riparian zone (SCWSG 2006). The riparian soils are also toxic from the tailings of historic mining operations (Weston 1989). The toxicity is from heavy metals, primarily zinc, lead, and arsenic (EPA 2005). Grazing and browsing the vegetation rooted in these soils leads to bioaccumulation of the heavy metals in the food chain. The combination of all these exclusionary factors makes the north end of the property area both unsuitable and unfit habitat for sage-grouse.

Sage-grouse avoid areas of human presence. The perimeter of the developable property is heavily used by humans and is laced with two-track roads. The northern boundary has vehicle traffic on the paved Richardson Flats Road. Photograph 12 shows a parking and construction staging area in the northeast corner of the developable property. A construction company operates a busy yard just across Silver Creek from the northwest corner of the project area. There are existing subdivisions adjacent to Gambel oak shrublands and mountain big sagebrush-Saskatoon serviceberry shrubland habitats just beyond the west property boundary. The entire eastern property boundary is an embankment for US 40. Only the southern property boundary is unoccupied by humans. Thus, sage-grouse within the fragmented sagebrush habitat of the property cannot escape the visual and auditory presence of humans.

6. Findings

Potential Impacts to Threatened, Endangered, and Sensitive Species

No habitats that would be used by threatened, endangered, or sensitive species during any part of the year were identified in the project area. Therefore, the proposed project will have no effect on any threatened or endangered species or its habitat and will not impact any sensitive species.

Potential Impacts to Wildlife and Wildlife Habitats

The proposed development would occur on approximately one-third (70-80 acres) of the developable property. As proposed, the development would be confined to mountain big sagebrush habitat and areas of ruderal vegetation. Because of its small size and isolated location, the project site is inhabited by a relatively small diversity of birds and small mammals, although additional species may use the area incidentally for foraging (e.g. ungulates) or during periods of migration (e.g. neotropical migrant bird species). Impacts to wildlife from the construction of the proposed development are expected to be minimal, as the proposed development would occur outside of riparian vegetation and wetlands where there is typically more productivity and a higher density and diversity of wildlife species.

The proposed project would result in a reduction in low quality wildlife habitat. Undeveloped lands on the developable property are contiguous with conservation easements on adjacent properties, thus providing interconnected habitats for wildlife occurring in the project vicinity. Species that currently occupy open space habitat are not likely to be substantially affected by a reduction in mountain sagebrush habitat. In addition, there are large areas of open space adjacent to undeveloped land within the developable property. The proposed Park City Heights development is consistent with the Park City SLO Zone Regulations.

7. Recommendations

- Any future project area developments could minimize impacts to riparian areas and wetlands in the project area.
- Noxious weeds in the project area could be treated to prevent their spread into adjacent areas.
- Signage could be provided along the multi-use path to alert recreational users to the presence of wetland habitats and the need to stay on paths to protect them. Alternatively, signage that highlights the opportunities for wildlife watching or ecological discovery (e.g., the identification of vegetation components or observation of ecological processes) could be provided, resulting in an enhanced recreational experience for those passing through the project area.

8. Coordination

UDWR was consulted for species concerns during the development of this Biological Resources Overview. A letter from the UDWR regarding the project indicated that UDWR has not documented the presence of any special status species within the developable property, although known and historical special status species occurrences are within the project vicinity (Appendix C).

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10. Additional Information

Gary A. Reese conducted a field review of the project area on December 6 and 7, 2010. Photographs and field notes are on file at Logan Simpson Design Inc.

Appendix A
Preliminary Site Plan

PARK CITY HEIGHTS

CONCEPTUAL MASTER PLAN

NOVEMBER 7, 2010



Appendix B
Photographs



Photograph 1. Use of a collapsible shovel to sample vegetation under the snow pack.



Photograph 2. View of the developable property from the top of a ridge along the south west border of the property. Note US 40 running north south and SR 248 coming in from the west (left side of photograph).



Photograph 3. View of developable property looking north north-east from US 40 grade.



Photograph 4. View northeast along the rail trail. The Silver Creek riparian area is on the left and the sparsely vegetated wet meadow is on the right.



Photograph 5. View upslope along the powerline crossing the northern end of the developable property. This line passes through Gambel oak shrubland.



Photograph 6. View downslope along the powerline, looking east across the mountain big sagebrush in the northern part of the developable property. This line is close to the riparian area and the poles are perching sites for raptors.



Photograph 7. Mountain big sagebrush and Saskatoon serviceberry habitat on the ridge top at the southern end of the developable property.



Photograph 8. Detail of mountain big sagebrush emergent from the snowpack on the ridge line of the developable property. Abundant mammal tracks were present in this area, which abuts Deer Valley subdivisions.



Photograph 9. Quaking aspen shrubland illustrating aspen suckers and saplings along the wet meadow.



Photograph 10. Abandoned railroad grade along northern end of developable property.



Photograph 11. US 40 and right-of-way fence, looking south along a frontage road from the east side of developable property.



Photograph 12. Excavated area serving as a parking lot at northeast corner of the developable property.

Appendix C
UDWR Letter



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

December 13, 2010

Gary Reese
Logan Simpson Design
3753 Howard Hughes Parkway #235
Las Vegas, NV 89169

Subject: Species of Concern Near the Richardson Flats Residential Development, Park City, Utah

Dear Gary Reese:

I am writing in response to your email dated December 8, 2010 regarding information on species of special concern proximal to the proposed Richardson Flats residential development located in Sections 2 and 11 of Township 2 South, Range 4 East, SLB&M, in Park City, Summit County, Utah.

Within a ½-mile radius of the project area noted above, the Utah Division of Wildlife Resources (UDWR) has recent records for greater sage-grouse. In addition, in the vicinity there are recent records of occurrence for short-eared owl and historical records of occurrence for Columbia spotted frog. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the northern region, Scott Walker, at (801) 476-2776 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

Sarah Lindsey
Information Manager
Utah Natural Heritage Program

cc: Scott Walker, NRO

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