

## Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** Park City Heights MPD  
**Author:** Kirsten A. Whetstone, AICP  
**Date:** September 22, 2010  
**Project Number:** PL-10- 01028  
**Type of Item:** Work Session

### Recommendation

Staff recommends the Planning Commission review the outline regarding the MPD review process, binder/tool kit for review, and proposed timeline and provide to staff any input regarding these items. Staff requests the Commission provide any additional direction regarding proposed revisions to the concept plan.

### Objectives

The purpose of this report is to outline the Master Planned Development review process, identify a tool kit for MPD review, and provide a timeline for review of the Park City Heights MPD application. This item will be discussed at work session only and a public hearing will be held on October 13, 2010. This staff report outlines the following items:

- I. Background
- II. Review Process
  - A. Overall review process (annexation to building permit)
  - B. Specific Master Planned Development Review
- III. Tool Kit for Review (see PC Heights Binder)
- IV. Timeline
- V. Applicants' response to July 14 and August 11, 2010 Commission comments

### Description

**Project Name:** Park City Heights Master Planned Development  
**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:** Park City Municipal Corporation is 50% owner with The Boyer Co. of the larger parcel to the south and 24 acres of the front open space. Park City owns approximately 40 acres, 20 within the open space on north and 20 at the north end of the development parcel, outright.

## **I. Background**

On May 27, 2010, Park City Council voted to adopt an ordinance approving the Park City Heights Annexation agreement, including an associated water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres (see Annexation Agreement in Binder). During the Planning Commission's review of the annexation (April 9, 2008), prior to the Council approval, the Commission requested the following items be addressed with the MPD application:

- overall density in terms of number of single family/market rate lots,
- location of units on the site in consideration of sensitive lands (ridgelines, etc),
- better integration of the affordable units within the overall project,
- entry area needed to be redesigned to provide a neighborhood gathering location and better sense of arrival,
- sustainability and water conservation, and
- greater overall design/appearance as a residential community that relates to Park City's resort identity rather than as a "cookie cutter" suburban subdivision.

On June 17, 2010, the applicant submitted a pre-MPD application based on the annexation approval and agreement, including a revised conceptual site plan for a mixed residential development on 239 acres of the total 286 acres annexed. The remaining annexed area is owned by separate parties and is not subject to this MPD. The pre-MPD conceptual plan consists of 239 residential dwelling units, including:

- 160 market rate units in a mix of cottage units on smaller (6,000 to 8,000 sf lots) and single family detached units on 9,000 to 10,000 sf lots,
- 44.78 Affordable Unit Equivalents configured in approximately 28 deed restricted affordable units to satisfy the IHC MPD affordable housing requirement,
- 32 Affordable Unit Equivalents configured as approximately 16 deed restricted affordable units to meet the CT zone affordable housing requirement, and
- 35 deed restricted affordable units that Park City Municipal proposes to build consistent with one of its stated public purposes in the acquisition of an ownership interest in the land.

The plan includes approximately 175 acres of open space (73% open space), a community park and splash pad play feature, neighborhood club house, bus shelters on both sides of Richardson's Flat Road, trails throughout the development with connections to the city wide trail system, including connections to the Rail Trail.

The Planning Commission reviewed the pre-MPD application on July 14 and August 11, 2010 and found the application in initial compliance with applicable elements of the Park City General Plan. The Commission provided direction to the applicants (see Minutes in Binder) to consider the following items in the development of the detailed Master Planned Development site plan and supporting documents:

- Affordable housing needs in the community;

- Traffic mitigation, transit options, trails and connections for alternative modes of transportation;
- Support commercial elements;
- Environmental, wildlife and sensitive lands considerations- preserving more of the meadow lands balanced with keeping development off of ridgelines and steeper slopes and understanding wildlife issues; and
- Site planning details that are not typical of suburban development.
- Creation of a neighborhood that reflects Park City's natural environment and resort character and that creates a sense of place as a neighborhood while at the same time provides community amenities or attractions that connect it to other Park City neighborhoods.

## **II. Review Process**

### **A. Overall Review Process**

The overall review process was described in greater detail in the August 11, 2010 staff report (see binder).

A simplified review process flow chart is as follows:

- Annexation and Zoning (PC and CC) (completed May 27, 2010)
- ▼
- Pre-Master Planned Development meeting (PC) (completed August 11, 2010)
- ▼
- Master Planned Development submittal and review (PC)
- ▼
- Preliminary plat/site plan submittal and review (PC and CC)
- ▼
- Final plat/utility plan submittal and review (PC and CC)
- ▼
- Conditional Use Permit (CUP) review for certain uses/buildings, as conditioned by the MPD and/or CT zoning (PC or Staff)
- ▼
- Building permits (Staff)
- ▼
- Occupancy permits (Staff)

### **B. MPD Review Process**

The MPD review process allows the Commission to take a detailed look at the specific site plan including lot layout, building site location, street layout, utility systems, locations of trails and trail connections, type and location of open space, location of bus stops, relationships between buildings and parking, architectural theme or character, building materials, requirements for specific building practices

such as green/sustainable building, water efficient landscaping, types and occupancy of units, affordable housing units and configuration, location and amount of support commercial uses, and other items. The MPD is also required to comply with the terms of the annexation agreement.

The Land Management Code (Chapter 6) specifies the following steps:

- Pre-application public meeting and determination of initial compliance.
- Application submittal and reviewed for completeness.
- Planning Commission is the primary review body.
- At least one work session is required prior to a public hearing.
- At least one formal public hearing with notice provided per the LMC Notice Matrix (LMC Section 15-1-21).
- Planning Commission review per the underlying zoning district (CT) and the MPD requirements of LMC Section 15-6-5
  - Density
  - Setbacks
  - Open Space
  - Off street parking
  - Building Height
  - Site Planning
  - Landscape and Streetscape
  - Sensitive Lands Compliance
  - Employee/Affordable housing
  - Child Care
- Planning Commission must make required findings and conclusions of law as listed in LMC Section 15-6-6.
- Development Agreement drafted according to requirements of LMC Section 15-6-4 (G) within 6 months of MPD approval.
- Development Agreement formally ratified by Planning Commission, signed by the City Council and Applicant, and recorded with Summit County Recorder.
- Construction, as defined by the Building Code, is required to commence within 2 years of the date of the execution of the Development Agreement.

### **III. Binder/Tool Kit for Review**

The following items are included in the Tool Kit for review of the Park City Heights MPD application:

- The Park City General Plan (not included in the binder)
- Quinn's Planning Principals
- Park City Heights Task Force Recommendations
- Park City Heights Annexation Agreement and Ordinance
- Land Management Code- Master Planned Development Chapter 6
- Land Management Code- Community Transition (CT) zone Chapter 2.23

Staff has provided a binder for the Commission that includes the above items as well as the staff reports and minutes of the July 14<sup>th</sup> and August 11<sup>th</sup> Planning Commission meeting. Staff recommends the Commission update the binder with staff reports, minutes, and handouts related to the PC Heights MPD at subsequent meetings.

#### **IV. Timeline**

The following is a preliminary timeline for the MPD review:

- September 22, 2010- work session- overview of process and applicants' response to Commission comments on the Pre-MPD concept plan.
- October 13, 2010- work session/public hearing- transportation/traffic, trails, utilities, site plan overview, and environmental/SLO compliance.
- November 10, 2010- work session/public hearing - "sense of place"/neighborhood character, architectural design (e.g. design guidelines), recreation/amenities, sustainable elements, including water conservation/landscaping details and housing issues.
- December 8, 2010- work session/public hearing- draft development agreement.
- January 2011- final action.

#### **V. Applicant's response to Commission comments**

At the work session the applicants will present a draft working MPD site plan incorporating revisions based on the Commission's comments and input during the pre-MPD review (Exhibit B). The applicants are seeking input from the Commission at the work session to better understand the Commission's comments at the previous meetings and to gain an understanding as to whether the MPD plan is generally addressing the Commission's overall concerns and moving in the right direction. Staff has met with the applicants to review the revised site plan and provided additional input. The Commission should discuss the revised site plan at the work session and provide additional input to the applicants and staff.

#### **Notice**

This item is scheduled as a work session item only. Notice of the October 13, 2010, public hearing will be published in the Park Record and posted according to requirements of the LMC. Courtesy notice letters will be sent to affected property owners according to requirements of the LMC prior to future public hearings.

#### **Public Input**

At the time of writing this report, no public input has been received.

#### **Recommendation**

Staff recommends the Planning Commission review the above outline regarding the process, binder/tool kit for review, and proposed timeline and provide to staff any input regarding these items. Staff requests the Commission provide additional direction to the applicant and staff regarding the revised concept plan.

#### **Exhibits**

Exhibit A- Park City Heights Binder/Tool Kit

Exhibit B- Revised MPD site plan

# Park City Heights

## Master Planned Development



**Exhibit A**

## **PARK CITY HEIGHTS**

### **Summary of November 2009 Council Actions**

- City acquired a 50 percent interest in the property as an equal (undivided) tenant in common with Boyer and the parties are pursuing a joint Development Plan.
- Purchase price is \$5.5 million
- Parties agreed that the conceptual Master Plan dated June 2009 preliminarily complies with the CT zone and is the baseline for the joint Development plan.
- Created a two-year window for planning and negotiation. If an agreement on the Development Plan & Development Agreement is not reached by December 4, 2011, then Boyer may exercise a Put Option and the City will be required to purchase the remaining 50 percent interest at \$5.5 million plus 5% per annum interest.

### **Park City Municipal Goals/Public Purpose**

- Reduce overall density on the project site
- Address affordable housing needs and integrate within the project
- Transfer IHC affordable housing units
- Plan in an active partnership role for a significant development parcel on our entry corridor.
- Return of \$5.5 million land purchase cost and contributed cost of infrastructure improvements.

### **City Role**

City role not limited to affordable housing but has the ability to reduce the market unit density and incorporate affordable housing (including affordable density from the Talikser and IHC parcels) in a more integrated MPD.

### **Annexation Status**

|                |   |
|----------------|---|
| March 2005:    | Annexation petition deemed complete   |
| May 2006:      | Park City Heights Task Force convened   |
| July 2007:     | Task Force forwarded unanimous positive recommendation for CT zone designation to Planning Commission   |
| April 2008:    | Planning Commission forwarded a positive recommendation on the annexation request consistent with the CT zone. City Council charged with determining the final density for the market rate units as applicable as defined by the LMC and the General Plan. Proposed density at that time was 303 units total. Draft annexation agreement created. |
| November 2009: | City acquires 50 percent interest in 200 acres.   |
| May 2010:      | Potential City Council action on annexation   |

### **CT Zone**

Allows up to a maximum residential density of 1:1 provided specific standards at outlined in the zone are met. The proposed MPD (which includes land donated to the City by Talisker) is 239 acres or a maximum of 239 units plus required affordable housing units.

### **Anticipated/Proposed Density**

- Market Rate Units: 160 Market Rate Units as a mix of SF Estate (lot size 9,000 – 10,000 sf) and Cottage (6,000 – 8,000 sf)
- Affordable Units: 79 as a mix of stacked condo, townhouse and single family detached.
  - Units included in density calculations: 31 Units (City sponsored units)
  - Units excluded from density calculations: 46 units (IHC, PC HTs)
- CT Zone Density Ratio: .81:1                      Total Density Ratio:                      1:1

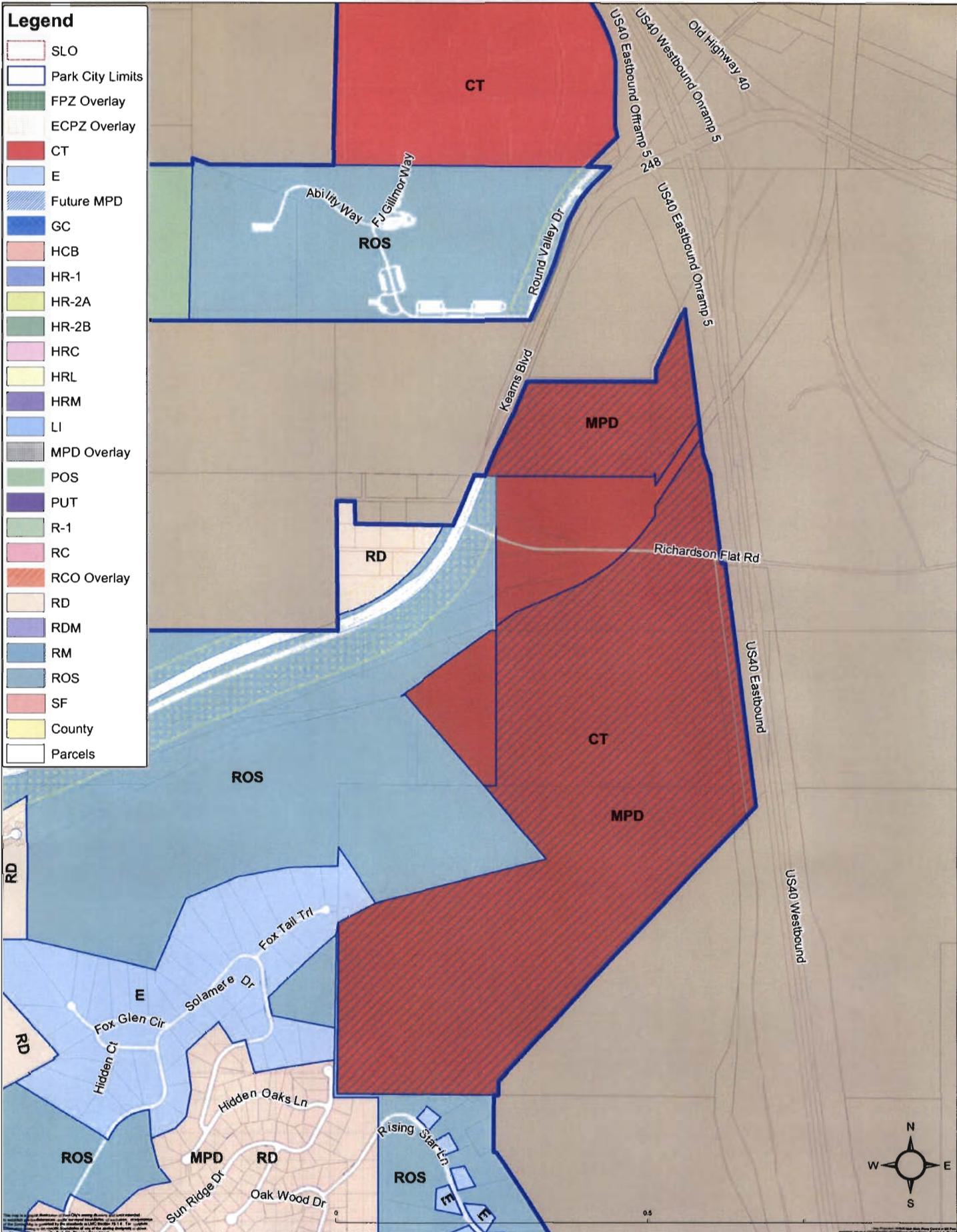
### **Basic Project Timeline**

- Phase 1:            Annexation Approval  
                         December - May 2010
- Phase 2:            MPD Application Preparation  
                         May 2010 – July 2010  
                         Pre-MPD Application Hearing  
                         July 2010  
                         MPD Public Process  
                         July 2010 – December 2010
- Phase 3:            Infrastructure Design & Development  
                         October 2010 – July 2011

### **Timeline: Annexation & MPD**

- January – June 2010:            Annexation Agreement Finalized for City Council Action
- June 2010 – July 2010:            Preparation of MPD application
- July – September 2010:            Update of existing reports (as necessary)

| Legend |                  |
|--------|------------------|
|        | SLO              |
|        | Park City Limits |
|        | FPZ Overlay      |
|        | ECPZ Overlay     |
|        | CT               |
|        | E                |
|        | Future MPD       |
|        | GC               |
|        | HCB              |
|        | HR-1             |
|        | HR-2A            |
|        | HR-2B            |
|        | HRC              |
|        | HRL              |
|        | HRM              |
|        | LI               |
|        | MPD Overlay      |
|        | POS              |
|        | PUT              |
|        | R-1              |
|        | RC               |
|        | RCO Overlay      |
|        | RD               |
|        | RDM              |
|        | RM               |
|        | ROS              |
|        | SF               |
|        | County           |
|        | Parcels          |



This map is a general reference map of Park City zoning districts. It is not intended to be used for legal purposes. For more information, contact the Planning Department at 460-760-1111. The content of this map is governed by the standards in IUCR Chapter 15.1. The Planning Department is not responsible for any errors or omissions in this map.

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**Quinn's Junction  
Joint Planning Commission Development Principles**

**I. Development Densities and Land Uses**

- Initial project analysis should commence with a review of property's base density, wetlands, slopes, wildlife areas, flood plain, etc.).
- Consider Sensitive Land Overlay density bonuses as incentive for project densities and development locations.
- Density should result in significant public benefits that promote Park City's resort, recreation, tourism and resort-based, second home economy.
- Highway service commercial and regional/big-box retail commercial are strongly discouraged in/along the Highway 40/SR 248 corridor.
- Institutional and/or Quasi Public Institutional uses relating to community open space, recreation, health and tourism may be considered in the Highway 40/SR 248 corridor. Limited neighborhood commercial uses may be considered in the Silver Summit area east of Highway 40.
- An expansion of the existing light industrial/incubator service commercial uses along the east side of Highway 40 should be considered. Said expansion should be clustered to the greatest degree possible to minimize sprawl.

**II. Development Patterns**

- Cluster in already identified receiving areas and around exiting development with consistent uses.
- Public open space and recreation is the predominant land use in the study area. Clustered development should be designed to preserve and enhance access and use of said areas.
- Apply Sensitive Land Overlay standards for development design.
- Preserve a substantial open space corridor through study area.
- Developments should be transit-oriented and linked to broader community open space and trail network.

## Park City Heights Task Force Findings and Recommendations July 10, 2007

1. The Park City Heights Annexation Petition and Master Planned Development application were filed on January 28, 2005 with the City Recorder. The applicant later filed additional and amended materials on February 16, 2005 to complete the annexation petition. On July 5, 2007, the Annexation Petition/Master Planned Development application was amended to include the 40 acre United Park City Mines Company/Talisker property.
2. The overall Annexation area proposed is 256.84 acres and is located in the Quinn's Junction area near the southwest quadrant of the US-40/SR-248 interchange. The properties comprising in the proposed Park City Heights/Talisker Annexation/Master Planned Development total 239.56 acres and include two separate parcels owned by the Park City Heights, LLC (*north/"90" Parcel--24 acres; south/Clark Ranch Parcel--176 acres*); and a +/- 40-acre parcel owned by the United Park City Mines Company (UPCMC)/Talisker. The 12.46-acre Byer property; and the State of Utah Rail Trail properties are not listed as applicants on the Annexation Petition/Master Planned Development application.
3. The annexation area is bounded on the north by the 29.55 acre Quinn's Junction Partnership property; SR-248 right-of-way, City-owned open space, and UDOT property to the west; Morning Star Estates Subdivision and Florence J. Gillmor land to the south; and the US-40 right-of-way to the east.
4. The proposed Park City Heights/Talisker Annexation and Master Planned Development area is located within Park City Municipal Corporation's Annexation Expansion area, as described by the adopted Annexation Policy Plan. The applicants' property is the subject of a July 2, 1992 Pre-Annexation and Settlement Agreement executed between the City and Frank and Nadine Gillmor, the applicants' predecessor in interest to the subject property. Section C of the Pre-Annexation and Settlement Agreement states that:

*The parties agree that the Subject Properties should be annexed into Park City as and when they develop. The Gillmors and their assignees agree to petition for annexation of the Subject Properties to Park City before seeking any zoning or development approvals. The parties understand that Park City may not bind future City Councils to specific courses of Legislative action. However, Park City represents that it would favorably consider petitions for annexation of Subject Properties based upon the terms and conditions of its Annexation Policy Declaration, the Land Management Code and its dedication of water rights described in paragraph D of this Agreement.*

*Preliminary work associated with the preparation of Park City's comprehensive plan shows that low to moderate density residential uses, with limited light industrial or support commercial uses are*

*appropriate for the Clark Ranch and "90" properties. Actual use and configurations and densities cannot be finally determined until master plan approval and annexation of the Subject properties is formally proposed, and will depend on site planning, infrastructure, and market conditions at the time the Subject Properties are proposed for annexation and development.*

5. The property is currently undeveloped. The current County zoning for the property is Developable Lands (DL) at 1 unit per 20 acres-base density; and Sensitive Lands (SL) at 1 unit per 40 acres (*for wetlands and land over 30% slope*).
6. The Park City Heights Annexation Petition was accepted by the City Council on March 10, 2005.
7. On July 27, 2005 the Park City Planning Commission held a public hearing on the annexation petition, at which time it expressed concerns including: proposed density type and location, lack of clustering, location and amount of open space, hillside development, traffic, consistency with the resort community; and affordable housing.
8. City Council adopted Resolution No. 13-06, on May 4, 2006 creating the Park City Heights Annexation Task Force. The intent of the City Council in forming the Task Force is to provide early input to the Planning Commission and applicant on major components of the application, without affecting the overall procedural requirements of annexation review as required by the Land Management Code and state law. The Task Force is established to review and provide a recommendation on the annexation petition to include the Housing, Transportation, Community Economy Elements of the General Plan, Density, and Zoning Designation.
9. City Council adopted Resolution No. 06-07 on May 3, 2007 which extended the term of the Park City Heights Annexation Task Force to August 3, 2007.
10. The membership of the Park City Heights Annexation Task Force includes two members of the City Council appointed by the City Council, three Planning Commissioners appointed by the Planning Commission, and one ex-officio, non-voting Summit County Planning Commissioner appointed by Summit County Planning Commission. The Planning Department provides staff and administrative support as necessary.
11. The Community Transition (CT) District consists of a base density of one (1) unit/acre.
12. The joint Park City Heights/Talisker Annexation and Master Planned Development project is 239.56 acres in total area and includes 157 market units (*81 single-family "homestead" structures on lots ranging in size from 12,000 – 15000 square feet and 76 single-family "cottages" on lots ranging in size from 8000 – 9,500 square feet*).
13. The Park City Heights/Talisker Annexation and Master Planned Development project complies with the City's Affordable Housing Resolution and Community Transition (CT) District Affordable Housing requirements. The project includes 31.4 Affordable Unit Equivalents for the proposed market rate units and 20 Affordable Unit Equivalents for

the Montage Development Agreement units. The Applicants propose to configure these AUEs as 36 required affordable homeownership units (*20 for Park City Heights and 16 for Talisker.*) All units proposed in fulfillment of the housing obligation will be owner-occupied. Consistent with the City's Housing Resolution and the Land Management Code, affordable housing units required by an annexation and/or MPD are not included in the overall project base density calculation.

14. The Park City Heights/Talisker Annexation and Master Planned Development project also include the 44.78 Affordable Unit Equivalents required to fulfill partially a housing obligation outlined in the Annexation Agreement between the City and Burbs LLC. As part of that Agreement, the Burbs dedicated a five-acre parcel to the City to meet on-site housing requirements created by the IHC hospital. Prior to commencing construction on that site, the City requested, and the Burbs agreed to, a 12-month waiting period with the goal of finding an alternative site for these units. This 12-month period expires in December 2007. The Park City Heights/Talisker Annexation and Master Planned Development includes the relocation of these 44.78 AUEs configured as 28 deed-restricted affordable homes. Consistent with the City's Housing Resolution and the Land Management Code, these relocated affordable housing units are not included in the overall project base density calculation.
15. The Park City Heights/Talisker Annexation and Master Planned Development project includes a proposal by Talisker to provide 52 deed-restricted affordable units to fulfill its remaining off-mountain housing obligation required by the Empire Pass/Montage Development Agreement. In addition, Talisker is offering an additional 30 deed-restricted housing units to create a greater range of housing type and price. All units proposed by Talisker will be owner-occupied units and will count towards the overall base density requirements.
16. The overall number of residential units included in the Park City Heights/Talisker Annexation and Master Planned Development is 303 units. A total of 239 residential units (*157 market units and 82 Talisker units*) count towards the overall project base density. The overall base density for the Park City Heights Annexation is one (1) unit/acre.
17. The Community Transition (CT) District requires a minimum of 70% project open space to achieve a residential density bonus up to one (1) unit/acre.
18. The Park City Heights/Talisker Annexation and Master Planned Development project includes 177.04 acres (*73.90%*) open space.
19. The CT District provides for consideration of a residential density bonus up to one (1) unit per acre for projects meeting specific standards incorporated through a Master Planned Development process including, but not limited to, additional open space; increased Frontage Protection Zone setbacks; site-sensitive parking, provisions for public transit facilities; inclusion of public recreation facilities/land and trails; additional affordable housing; and implementation of sustainable-green development standards.
20. A Quinn's Junction/SR-248 Access Study, prepared for Intermountain Healthcare by Horrocks Engineers in conjunction with the Intermountain Healthcare/USSA Annexation

dated December 6, 2006, stated that the SR-248/Old Dump Road should be signalized in the future.

21. Hales Engineering prepared a traffic impact analysis of the project area (*dated June 7, 2007*) which notes that the SR-248/ Old Dump Road intersection does not currently meet the peak hour traffic volume signal warrant identified in the Manual on Uniform Traffic Control Devices (MUTCD). However, the Hales Engineering traffic analysis states that the SR-248/Old Dump Road intersection could qualify for a systems warrant provided that this intersection is identified for signal controlled access in a signed and executed Corridor Agreement between UDOT, Park City and/or Summit County. The intersection is so identifies in a Corridor Preservation Agreement dated February 1, 2007. If signalized, the SR-248/ Old Dump Road intersection could function at an overall LOS C or better. Park City Heights will be responsible for all costs associated with the construction and installation of the intersection improvements and signal.

The Hales Engineering traffic analysis further recommends that the following road/intersection improvements be incorporated into the project plan:

- a. A southbound left turn lane, deceleration lane and taper should be constructed on SR-248 to accommodate more than 10 vehicles per hour making left-hand turning movements.
- b. A northbound right turn pocket, deceleration lane and taper should be constructed on SR-248 to accommodate more than 25 vehicles per hour making right-hand turning movements.
- c. A westbound to northbound right turn acceleration lane and taper should be constructed to accommodate more than 50 vehicles per hour on roadways with speed limits greater than 40 mph for the unsignalized condition. When the intersection is signalized this improvement would not be necessary.
- d. Old Dump Road should be built 29 feet back-of-gutter to back-of-gutter within a 50 foot right-of-way to the southernmost Park City Heights intersection of the expense of Park City Heights and Talisker.

22. The development and execution of late-comers agreements between Park City Heights, Byers, and United Park City Mines Company to recoup a proportional share of their investment may be considered in conjunction with the review and Final Action of the project Master Planned Development and Subdivision.
23. The review of water rights associated with affected property owners is not an established function of the Park City Heights Annexation Task Force. The applicant(s) will be responsible for demonstrating that there are sufficient water rights and water service to support the proposed development prior to Final Action on the annexation.
24. The Park City Heights Annexation Task Force reviewed and forwards a project Fiscal Impact Analysis to Planning Commission for further review, consideration, and public comment. The Fiscal Impact Analysis, prepared for the applicant by Lodestar West, Inc.

and dated June 6, 2007, concludes that the annexation will result in a positive financial impact on the City. The overall net impact to the City's General Fund is projected to be a benefit \$2,156 per Unit Equivalent (UE), using the combined Revenue per UE of \$4,074 and Expenses per UE of \$1,918. This totals \$281,261 in additional fiscal benefits annually to the City at build out.

25. Consistent with the intent of Council 13-06 and 06-07 which directs the Park City Heights Annexation Task Force to review and provide recommendations on annexation elements relating to housing, transportation, community economy, density, and zoning designation, the Task Force forwards the Park City Heights/Talisker Annexation Petition and Master Planned Development application to the Planning Commission for further review and public input with the conclusions set forth below. These conclusions do not constitute a Final Action or in any way preclude the Planning Commission from recommending an alternative zoning designation or action to the City Council.
  - a. Should the annexation be approved, Community Transition (CT) is the appropriate zoning designation for the subject properties. The CT District allows for consideration of a residential density bonus up to one (1) unit/acre subject to compliance with specific CT standards incorporated through a Master Planned Development process including, but not limited to, additional open space; increased Frontage Protection Zone setbacks; site-sensitive parking, provisions for public transit facilities; inclusion of public recreation facilities/land and trails; additional affordable housing; and implementation of sustainable-green development standards.
  - b. The traffic analysis for the proposed annexation/Master Planned Development by Hales Engineering (*dated June 7, 2007*) existing and future traffic/circulation conditions in the Annexation/Master Planned Development area and sets forth specific actions/improvements for mitigation.
  - c. The Fiscal Impact Analysis, prepared for the applicant by Lodestar West, Inc. and dated June 6, 2007, concludes that the annexation will result in a positive financial impact on the City.
  - d. The proposed affordable housing requirements are consistent with the requirements of the City's Housing Resolution and the Community Transition Zone. All units proposed are owner-occupied, deed restricted units which is consistent with the findings of the City's Housing Needs Assessment that identifies the most significant shortfall in the area of owner-occupied housing.
  - e. The Park City Heights/Talisker Annexation and Master Planned Development project design has evolved through the Task Force process. The Task Force reviewed a revised integrated conceptual site plan (dated July 10, 2007) that demonstrates the proposed project land use and density can be designed on the property in a manner consistent with the intent of the General Plan and Land Management Code. Final Action on the project site design, development standards, and project mitigation measures will be reviewed through the Master Planned Development review process.



STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR  
CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,  
HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from  
PARK CITY, dated July 2<sup>nd</sup>, 2010, complying with Section 10-2-425, Utah Code  
Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the  
attached is a true and correct copy of the notice of annexation, referred to above, on file  
with the Office of the Lieutenant Governor pertaining to PARK CITY, located in Summit  
County, State of Utah.

IN TESTIMONY WHEREOF, I have  
hereunto set my hand, and affixed the Great  
Seal of the State of Utah this 12<sup>th</sup> day of  
July, 2010 at Salt Lake City, Utah.

---

GREG BELL  
Lieutenant Governor



Office of The Mayor and City Council

July 8, 2010

Lieutenant Governor Greg Bell  
Utah Lt. Governor's Office  
Utah State Capitol Complex  
Post Office Box 142325  
Salt Lake City, UT 84114-2325

**RE: Notice of Impending Boundary Action – Park City Heights Annexation to Park City**

Effective June 9, 2010, Ordinance 10-24 (see attached) approved an annexation of approximately 286.64 acres located entirely within unincorporated Summit County. The ordinance was enacted on May 27, 2010 by the City Council and published on June 9, 2010. The property is fully described in the legal description attached as Exhibit B to the attached Ordinance.

With this notice of impending boundary action, the Park City Council certifies that all requirements applicable to this annexation have been met. Please find attached a copy of the final annexation plat, as approved and stamped by the Summit County surveyor per Utah Code Section 17-23-20.

Park City respectfully requests a Certificate of Annexation for the Park City Heights Annexation plat.

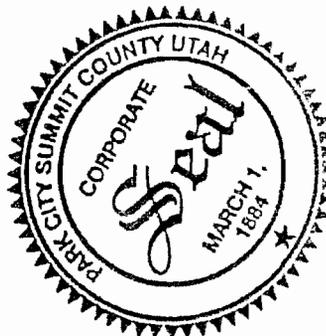
Should you require additional information or have any questions regarding this matter you may contact Kirsten Whetstone, Senior Planner (435) 615-5066 or by email at [kirsten@parkcity.org](mailto:kirsten@parkcity.org). Thank you for your attention to this matter.

Sincerely,

Mayor Dana Williams.

*Dana Williams*  
Attachments

1. Ordinance 10-24 with Exhibits
- 2 Annexation plat



**Received**

**JUL 12 2010**

**Greg Bell**  
Lieutenant Governor

**Ordinance 10-24**

**AN ORDINANCE ANNEXING APPROXIMATELY 286.64 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE SR248 AND US40 INTERCHANGE IN THE QUINN'S JUNCTION AREA, KNOWN AS THE PARK CITY HEIGHTS ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH, AND APPROVING AN ANNEXATION AGREEMENT AND A WATER AGREEMENT, AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO ZONE THE PROPERTY COMMUNITY TRANSITION (CT)**

WHEREAS, on January 28, 2005, the majority property owner of the property known as the Park City Heights Annexation, as shown on the attached Annexation Plat (Exhibit A, the "Property"), petitioned the City Council for approval of an annexation into the Park City limits; and

WHEREAS, the Property is approximately 286.64 acres in size and is located southwest of the intersection of State Road 248 and US-40 as described in the attached Legal Description (Exhibit B); and

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, on February 16, 2005, additional information was included in the annexation submittal and the submittal was deemed complete; and

WHEREAS, the Park City Council accepted the Park City Heights petition for annexation on March 10, 2005; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, On April 8, 2005, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on May 11, 2005; and

WHEREAS, the City Council established the Park City Heights Annexation Task Force (Resolution No. 13-06) on May 4, 2006, for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, density, land uses, affordable housing, transportation, and community economic/fiscal impacts; and

WHEREAS, the Task Force, on July 10, 2007, forwarded a unanimous positive recommendation to the Planning Commission to, among other things, zone the annexation area Community Transition (CT) and recommend a conceptual site layout; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on February 27, 2008. The public hearing was continued to March 26, 2008, where additional input was received; and

WHEREAS, on April 9, 2008, the Planning Commission conducted a public hearing and voted to forward to City Council a recommendation on the proposed annexation and also recommended that the property be zoned Community Transition (CT); and

WHEREAS, on April 24; May 22; June 5, 19, and 17; July 17; August 28; September 11 and 18; October 16, and December 18, 2008 the City Council conducted public hearings and discussed the annexation proposal; and

WHEREAS, on April 30, 2009, the City Council further discussed outstanding issues regarding conceptual site planning, density, affordable housing, and infrastructure cost sharing.

WHEREAS, on May 6, 2009, the property was re-posted and properly noticed for a public hearing on May 21, 2009, and the City Council conducted the public hearing and continued the hearing to June 4, 2009. Additional public hearings were held on June 25, July 9 and 30, August 20, September 3, and October 8, 2009, when the item was continued to a date uncertain.

WHEREAS, on May 12, 2010, the property was re-posted and properly noticed for a public hearing on May 27, 2010.

WHEREAS, on May 27, 2010, the City Council conducted a public hearing and took public testimony on the matter, as required by law; and

WHEREAS, the Council finds that the requested Community Transition (CT) zoning, is consistent with the Park City General Plan and Quinn's Junction Joint Planning Principles; and

WHEREAS, the requested CT zoning allows for residential density of up to one unit per acre subject to compliance with 1) Master Planned Development (MPD) requirements described in Section 15-6 of the Land Management Code (LMC) and 2) CT-MPD requirements described in Section 15-2.23-4 of the LMC; and

WHEREAS, an application for a Master Planned Development (the "Proposed MPD") on 239.58 acres of the annexation Property was submitted with the complete annexation petition; and

WHEREAS, an Annexation Agreement, between the City and Petitioner pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and Master Planned Development, including a Water Agreement, is herein included as Exhibit D;

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached hereto as Exhibit A and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit D and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit D and as approved by the City Attorney. The Annexation Agreement shall include an executed Water Agreement (as an attachment) between the City and Applicant to be recorded concurrently with the Annexation Agreement.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation. The CT zoning designation is consistent with the Park City General Plan and Annexation Policy Plan.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Property in the CT zoning district, as shown in Exhibit C.

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 17-99. One Affordable Unit Equivalent equals 800 square feet.
2. Land uses proposed in the Proposed MPD include market rate residential units, affordable units, and required affordable housing units, as described in the Annexation Agreement. It is anticipated that the Petitioner will submit a revised MPD application to the Planning Commission for review and final action. Other support uses, as approved by the Planning Commission during the Master Planned Development review, consistent with the CT zone and Land Management Code, may be allowed. Final configuration and integration of the market rate and affordable units will be determined at the time of MPD review.
3. The proposed land uses are consistent with the purpose statement of the CT zone and shall be presented in the revised MPD as a clustered development preserving the natural setting and scenic entry corridor by providing significant open space and landscape buffers between the development and highway corridor.
4. The revised MPD, when approved, shall substantially comply with the Annexation Agreement.
5. Parcel SS-92, a 24 acre parcel within the annexation area, is donated to the City for open space, public recreation and utility uses.
6. The annexation complies with the Quinn's Junction Joint Planning Principles in that the proposal results in significant public benefits due to the inclusion of a significant amount of affordable housing in a residential community with a range of housing types, and the proposed affordable housing relates to Park City's recreation and tourism industry.
7. The recitals above and findings of the Technical Committee dated July 10, 2007, are incorporated herein.
8. The requirement for 44.78 Affordable Unit Equivalents (AUEs) associated with the IHC Hospital, as described in the Intermountain Healthcare/USSA/Burbidge Annexation Agreement, will be transferred to and satisfied by the construction of said AUEs within the Property.

Conclusions of Law

1. The Annexation and Zoning Map amendment are consistent with the Park City Land Management Code and General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to include the Park City Heights Annexation property in the Community Transition (CT) Zoning District.
2. The Annexation Agreement shall be fully executed and recorded with the Annexation Plat.

3. The affordable housing density transferred from the IHC parcel is hereby permanently removed from within the IHC MPD and no affordable density shall be allowed on City-owned 5 acre parcel known as Lot 4 of the Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Annexation Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 27<sup>th</sup> day of May, 2010.

PARK CITY MUNICIPAL CORPORATION

*Dana Williams*  
Mayor Dana Williams

Attest:

*Sharon Bauman*  
Sharon Bauman, Deputy City Recorder



Approved as to form:

*Mark D. Harrington*  
Mark D. Harrington, City Attorney

**Exhibits**

- Exhibit A- Annexation Plat
- Exhibit B- Legal Description
- Exhibit C- Zoning Map amendment
- Exhibit D- Annexation Agreement

On this 27<sup>th</sup> day of July, 2010, I certify that the foregoing document is a true copy of the original public record of Park City Municipal Corporation. *Ord 10-24*

*Rebecca J. Roberts*  
Deputy City Recorder



**EXHIBIT B**

**LEGAL DESCRIPTION**

Beginning at the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence along the west line of Section 11, North 00°19'41" East 1474.01 feet to the Hidden Meadow Subdivision Boundary, thence along said boundary the following five (5) courses: 1) North 63°17'52" East 344.36 feet; 2) North 75°52'07" East 1,501.92 feet; 3) North 38°46'13" West 606.70 feet; 4) North 39°40'23" West 608.58 feet; 5) North 41°00'00" West 654.95 feet; thence North 53°50'33" East 894.32 feet; thence South 89°22'45" East 47.22 feet; thence North 00°03'07" West 89.53 feet; thence North 00°03'09" West 1,234.47 feet; thence North 89°52'42" West 88.45 feet; thence North 21°56'10" East 214.48 feet; thence North 26°13'31" East 401.12 feet; thence North 21°56'10" East 273.53 feet; thence South 89°57'30" East 1,087.40 feet; thence North 00°26'18" East 109.93 feet; thence North 25°15'30" East 568.97 feet; thence South 07°07'13" East 1,241.62 feet; thence South 18°25'48" East 203.96 feet; thence South 07°07'13" East 751.89 feet; thence South 84°20'15" East 30.76 feet; thence South 07°07'13" East 2,093.95 feet; thence South 42°41'40" West 209.44 feet; thence continue along said line South 42°41'40" West 3,003.21 feet; thence South 00°29'50" East 116.56 feet; thence North 89°30'59" West 1,368.96 feet to the POINT OF BEGINNING.  
Containing 286.64 acres, more or less.



Fee Exempt per Utah Code  
Annotated 1953 21-7-2

When recorded, please return to:  
PARK CITY MUNICIPAL CORPORATION  
City Recorder  
P O Box 1480  
Park City UT 84060

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ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement") is made by and between Park City Municipal Corporation (hereinafter, "Park City" or the "City") and Boyer Park City Junction, L.C. , a Utah liability company (hereinafter, "Boyer" or "Petitioner") to set forth the terms and conditions under which Park City will annex certain land owned by Petitioner as Tenants In Common with Park City, consisting of approximately 286.64 acres (which includes land owned by other landowners, as set forth in the next paragraph) and located in unincorporated Summit County, Utah, at the southwest corner of State Route 248 and Highway 40 (as further defined below, the "Petitioner's Property"), and known as Park City Heights Annexation, into the corporate limits of Park City and extend municipal services to the Property. The City and Boyer are sometimes collectively referred to in this Agreement as the "Parties" or individually as a "Party". This Agreement is made under authority of §§ 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended "MLUDMA").

WHEREAS, included in the 286.64 acre annexation Property are the following parcels: parcel 1- M. Bayer/J. Bayer (SS-89-A); parcel 2- Boyer/Park City Municipal Corporation (PCMC) (SS-122); parcels 3, 7, and 8- Park City Municipal Corporation (PCMC) (SS-88); parcel 4- Utah Department of Transportation (UDOT) (SS-92-A-2-X); parcel 5- Park City Municipal Corporation (PCMC) (SS-92-A-X-X); and parcel 6- Boyer/Park City Municipal Corporation (PCMC) (SS-92). The annexation Property also includes the right-of-way of Old Dump Road through the Property and the State of Utah Parks and Recreation Rail Trail right-of-way through the Property.

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Property into the corporate limits of the City and, to that end, an annexation petition (the "Annexation Petition") for the Property was filed with the City on January 28, 2005. Additional information was included in the annexation petition and on February 16, 2005, the City deemed the application complete. The petition was accepted by the City on March 10, 2005.

WHEREAS, in connection with any such annexation (the "Annexation"), the Property is proposed to be zoned Community Transition ("CT Zone"), a City zoning district that allows for low density, clustered development as part of a Master Planned Development as more fully described in the City's Land Management Code. The zoning district allows uses including, but not limited to, public/quasi-public institutional uses, public recreation uses, affordable/employee housing, residential, and open space land uses on the Property.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of Park City's agreement to annex Petitioner's property and in consideration of the mutual promises contained herein,

as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of Annexation shall be as follows:

1. **Property**. The property to be annexed is approximately 286.64 acres in size, as depicted on the annexation plat attached as Exhibit A (the "**Annexation Plat**") and as more fully described in the legal description attached as Exhibit B (hereafter referred to as the "**Property**").

2. **Zoning**. Upon Annexation, the Petitioner's Property will be zoned Community Transition District (CT).

3. **Master Plan Approval; Phasing**. Pursuant to Land Management Code Section 15-8-3 (D), on July 5, 2007, a complete revised application for a Master Planned Development on 239.58 acres of the Property (as submitted, the "**MPD**") was filed with the City. Concept Site Plan is attached as Exhibit D. Annexation parcels 1, 4, 5 as described above are not included in the MPD. The Petitioner plans to submit a revised MPD application. The allowable residential density of the MPD project area is 239 units. Of those 239 units, no more than 160 units shall be market residential units. This allowable density does include all required affordable housing units as specified in Paragraph 10 below. This Agreement does not represent approval or vesting of the submitted MPD or any subsequent MPD proposal. Rather, the MPD and the land use development of the Property shall be governed by the zoning designations provided herein and, shall be finalized (and, as necessary, amended) as soon as reasonably practicable following completion of the Annexation process pursuant to Utah Code Annotated § 10-2-425(5) (the "**Final MPD**"). Moreover, any substantive amendments to the MPD or this Agreement shall be processed in accordance with the Park City Land Management Code in effect at the time. Further, as part of the Final MPD and subdivision approval process, the phasing of the development of the Property shall be determined, to ensure the adequacy of public facilities that may be required to support any such development.

4. **Trails**. A condition precedent to subdivision approvals for the Property is the grant to the City of non-exclusive, public easements across the Petitioner's Property, and the construction of non-vehicular pedestrian trails as determined by the Planning Commission during the Final MPD and Subdivision Plat review process (collectively, the "**Trails**"). In any event, the trail easements shall include, but are not limited to, existing trails and those easements necessary to extend and/or relocate existing non-vehicular pedestrian trails to connect to other public trail easements existing or planned for the future on adjacent developed or undeveloped properties. Any obligations with respect to the construction of any such trails shall be governed by the terms and conditions of the Final MPD for the Property.

5. **Fire Prevention Measures**. Because of significant wild land interface issues on the Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

6. **Roads and Road Design**. All streets and roads within and to the Property, which are to be dedicated to the City, shall be designed according to the City's road design standards or retained as private roads. The roads in the affordable housing area are anticipated to be public and shall be granted,

conveyed and/or dedicated to the City for purposes of a public thoroughfare and, upon acceptance thereof by the City, the maintenance and repair thereof shall be by the City. Unless bond funds are used in connection with the construction of the roads in the market rate housing area, such portion of the roads shall remain private and maintenance and repair of all such streets and roads shall remain with the Petitioner (or its assigns) including any Owner's Association, until such time as any such streets and roads shall be accepted by Park City pursuant to the City's applicable ordinances governing any such dedication (the "Subdivision Ordinance"). All roadways within the Property and subject to the Subdivision Ordinance (the "Subdivision") shall be not less than thirty (30) feet wide, back of curb to back of curb. The final determination of which roadways, or portions thereof, are to be publicly dedicated shall be made during the Subdivision Plat review process; provided that the terms and conditions of grading and constructing roadway access across any City property shall be agreed to as part of any Development Agreement approval process.

Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location is approved by the Planning Commission. Non-motorized paths separate from the road right-of-way may be preferable and determined by the Planning Commission.

The Development Agreement shall not propose a road or street connection from Park City Heights to The Oaks at Deer Valley Subdivision, Hidden Meadows Subdivision, or to the Morning Star Estates Subdivision. The two proposed single family lots with access onto Sunridge Cove shall be restricted at the time of the Final MPD to single family uses, consistent with the uses allowed in the Oaks at Deer Valley Subdivision. These lots may, if approved by the Oaks at Deer Valley Subdivision, be included in the Oaks at Deer Valley HOA at the time of the Final Subdivision Plat approval.

7. Sanitary Sewer, Line Extensions and Related Matters. Construction and alignment of the sanitary sewer shall be established as part of the Final MPD and the Final Subdivision Plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "Subdivision Plat"). The preferred alignment of the sanitary sewer shall be that alignment which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District. Further, as part of the Development Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall enter into a latecomer's agreement to reimburse the City for a portion of its costs in extending sewer facilities adjacent to the Property.

8. Water Rights and Water Source Capacity. The 1992 Pre-Annexation and Settlement Agreement conveyed 235.5 acre-feet of water rights to the City for the Park City Heights property and memorialized the fact that development on that property would be treated as if it had dedicated water rights to the City. Accordingly, the LMC Section 15-8-5 (C) (1) requirement to dedicate paper water rights is satisfied by Boyer.

9. Water Impact Fees and Other Water Facilities and Systems Costs. Certain water facilities and systems internal to Petitioner's Property shall be required to be constructed and, to the extent to be dedicated to the City, easements therefore granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the Final Development Agreement and final Subdivision review process (the "Water Facilities and Systems"). Any and all such Water Facilities and Systems shall be constructed to not less than the specifications reasonably required by the

City Engineer. A Water Agreement, between the City and the Petitioner substantially in the form attached hereto as Exhibit C, shall be executed pursuant to this Annexation Agreement, to be recorded currently.

In connection with the Development Agreement and subdivision approval process, on-site storm runoff detention facilities, or approved alternatives, as approved by the Park City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined at the time of final Subdivision Plat and Final Development Agreement approval (the "Storm Detention Facilities").

10. Affordable Housing Requirement. Affordable/employee housing shall be provided in a manner consistent with the conditions of the Final MPD, with the understanding and agreement of the parties that:

- a. The base Employee/Affordable Housing requirement for the development associated with the Park City Heights Annexation and Final MPD will be determined as defined in the City's Land Management Code and in a manner consistent with Affordable Housing Resolution 17-99 and the CT Zone. This requirement shall be satisfied by the construction of said AUEs within the Property. These AUEs do not count towards the 160 unit maximum residential market rate unit density.
- b. The requirement for 44.78 Affordable Unit Equivalents (AUE's) associated with the IHC Hospital, as described in the Intermountain Healthcare/USSA/Burbidge Annexation Agreement, will be transferred to and satisfied by the construction of said AUEs within the Property. These AUEs, currently configured in 17.91 Unit Equivalents, do not count towards the 160 unit maximum residential market rate unit density as set forth above.
- c. Park City may elect to build additional affordable housing units beyond those described above. These units do not count toward the 160 unit maximum residential market rate density as set forth above, but shall be included in the overall density calculation for the Community Transition Zone.
- d. Affordable units shall be made available for occupancy on approximately the same schedule as or prior to a project's market rate units or lots; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units (subparagraph (a) above). A schedule setting forth the phasing of the total number of market units in the proposed MPD, along with a schedule setting forth the phasing of the required inclusionary units (subparagraph (a) above) shall be approved as part of the Final MPD prior to the issuance of a building permit for either the affordable or market rate units.

11. Sustainable Development requirements. All construction within the Final MPD shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the CT Zone. Unless otherwise approved in the final MPD in compliance with the current Environmental/ Sustainability Element of the General Plan, each home in the development must

receive National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) *OR* reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification and LEED rating criteria to be used shall be those applicable at the time of building permit submittal.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.

Points achieved in these resource conservation categories will count towards the overall score.

12. **Planning Review Fees.** Owner, as to its development portion of the annexed Property, shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Land Management Code.

13. **Impact and Building Fees.** All property owners within the annexed property shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits. In the event that additional inspections of roads and structures are required, based on the Geotechnical report prepared by GHS Geotechnical Consultants, Inc. dated June 9, 2006 and supplemental report dated March, 2008, these additional fees shall be borne by the Petitioner.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by Parties in connection with the Final MPD and Subdivision Plat review and approval process (the "**Public Improvements**"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, Park City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as may be necessary or appropriate for the Trails, Park City shall not be obligated to remove snow from private roads, streets or similar improvements within the Property, until acceptance of the dedication thereof to the City pursuant to the City's Subdivision Ordinance. Park City shall not be obligated to remove snow from private roads, streets, or other similar private improvements to be further identified on the final subdivision plat.

16. **Fiscal Impact Analysis.** The Fiscal Impact Analysis, prepared for the Petitioner by Lodestar West, Inc. and dated June 6, 2007, was reviewed by the Park City Heights Annexation Task

Force and forwarded to the Planning Commission for further review. The Fiscal Impact Analysis includes that the Annexation will result in an overall positive impact on the City. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property, concludes that there will be a net fiscal gain to the School District for the market rate units and a net fiscal loss to the School District for the affordable housing portion of the development, however, if aggregate property taxes to the District generated from local sources are not adequate to cover the expenditures required for the budget, then additional State funds would be redistributed per the State Code, to compensate for the shortfall. The fiscal Impact Analysis is hereby accepted and approved by the City as part of this Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by Petitioner's traffic consultant, Hales Engineering, dated June 7, 2007 on file at the Park City Planning Department. The mitigation measures (including traffic calming) outlined in the Hales Engineering, June 7, 2007, Park City Heights Traffic Impact Study shall be implemented in a manner consistent with the Final MPD. The Parties anticipate that the Petitioner (or, as specified in connection with any such assignment, its assigns) shall bear all financial costs, except land acquisition costs, for the construction of a signalized intersection on State Road 248 and the connection of that intersection with a roadway to the Property, as shown in the Traffic Impact Study. Construction of this intersection and its connection with Richardson Flat Road shall meet all applicable Utah Department of Transportation and Park City Municipal Corporation standards and, at a minimum, shall include the improvements detailed in a-d below:

a. A southbound left turn lane, deceleration lane and taper shall be constructed on SR-248 to accommodate more than 10 vehicles per hour making left-hand turning movements.

b. A northbound right turn pocket, deceleration lane and taper shall be constructed on SR-248 to accommodate more than 10 vehicles per hour making right-hand turning movements.

c. A westbound to northbound right turn acceleration lane and taper shall be constructed on SR-248 to accommodate more than 50 vehicles per hour. When the intersection is signalized, this improvement would not be necessary.

d. The Old Dump Road (Richardson Flat Road) shall be built to Park City Municipal Corp. standards at a minimum width of 39 feet back-of-gutter to back of gutter within a 66 foot right-of-way. This width is not inclusive of turn pockets or the improvements described in 1-3 below) to the easternmost Park City Heights intersection at the expense of the Petitioner. Turn pockets shall be constructed on Richardson Flat Road at each of the Property's intersections with the Richardson Flat Road. These turn pockets will be constructed per standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) and/or by the American Association of Highway Transportation Officials (AASHTO). The Richardson Flat Road at its intersection with SR-248 will be of sufficient paved width to accommodate (at the stop bar):

i. 18" wide eastbound lane tapered per standards set forth in the MUTCD and/or by the AASHTO.

ii. 12' wide westbound left-hand/thru traffic lane (with adjoining right turn lane) for a minimum of 150', then tapered per standards set forth in the MUTCD and/or by the AASHTO.

iii. 5' wide bike lanes.

e. The cost sharing methodology (between Petitioner and any assigns) for the above projects shall be agreed to by the Petitioner and assigns prior to Final MPD approval. The cost sharing formula and timing for construction of the above improvements shall be detailed in the Final MPD document.

18. **Effective Date.** This Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance.

19. **Governing Law: Jurisdiction and Venue.** The laws of the State of Utah shall govern this Agreement. The City and Boyer agree that jurisdiction and venue are proper in Summit County.

20. **Real Covenant, Equitable Servitude.** This Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation, and the Annexation Plat shall be recorded in the County Recorder's Office of Summit County, Utah.

21. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, to Boyer upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioner shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment.

22. **Compliance with City Code.** Notwithstanding Paragraph 17 of this Agreement, from the time the Park City Council (the "**City Council**") formally approves this Agreement and upon completion of the Annexation by recordation of the annexation plat, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

23. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Property into the City and there are no other agreements in regard to the

Annexation of the Property. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Agreement.

24. No Joint Venture, Partnership or Third Party Rights. This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

25. Vested Rights. Subject to the provisions of this Agreement, Petitioner (or its assigns) shall have the right to develop and construct the proposed Project in accordance with the uses, densities, intensities, and configuration of development approved in the Final MPD when approved, subject to and in compliance with other applicable ordinances and regulations of Park City.

26. Nature of Obligations of Petitioner. Boyer is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the other Party. Boyer agrees to cooperate with each other to coordinate performance of all of their respective obligations under this Agreement. Park City as Co-Tenant has authorized Boyer to petition and execute this Agreement on its behalf and is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the other Party.

*(Signatures begin on following page)*

PARK CITY MUNICIPAL CORPORATION,  
a political subdivision of the State of Utah

By: *Dana Williams*  
Dana Williams, Mayor

Dated this 2 day of July, 2010.



ATTEST:

*Sharon Bauman*  
Sharon Bauman, Deputy City Recorder

Dated this 2 day of July, 2010.

APPROVED AS TO FORM:

*Mark Harrington*  
Mark Harrington, City Attorney

Dated this 2 day of July, 2010.

BOYER PARK CITY JUNCTION, L.C.,  
A Utah liability company, by its manager

The Boyer Company, L.C.,  
a Utah limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated this \_\_\_ day of \_\_\_\_\_, 2010

- Exhibits  
A. Annexation Plat  
B. Legal Description  
C. Water Agreement  
D. Concept Site Plan

**PARK CITY MUNICIPAL CORPORATION,**  
a political subdivision of the State of Utah

By: \_\_\_\_\_  
Dana Williams, Mayor

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
Sharon Bauman, Deputy City Recorder

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVED AS TO FORM:

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**BOYER PARK CITY JUNCTION, L.C.,**  
A Utah liability company, by its manager

The Boyer Company, L.C.,  
a Utah limited liability company

By: \_\_\_\_\_

Name: Dan Olden

Its: Manager

Dated this 2 day of July, 2010

Exhibits

- A. Annexation Plat
- B. Legal Description
- C. Water Agreement
- D. Concept Site Plan



**EXHIBIT B****LEGAL DESCRIPTION**

Beginning at the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence along the west line of Section 11, North 00°19'41" East 1474.01 feet to the Hidden Meadow Subdivision Boundary; thence along said boundary the following five (5) courses: 1) North 63°17'52" East 344.36 feet; 2) North 75°52'07" East 1,501.92 feet; 3) North 38°46'13" West 606.70 feet; 4) North 39°40'23" West 608.58 feet; 5) North 41°00'00" West 654.95 feet; thence North 53°50'33" East 894.32 feet; thence South 89°22'45" East 47.22 feet; thence North 00°03'07" West 89.53 feet; thence North 00°03'09" West 1,234.47 feet; thence North 89°52'42" West 88.45 feet; thence North 21°56'10" East 214.48 feet; thence North 26°13'31" East 401.12 feet; thence North 21°56'10" East 273.53 feet; thence South 89°57'30" East 1,087.40 feet; thence North 00°26'18" East 109.93 feet; thence North 25°15'30" East 568.97 feet; thence South 07°07'13" East 1,241.62 feet; thence South 18°25'48" East 203.96 feet; thence South 07°07'13" East 751.89 feet; thence South 84°20'15" East 30.76 feet; thence South 07°07'13" East 2,093.95 feet; thence South 42°41'40" West 209.44 feet; thence continue along said line South 42°41'40" West 3,003.21 feet; thence South 00°29'50" East 116.56 feet; thence North 89°30'59" West 1,368.96 feet to the POINT OF BEGINNING.  
Containing 266.64 acres, more or less.

**EXHIBIT C TO ANNEXATION AGREEMENT  
WATER AGREEMENT**

This WATER AGREEMENT (the "Agreement") is made and entered into as of the 2nd day of July, 2010, by and between PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah (the "City"); Boyer Park City Junction L.C. ("Boyer"), (individually, a "Party" and, collectively, the "Parties"). The City is also a "Co-Tenant" with Boyer for the purposes of developing the Project, as described herein, and will be referred to as "Co-Tenant" as needed.

**RECITALS**

A. Boyer Park City Junction L.C. and City, Co-Tenants, each own certain real property located in Summit County, State of Utah, as more particularly described and shown in attached Exhibit "A" (the "Property"); and

B. Co-Tenants intend to improve the Property in phases, as described below, for residential development (the "Project"), which is within the Park City Heights subdivision ("PCH"); and

C. The Parties have entered into an Annexation Agreement, dated July 2, 2010, (the "Annexation Agreement"), under which the City annexed the Property into the corporate limits of the City and agreed to extend municipal services to the Property and the Project; and

D. Under the Annexation Agreement, the Parties agree to enter into this separate Water Agreement for the purpose of implementing Sections 9 of the Annexation Agreement relating to, among other matters, the design and construction of and payment for the "Water Delivery System," as defined in this Water Agreement and as may be further defined in any future written agreement addressing that defined term;

NOW, WHEREFORE, in consideration of the terms and conditions of this Agreement, as well as the mutual benefits to be derived from those terms and conditions, the Parties agree as follows:

**AGREEMENT**

1. Water Delivery System and Project Peak Daily Demand. The Parties agree to cooperate in the construction of a Water Delivery System, as defined in this Water Agreement, which will be adequate to meet the water demand of the Project, as phased, while also providing additional capacity to the City for the delivery of water to customers outside of the Property. The City shall and subject to the terms of the Water Agreement and the Annexation Agreement hereby agrees to provide culinary water and irrigation water sufficient to meet the projected peak daily water demand for the use and development of the Project as phased, subject to the terms and restrictions contained in, or as may be adopted as part of, the Water Code, Title 13 of the Municipal Code of Park City, including emergency and drought restrictions. The Water Delivery System shall also be

capable of delivering water at flows and pressures meeting the requirements of R309-105-9 of the Utah Department of Environmental Quality Rules for Public Drinking Water Systems, as amended. The Parties understand, acknowledge and agree that the peak daily water demand for the Project shall not exceed 350 gallons per minute and that allowable residential density for Market Units and Affordable Unit Equivalents (AUEs) is set forth in the Annexation Agreement. Phase I shall not exceed ninety (90) Unit Equivalents as described below. Except as otherwise specified in this Water Agreement or the Annexation Agreement, or any future written agreement, the City shall have no further obligation to provide any water, water rights, source capacity and/or infrastructure to the Project or the Property.

2. Initial Certificates of Occupancy.

- a. Initial Building Permits. Co-Tenants agree that the Project may be developed in phases. The Parties understand and agree that City is in the process of designing and constructing a water treatment plant. If the first phase of development ("Phase I") is prior to the plant becoming operational, Co-Tenants agree that Phase I of the Project shall be limited to a maximum of one-hundred eighty-thousand (180,000) square feet of residential development and that Phase I shall not exceed the lesser of ninety (90) Unit Equivalents, or ninety-thousand (90,000) gallons per day of demand. The Phase I service area shall be limited to locations and elevations serviceable off of the Boot Hill Pressure Zone. Co-Tenants shall provide a hydraulic model which will delineate the development boundaries of the Project.
- b. Subsequent Phases. Co-Tenants understand and agree that City is unable to meet the water demand beyond Phase I of the Project without the Quinn's Junction Water Treatment Plant (Quinn's WTP) being operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm). Co-Tenants further understand and agree that City anticipates the Quinn's WTP will be operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm) on or about October 14, 2011. Accordingly, Co-Tenants understand and agree that City will not issue a temporary or permanent certificate of occupancy to any development beyond Phase I of the Project prior to the date on which the Quinn's WTP is operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm).
- c. Upon the Quinn's WTP being operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm), the limitation in paragraphs 2(a) and 2(b) shall not apply.

3. Water Delivery System Infrastructure. Co-Tenants shall provide as-built drawings of the infrastructure identified below and GPS coordinates for all water surface features. The City Water Department shall have access to the construction sites at all times.

- a. Phase I Infrastructure. Concurrent with the construction of Phase I, the City shall design and construct a water transmission line that will run parallel to water lines included in the Rail Trail Water Lines Project from the Quinn's WTP to a point that is approximately 2,600 feet in a southwesterly direction from the intersection of the Rail Trail and Richardson Flat Road. This point is near the existing dirt road south of the Rail Trail and Silver Creek. This segment of the transmission line will be constructed as a part of the Rail Trail Water Lines Project during the summer and fall of 2010. This segment of the transmission line will also include a connection to the Fairway Hills Pressure Zone with a backup connection to the Boot Hill Pressure Zone, including all valves, vaults, and appurtenances. Phase I service area shall be limited as defined in Paragraph 2(a) of this Agreement. Co-Tenants shall design and construct an extension from the transmission line to the upper end of the Phase I distribution system. The transmission line will be designed with adequate pressure and flow capacity such that it can be extended as a part of Phase II to the Culinary Water Tank (as defined in Paragraph 3(b) of this Agreement) and the existing Snow Park Pressure Zone. Phase I shall also include water distribution lines to Phase I together with all required valves and other appurtenances.
- b. Culinary Water Tank. Concurrent with the construction of Phase II, Co-Tenants shall design and construct a Culinary Water Tank, together with all required transmission lines, valves, valve vaults, access roads, and other appurtenances, within the Property, subject to City's approval. The purpose of the Culinary Water Tank is to provide fire suppression and operational storage for the Project. Co-Tenants agree to upsize the Culinary Water Tank at the request of the City. The City agrees to pay all costs associated with the upsizing as provided in Paragraph 4(b) below.
- c. Culinary Water Pump Station (Park City Heights Pump Station). Concurrent with the construction of Phase II, Co-Tenants shall design and construct a Culinary Water Pump Station complete within the Quinn's WTP, together with all required pumps, mechanical piping, valves, valve vaults, SCADA, VFD's, soft starts, and other appurtenances, relating to the Park City Heights Pump Station. The Quinn's WTP has been designed to provide the space for the future addition of this pump station. The purpose of the Park City Heights Pump Station is to deliver water to the Culinary Water Tank and the Snow Park Zone. The Park City Heights Pump Station shall be upsized as provided in Paragraph 4(c) of this Agreement.
- d. Culinary Water Distribution Line. Concurrent with the construction of Phase II, Co-Tenants shall design and construct a Culinary Water Distribution Line, together with all required, valves, and other appurtenances, for the purpose of conveying culinary water from the Culinary Water Tank to the entire Project. At this time, the connection to the Boot Hill and Fairway Hills Pressure zones shall be terminated and abandoned. The design and construction of the water distribution line shall be subject to City's approval. The Culinary Water Distribution Line shall be upsized as provided in Paragraph 4(d) of this Agreement.

- e. Culinary Water Transmission Line. Concurrent with the construction of Phase II, Co-Tenants shall design and construct a culinary water transmission line extension from Phase I, together with all required pumps, valves, and other appurtenances, for the purpose of conveying treated water from the Quinn's WTP to the Culinary Water Tank. The Culinary Water Transmission Line shall be upsized as provided in Paragraph 4(e) of this Agreement.
  - f. Snow Park – Oaks Water Transmission Line. Concurrent with the construction of Phase II, Co-Tenants shall design and construct the Snow Park – Oaks Water Transmission Line, together with all required pumps, valves, and other appurtenances, for the purpose of conveying water from the Snow Park pressure zone to the Water Delivery System. The design and construction of the water transmission line shall be subject to City's approval. The Snow Park - Oaks Water Transmission Line shall be upsized as provided in Paragraph 4(f) of this Agreement.
4. Cost of Water Delivery System. The Parties agree that, pursuant to the terms of the Annexation Agreement and this Water Agreement:
- a. Phase I Infrastructure. Co-Tenants shall reimburse the City for the full cost of the design and construction of the water transmission line that will run parallel to water lines included in the Rail Trail Water Lines Project from the Quinn's WTP to the existing dirt road south of the Rail Trail and Silver Creek within thirty days of approval by the City Engineer. Co-Tenants shall pay all costs associated with the design and construction of the transmission extension from the transmission line to the upper end of the Phase I Culinary Water Distribution Line, as described in Paragraph 3(a) of this Agreement, and all related pumps, valves, and other appurtenances.
  - b. Culinary Water Tank. Co-Tenants shall pay all costs associated with the design and construction of the Culinary Water Tank and all related pumps, valves, pipes, security, access roads, re-vegetation, slope stability, and electrical service extensions. If City elects to upsize the Culinary Water Tank, City shall pay the Co-Tenants its ratable share of the costs of the Culinary Water Tank within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. The City's ratable share shall be determined during the design process based on gallons of storage required for the City divided by the sum of the gallons of storage required for the Project plus the gallons of storage required for the City. By way of example, if the City upsizes the tank by 500,000 gallons and the Co-Tenants require 450,000 gallons for the Project, the City's ratable share would be 52.6%.
  - c. Culinary Water Pump Station (Park City Heights Pump Station). Co-Tenants shall reimburse City for its ratable share of the costs of the design and construction of the Park City Heights Pump Station within thirty days of approval by the City Engineer. Co-Tenants' ratable share shall be determined during the design process

based on horsepower (HP) required for the Project divided by the total horsepower required with the City's upsize. By way of example, if Co-Tenants require 40 HP for the Project and the City's upsized pump station requires 100 HP, Co-Tenants' ratable share would be 40%.

- d. Culinary Water Distribution Line. Co-Tenants shall pay all costs associated with the design and construction of the Culinary Water Distribution Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of the Culinary Water Distribution Line, the Parties shall determine the incremental costs incurred by Co-Tenants over and above the cost of having designed and constructed the required Project size determined during design (minimum of eight (8) inch) culinary transmission line. The incremental cost increase of the actual Culinary Water Distribution Line, which the Parties understand and agree may be larger than the required Project size (minimum of eight (8) inches), shall represent City's ratable share of the cost of design and construction of the Culinary Water Distribution Line. City shall reimburse Co-Tenants their ratable share of the costs of the Culinary Water Distribution Line within thirty (30) days of City accepting the Culinary Water Distribution Line by ordinance.
- e. Culinary Water Transmission Line. Co-Tenants shall pay all costs associated with the design and construction of the Culinary Water Transmission Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of Culinary Water Transmission Line, the Co-Tenants and City shall determine the incremental costs incurred by Co-Tenants over and above the cost of having designed and constructed the required culinary water transmission line size as determined during design (minimum of eight (8) inch). The incremental cost of the actual Culinary Water Transmission Line, which the Parties understand and agree may be larger than the required Project size (minimum of eight (8) inches), shall represent City's ratable share of the cost of design and construction of the Culinary Water Transmission Line. City shall reimburse Co-Tenants their ratable share of the costs of the Culinary Water Transmission Line within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. No costs in excess of the estimated cost of construction used for the public improvement guarantee shall be part of the City reimbursement unless approved in advance and in writing by the City.
- f. Snow Park – Oaks Water Transmission Line. Co-Tenants shall pay all costs associated with the design and construction of the Snow Park – Oaks Water Transmission Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of Snow Park - Oaks Water Transmission Line, the Parties shall determine the incremental costs incurred by Co-Tenants over and above the cost of having designed and constructed the required transmission line size as determined during design (minimum of eight (8) inch). The incremental cost increase of the actual Snow Park –Oaks Water Transmission Line, which the Parties understand and agree may be larger than the required Project size (minimum

of eight (8) inches), shall represent City's ratable share of the cost of design and construction of that line. City shall pay Co-Tenants their ratable share of the costs of the Snow Park – Oaks Water Transmission Line within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. No costs in excess of the estimated cost of design and construction used for the public improvement guarantee shall be reimbursed unless approved in advance and in writing by the City.

- g. Incremental costs as defined by this section shall include the incremental cost of design and construction associated with inches of increased trench width from upsizing the tanks, pumps, or pipe diameter, including any incremental additional backfill, excavation, haul off, and import of suitable backfill, and the incremental material costs..
5. Specifications of Water Delivery System. Subject to the terms and conditions of the Annexation Agreement and this Water Agreement or as otherwise agreed in writing, Co-Tenants shall submit all required plans and specifications to City for approval and, thereafter, shall construct and install such approved Water Delivery System within the Project subject to the terms of this Water Agreement.
  6. Conveyance of Easements. Co-Tenants shall convey such easements to City as needed, concurrent with recordation of the final subdivision plat for Phase I, for the location of infrastructure as defined in the Annexation Agreement and this Water Agreement. Co-Tenants agree that all easements conveyed for these purposes shall be in accordance with the limitations and conditions of the City-approved utility plan.
  7. Conveyance of Property. Co-Tenants shall convey its interest in property in fee to City within the PCH annexation boundary, as needed and as approved by the City, for the location of the Culinary Water Tank, provided that such conveyance and location does not diminish (i) the densities described in the Annexation Agreement, or (ii) the ability to secure Master Planned Development approvals and permits related to such densities. Co-Tenants agree that all property conveyed for these purposes shall be free from financial liens and other encumbrances.
  8. Miscellaneous. The Parties further agree as follows:
    - a. Binding Terms; Entire Agreement. The terms, covenants and conditions herein contained shall be binding upon and inure to the benefit of the successors, transferees and assigns of the Parties. This Agreement and the exhibits attached hereto constitute the entire agreement among all the Parties hereto with respect to the subject matter hereof, incorporates all prior agreements, and may only be modified by a subsequent writing duly executed by the Parties.
    - b. No Public Dedication. Nothing contained in this Agreement shall, or shall be deemed to, constitute a gift or dedication of any part of the PCH Property to the

general public or for the benefit of the general public or for any public purpose whatsoever, it being the intention of the Parties that this Agreement will be strictly limited to and for the purposes expressed herein.

- c. **Waivers.** No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver be a continuing waiver. Except as expressly provided in this Agreement, no waiver shall be binding unless executed in writing by the Party making the waiver. Any Party may waive any provision of this Agreement intended for its benefit; provided, however, that any such waiver shall in no way excuse any other Party from the performance of any of its other obligations under this Agreement.
- d. **Interpretation; Recitals.** This Agreement shall be interpreted and construed only by the contents hereof and there shall be no presumption or standard of construction in favor of or against any Party. The recitals stated above and the exhibits attached to this Agreement shall be and hereby are incorporated in and an integral part of this Agreement by this reference.
- e. **Governing Law; Captions.** This Agreement shall be construed and enforced in accordance with, and governed by, the law of the State of Utah. The captions in this Agreement are for convenience only and do not constitute a part of the provisions hereof.
- f. **Applicability.** If any term or provision of this Agreement or the application of it to any person, entity or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
- g. **Authority; Further Assurances.** Each Party hereto represents and warrants that it has the requisite corporate power and authority to enter into and perform this Agreement and that, to their respective, current, actual knowledge, the same will not contravene or result in the violation of any agreement, law, rule, or regulation to which any such Party may be subject. Each Party to this Agreement shall use reasonable efforts and exercise reasonable diligence to accomplish and effect the transactions contemplated and, to that end, shall execute and deliver all such further instruments and documents as may be reasonably requested by the other Party in order to fully carry out the transactions contemplated by this Agreement.
- h. **No Third Party Beneficiaries.** Nothing in this Agreement is intended to or shall create an enforceable right, claim or cause of action by any third person, entity or party against any Party to this Agreement.
- i. **Counterparts; No Recording.** This Agreement may be executed by facsimile and in one or more counterparts, each of which shall be deemed an original, but all of

which together shall constitute one and the same instrument. This Agreement may not be recorded in the official real estate records of Summit County, Utah, or elsewhere, without the express, written consent of the Parties.

- j. Force Majeure. If any Party is delayed or prevented from performance of any act required hereunder by reason of a "force majeure" event, and such Party is otherwise without fault, then performance of such act shall be excused for the period of the delay. For purposes of this Agreement, "force majeure" shall mean any delay caused by acts of nature or the elements, acts of terrorism, weather, avalanche, fire, earthquake, flood, explosion, war, invasion, insurrection, riot, malicious mischief, vandalism, including without limitation, except with respect to the City, governmental or regulatory action or inaction, beyond the control of the Party claiming "force majeure" or any other person or entity delayed.
- k. Notices. Unless otherwise designated in writing, all notices, demands and other communications under this Agreement shall be in writing and mailed by first class registered or certified mail, postage prepaid, sent by receipted hand delivery, sent by nationally-recognized, overnight courier, sent by confirmed facsimile and, in any case, shall be addressed as set forth in the Annexation Agreement for each such Party (or their legal counsel).
- l. Relationship of Parties; Limitation of Liability. Nothing herein contained shall be deemed or construed as creating a relationship of principal and agent, partnership or joint venture among the Parties, or any of them, it being agreed that neither any provision contained herein, nor any acts of the Parties hereto, shall be deemed to create any relationship between the Parties except as otherwise specified in this Agreement.
- m. Remedies Cumulative; No Waiver; Injunctive Relief. The various rights and remedies herein contained and reserved to each of the Parties shall not be considered as exclusive of any other right or remedy of such Party, but shall be construed as cumulative and shall be in addition to every other remedy now or hereafter existing at law, in equity, or by statute. No delay or omission of the right to exercise any power by any Party shall impair any such right or power, or be construed as a waiver of any default or as acquiescence therein. Further, the Parties agree and acknowledge that a non-defaulting Party may not have an adequate remedy at law by reason of any breach of default of the terms or conditions of this Agreement and, as such, the non-defaulting Party shall be entitled to injunctive or similar relief from any breach or anticipated or threatened breach of this Agreement by the defaulting Party, in addition to and without waiver of any other remedies available at law or in equity.

DATED as of the \_\_\_ day of \_\_\_\_\_, 2010.

*[Signatures on following page]*

PARK CITY MUNICIPAL CORPORATION,  
A political subdivision of the State of Utah

By: *Dana Williams*  
Dana Williams, Mayor

Dated this 2 day of July, 2010.

ATTEST:

*Sharon Bauman*  
Sharon Bauman, Deputy City Recorder



Dated this 2 day of July, 2010

APPROVED AS TO FORM:

*[Signature]*  
Thomas A. Daley, Sr., Deputy City Attorney

Dated this 2 day of July, 2010.

BOYER PARK CITY JUNCTION, L.C.  
A Utah liability company, by its manager

The Boyer Company, L.C.,  
A Utah limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated this \_\_\_ day of \_\_\_\_\_, 2010

Exhibit A- Annexation plat

**PARK CITY MUNICIPAL CORPORATION,**  
A political subdivision of the State of Utah

By: \_\_\_\_\_  
Dana Williams, Mayor

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
Sharon Bauman, Deputy City Recorder

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010

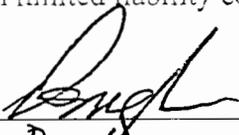
APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas A. Daley, Sr., Deputy City Attorney

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**BOYER PARK CITY JUNCTION, L.C.**  
A Utah liability company, by its manager

The Boyer Company, L.C.,  
A Utah limited liability company

By:   
Name: Dan H  
Its: Manager

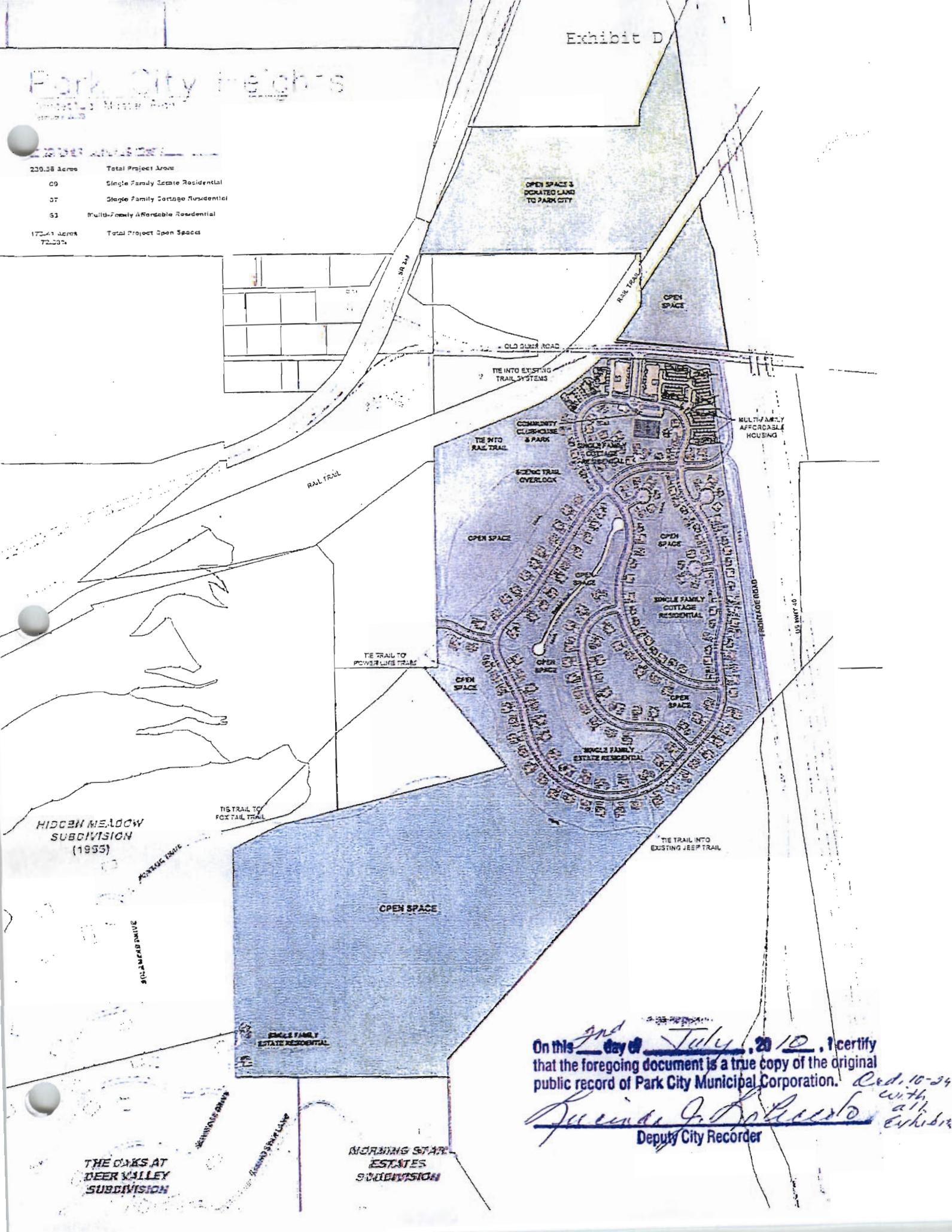
Dated this 2 day of July, 2010

Exhibit A- Annexation plat

# Park City Heights

Unincorporated Municipal Area  
June 19, 2010

|              |                                     |
|--------------|-------------------------------------|
| 230.38 Acres | Total Project Area                  |
| 09           | Single Family Estate Residential    |
| 07           | Single Family Cottage Residential   |
| 53           | Multi-Family Affordable Residential |
| 172.41 Acres | Total Project Open Space            |
| 72.23%       |                                     |



On this 2nd day of July, 2010, I certify that the foregoing document is a true copy of the original public record of Park City Municipal Corporation.

*Quinn J. Roberts*  
Deputy City Recorder

*Exd. 10-34 with exhibit*

THE OAKS AT DEER VALLEY SUBDIVISION

MORNING STAR ESTATES SUBDIVISION

HIDDEN MEADOW SUBDIVISION (1933)

OPEN SPACE & DONATED LAND TO PARK CITY

OPEN SPACE

MULTI-FAMILY AFFORDABLE HOUSING

SINGLE FAMILY COTTAGE RESIDENTIAL

SINGLE FAMILY ESTATE RESIDENTIAL

OPEN SPACE

SINGLE FAMILY ESTATE RESIDENTIAL

TIE TRAIL TO FOX TAIL TRAIL

TIE TRAIL TO POWER LINE TRAIL

TIE INTO EXISTING TRAIL SYSTEMS

TIE INTO RAIL TRAIL

SCENIC TRAIL OVERLOOK

OPEN SPACE

TIE TRAIL INTO EXISTING JEEP TRAIL

FOXTAIL TRAIL

400-AMENB DRIVE

WINNIE DRIVE

GRAND PARK LAWN

OLD GUNN ROAD

RAIL TRAIL

RAIL TRAIL

HERITAGE ROAD

US HWY 10

**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 15 LAND MANAGEMENT CODE - CHAPTER 6**

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**TITLE 15 - LAND MANAGEMENT CODE**

|  |          |
|--|----------|
| <b>CHAPTER 6 - MASTER PLANNED DEVELOPMENTS.....</b>            | <b>1</b> |
| 15-6-1. PURPOSE.....   | 1        |
| 15-6-2. APPLICABILITY .....                                    | 1        |
| 15-6-3. USES. ....   | 2        |
| 15-6-4. PROCESS .....  | 2        |
| 15-6-5. MPD REQUIREMENTS .....                                 | 5        |
| 15-6-6. REQUIRED FINDINGS/CONCLUSIONS OF LAW .....             | 11       |
| 15-6-7. MASTER PLANNED AFFORDABLE HOUSING<br>DEVELOPMENT ..... | 12       |
| 15-6-8. UNIT EQUIVALENTS.....                                  | 14       |



**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 6 - MASTER PLANNED DEVELOPMENTS**

*Chapter adopted by Ordinance No. 02-07*

**CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)**

**15-6 -1. PURPOSE.**

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to

reduce impacts of the automobile on the community.

*(Amended by Ord. No. 10-14)*

**15-6 -2. APPLICABILITY.**

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any Residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.

(C) The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

(1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties; or

(2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

*(Amended by Ord. Nos. 04-08; 06-22; 10-14)*

**15-6 -3. USES.**

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

**Exception.** Residential Density transfer between the HCB and HR-2 Zoning

Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

*(Amended by Ord. Nos. 06-22; 10-14)*

**15-6 -4. PROCESS.**

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment

in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission

action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developers agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

**(H) LENGTH OF APPROVAL.**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

**(I) MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

**(J) SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

*(Amended by Ord. Nos. 06-22; 09-10)*

**15-6 -5. MPD REQUIREMENTS.**

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project that better meets the goals set forth in Section 15-6-1.

**Exception.** Residential Density transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may

recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing consistent with the City's adopted employee/Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

**(B) MAXIMUM ALLOWED  
BUILDING FOOTPRINT FOR  
MASTER PLANNED DEVELOPMENTS  
WITHIN THE HR-1 AND HR-2  
DISTRICTS.**

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 zones shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the

HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

**(D) OPEN SPACE.**

**(1) MINIMUM REQUIRED.**  
All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

**(2) TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

**(E) OFF-STREET PARKING.**

**(1)** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

**(a)** The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

**(b)** A parking comparison of projects of similar size

with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1 and HR-2 Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;
- (3) There is adequate landscaping and buffering from

adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

- (1) Units should be clustered on the most developable and least

visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET** **SCAPE**. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should

consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE**. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING**. MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

*(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14)*

**15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.**

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD incorporates best planning practices for sustainable development, including energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application.

*(Amended by Ord. Nos. 06-22; 10-14)*

**15-6-7. MASTER PLANNED  
AFFORDABLE HOUSING  
DEVELOPMENT.**

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing

Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with

the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

*(Amended by Ord. Nos. 06-22; 09-10)*

**15-6-8. UNIT EQUIVALENTS.**

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental condominium project, support commercial floor area may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space floor area.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, meeting space floor area may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused

meeting space floor area may be utilized for support commercial floor area within a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms and shafts
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs, and exercise areas not open to the public
- Telephone Areas

Guest business centers  
Public restrooms  
Administrative offices  
Hallways and circulation  
Elevators and stairways

**(G) RESORT ACCESSORY USES.**

The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information  
Lost and found  
First Aid  
Mountain patrol  
Administration  
Maintenance and storage facilities  
Emergency medical facilities  
Public lockers  
Public restrooms  
Employee restrooms and Areas  
Ski school/day care facilities  
Instruction facilities  
Ticket sales  
Equipment/ski check  
Circulation and hallways

*(Amended by Ord. Nos. 06-22; 09-10; 10-14)*



**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.23**

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**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 2.23. - COMMUNITY TRANSITION (CT) DISTRICT**

|             |  |    |
|-------------|--|----|
| 15-2.23-1.  | PURPOSE.....                                     | 1  |
| 15-2.23-2.  | USES .....                                       | 2  |
| 15-2.23-3.  | LOT AND SIZE REQUIREMENTS.....                   | 2  |
| 15-2.23-4.  | DENSITY.....                                     | 3  |
| 15-2.23-5.  | MAXIMUM BUILDING HEIGHT .....                    | 6  |
| 15-2.23-6.  | ARCHITECTURAL REVIEW .....                       | 7  |
| 15-2.23-7.  | PARKING REGULATIONS .....                        | 7  |
| 15-2.23-8.  | MECHANICAL SERVICE .....                         | 7  |
| 15-2.23-9.  | ACCESS, SERVICE AND DELIVERY .....               | 7  |
| 15-2.23-10. | GOODS AND USES TO BE WITHIN ENCLOSED BUILDING..  | 7  |
| 15-2.23-11. | ANEMOMETERS AND ANEMOMETER TOWERS .....          | 9  |
| 15-2.23-12. | SMALL WIND ENERGY SYSTEMS .....                  | 10 |
| 15-2.23-13. | VEGETATION PROTECTION .....                      | 12 |
| 15-2.23-14. | CRITERIA FOR RAISING AND GRAZING OF HORSES ..... | 12 |
| 15-2.23-15. | SIGNS .....                                      | 12 |
| 15-2.23-16. | RELATED PROVISIONS .....                         | 12 |



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.23 - COMMUNITY TRANSITION (CT) DISTRICT

Chapter created by Ordinance No. 06-48

15-2.23-1. PURPOSE.

The purpose of the Community Transition (CT) District is to:

- (A) Encourage low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
(B) Encourage low Density Development designed in a manner so as to cluster Uses in the least visually sensitive Areas and maximizes open space;
(C) Enhance and expand public open space and recreation Uses Compatible with the adjacent public deed-restricted open space;
(D) Prohibit highway service commercial, regional-commercial, and limit residential land Uses;
(E) Require Building and Site design solutions that minimize the visual impacts of parking and parking lot lighting from the

entry corridor and adjacent neighborhoods and land Uses;

(F) Preserve and enhance environmentally Sensitive Lands such as wetlands, Steep Slopes, ridgelines, wooded Areas, and Stream Corridors;

(G) Preserve Park City's scenic entry corridor by providing significant open space and landscape buffers between Development and the highway corridor;

(H) Encourage transit-oriented Development and Uses;

(I) Promote significant linkages to the broader community open space and trail network;

(J) Encourage the Development of high quality public places such as parks, trails, and recreation facilities;

(K) Encourage Development which preserves the natural setting to the greatest extent possible; and

(L) Minimize curb cuts, driveways, and Access points to the highway.

(M) Encourage sustainability, conservation, and renewable energy.

*(Amended by Ord. No. 09-10)*

**15-2.23-2. USES.**

Uses in the Community Transition District are limited to the following:

**(A) ALLOWED USES.**

- (1) Conservation Activities
- (2) Home Occupation
- (3) In-home Babysitting
- (4) Family Child Care
- (5) Secondary Living Quarters
- (6) Agriculture

**(B) ADMINISTRATIVE CONDITIONAL USES.**

- (1) Trails and Trailhead Improvements
- (2) Outdoor Recreation Equipment
- (3) Essential Public Utility Use, Service or Structure less than 600 sf
- (4) Accessory Buildings less than 600 sf
- (5) Parking Areas with 4 or fewer spaces
- (6) Outdoor Events and Outdoor Music, see Section 15-4
- (7) Temporary Improvement
- (8) Outdoor Dining and support retail associated with support Uses with an MPD
- (9) Special Events

(10) Fences and Walls, see Section 15-4

(11) Anemometer and Anemometer Towers

**(C) CONDITIONAL USES.**

- (1) Master Planned Developments (MPDs)
- (2) Public, Quasi-Public, Civic, Municipal Uses
- (3) General Acute Hospital
- (4) Alternative Professional Health-related Services
- (5) Athletic Training and Testing Offices and Facilities
- (6) Athletic Program Administrative Offices
- (7) Support Short-Term Athlete Housing or lodging associated with an approved recreation facility (within an approved MPD)
- (8) Accredited Physician Office Space
- (9) Accredited Medical & Dental Clinics
- (10) Medical Heliport
- (11) Group Care Facility
- (12) Ancillary Support Commercial (within an approved MPD)
  - (a) Gift Shop
  - (b) Dispensing pharmacy
  - (c) Medical supply
  - (d) Restaurant
  - (e) Deli
  - (f) Outdoor Grills/ Beverage Service Stations
  - (g) Child Care Center

- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use
- (17) Parking Lot, Public or
- (18) Public Utility or Essential Services
- (19) Single Family Dwelling (with an approved MPD<sup>1</sup>)
- (20) Duplex Dwelling (with an approved MPD<sup>1</sup>)
- (21) Multi-Unit Dwelling (with an approved MPD<sup>1</sup>)
- (22) Telecommunication Antenna
- (23) Transit Facilities
- (24) Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
- (25) Raising and Grazing of Horses
- (26) Commercial Riding Stables
- (27) Small Energy Wind Systems

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 07-25; 09-10)*

**15-2.23-3. LOT AND SITE REQUIREMENTS.**

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a

<sup>1</sup> Residential Uses cannot exceed 1 unit/acre

Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS.** The minimum Front, Side, and Rear Yards for all Structures is twenty-five feet (25'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

(C) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear Yards. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear Yards provided that a minimum five feet (5') Setback is maintained.

(D) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A

reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

*(Amended by Ord. No. 09-10)*

**15-2.23-4. DENSITY.**

The base Density of the CT District is one (1) unit per twenty (20) acres. Residential Uses cannot exceed one (1) unit/acre.

**(A) DENSITY BONUS – ONE (1) UNIT/ACRE.** The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development:

(1) **OPEN SPACE.** The Master Planned Development shall provide seventy percent (70%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project

parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **PUBLIC TRANSIT FACILITIES.** The Master Planned Development shall include the Development of a public transit hub facility within the Development Area. The Planning Commission may consider waiving this requirement if a Developer/Applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a proposed Development.

(5) **ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development activity.

(6) **PUBLIC TRAILS AND PEDESTRIAN**

**IMPROVEMENTS.** The Master Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.

(7) **SENSITIVE LANDS OVERLAY STANDARDS.** The Master Planned Development shall comply with the Development standards set forth in Section 15-2.21 Sensitive Lands Overlay. Density is determined by compliance with the criteria in Section 15-2.23-4.

(8) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. The Planning Commission may consider alternative housing Uses for the additional five percent (5%) Affordable Housing commitment.

(9) **SUSTAINABLE-GREEN DEVELOPMENT DESIGN.** All Development within the proposed Master Planned Development shall implement City-approved sustainable green Building practices and Site design practices in effect at the time of Application.

(B) **DENSITY BONUS – THREE (3) UNITS/ACRE.** The base Density of the CT District may increase up to three (3) units

per acre for non-residential Uses provided that all Density bonus requirements set forth in Section 15-2.23-4(A) Density Bonus – One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development.

(1) **OPEN SPACE.** The Master Planned Development shall provide eighty percent (80%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a three hundred foot (300') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/

tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

**(4) ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

**(5) AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23-4(A)(8). Total is 110% of base requirement.

**15-2.23-5. MAXIMUM BUILDING HEIGHT.**

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

**(A) MAXIMUM BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

(1) Gable, hip, or similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(5) Anemometers and Anemometer Towers used to measure wind energy potential may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the

tip of the rotor blade at its highest point or top of tower, whichever is greater.

*(Amended by Ord. Nos. 07-25; 09-10)*

**15.-2.23-6. ARCHITECTURAL REVIEW.**

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-5 and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

**15-2.23-7. PARKING REGULATIONS.**

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3.

**15-2.23-8. MECHANICAL SERVICE.**

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent district.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and

painting of such equipment as part of the architectural review process.

**15-2.23-9. ACCESS, SERVICE AND DELIVERY.**

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a Public Street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

**15-2.23-10. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.**

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and

provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

**(1) OUTDOOR DINING.**

Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance.
- (f) No Use after 10:00 p.m.
- (g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the

event of increased parking demand.

**(2) OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS.**

Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

- (a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The Use is Compatible with the neighborhood.
- (d) The proposed service station does not impede pedestrian circulation.
- (e) The proposed service station does not impede emergency Access or circulation.
- (f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.
- (g) No violation of the City Noise Ordinance.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City noise ordinance.
- (c) Impacts on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

**15-2.23-11. ANEMOMETERS AND ANEMOMETER TOWERS.**

*(Created by Ord. No. 09-10)*

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and height requirements, see Height Exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and public Rights-of-Way and power lines are not impacted by the location.
- (D) Compliance with FAA regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.

(G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.

(H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.

(I) **REMOVAL AND DECOMMISSIONING.** Anemometers and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of one (1) year or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

**15-2.23-12. SMALL WIND ENERGY SYSTEMS.**

*(Created by Ord. No. 09-10)*

Small Wind Energy Systems (system) require a Conditional Use Permit. The Use must comply with Section 15-1-10, Conditional Use Review, and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use Permits; and a narrative addressing the following review criteria:

(A) **LOCATION.** Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system due to the configuration, location, height, and other

characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT.** See Section 15-2.23-5, Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. **EXCEPTION:** Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE.** Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN.** Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING.** Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE.** No violation of the City noise ordinance.

(G) **SIGNS.** Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs shall comply with the Park City Sign Code.

(H) **BUILDING PERMIT.** Prior to issuance of a Building Permit the system shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS.** A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS.** The Applicant/system Owner shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING.** Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be

fully returned to its natural state within five (5) years of the removal and decommissioning of the system.

(L) **REPLACEMENT.** Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

**15-2.23-13. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

**15-2.23-14. CRITERIA FOR RAISING AND GRAZING OF HORSES.**

*(Created by Ord. No. 09-10)*

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether the raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

**15-2.23-15. SIGNS.**

Signs are allowed in the CT District as provided in the Park City Sign Code, Title 12.

*(Renumbered by Ord. No. 09-10)*

**15-2.22-16. RELATED PROVISIONS.**

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

*(Renumbered by Ord. No. 09-10)*

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
August 11, 2010

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; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING - 6:00 p.m.

**I. ROLL CALL**

Chair Wintzer called the meeting to order at 6:10 p.m. and noted that all Commissioners were present.

**II. APPROVAL OF MINUTES - July 14, 2010**

MOTION: Commissioner Strachan moved to APPROVE the minutes of July 14, 2010. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

**II. PUBLIC COMMUNICATIONS**

There was no comment.

**REGULAR AGENDA - Discussion, Public Hearing and Possible Action**

1. Park City Heights - Pre-Master Planned Development  
**(Application #PL-10-01014)**

The Planning Commission held a site visit prior to the meeting. All Commissioners were present with the exception of Commissioner Pettit.

Planner Kirsten Whetstone reported that this item was a continuation of the discussion from the July 14<sup>th</sup> meeting regarding the Park City Heights Pre-Master Planned Development application. On July 14<sup>th</sup>, the Planning Commission requested additional time to review the Staff report and to better understand the proposal. The Planning Commission also requested a site visit, which was held at 5:00 p.m. today. In response to a request for the traffic summary, Planner Whetstone had emailed the traffic study summary to each Commissioner.

Since there was some confusion at the last meeting regarding the pre-MPD process and what the Planning Commission would actually be approving, Planner Whetstone had outlined the process in the Staff report and included a flow chart. She clarified that a property that has gone through an extensive annexation process is different from a property that has not had that level of review. Planner Whetstone explained that due to the size of development being proposed, a master planned development is required, which triggers a pre-MPD application process and public hearing for early feedback and direction to the applicant.

Planner Whetstone noted that on July 14<sup>th</sup> the Planning Commission had expressed concerns with the concept plan, which was an exhibit to the annexation agreement. The concept plan was fairly detailed and after the last meeting the Staff realized that it was important to step back and focus on initial compliance and not the design details. The applicant had submitted a bubble diagram concept land plan which identified the site, the uses, access and the parameters of development. Planner Whetstone remarked that the bubble diagram was more appropriate for the pre-MPD review and requested that the Planning Commission focus their discussion on the bubble diagram as opposed to a specific site plan. She clarified that the Planning Commission should still provide direction on specific issues within the General Plan, since that would be important information for the applicant to consider when preparing the actual MPD.

Planner Whetstone stated that the master planned development must be found in compliance with the General Plan, but at that point the process requires a more detailed level of review of the General Plan.

Planner Whetstone stated that the action being requested this evening was determination of initial compliance with the General Plan. However, because there is an annexation agreement, the review of the General Plan must be in context with that annexation agreement.

Planner Whetstone presented slides showing the general orientation of the site and surrounding areas.

Planner Whetstone recalled comments from the last meeting regarding density, and had provided additional information for this meeting. She had used developments at Fairways Hills Village, West Ridge, Sunny Slope and others as density comparisons. She also looked at the residential portion of Prospector, including the condominiums.

Planner Whetstone presented the entire annexation area. She identified the MPD parcels, as well as an open space parcel with a conservation easement that is owned by the City. Other parcels included in the annexation are owned by private individuals. All the parcels identified, as well as State Parks land and UDOT property, comprise the 286 acres. Planner Whetstone noted that the master plan is proposed on 239 acres.

Planner Whetstone stated that the concept plan proposed 160 market rate units with approximately 79 deed restricted work force units. She pointed out that 28 of the 79 work force units were coming to Park City Heights from the IHC obligation. Rather than isolate the IHC units, the City believed it was better to incorporate those units into Park City Heights. Planner Whetstone remarked that 16 affordable housing units come from the market rate units and an additional 35 units are tied to past developments. Planner Whetstone stated that as a condition of the annexation, the City Council wanted the affordable units to be integrated in the development.

Commissioner Savage asked Planner Whetstone to explain the relationship between the 28 affordable units and the 48 unit equivalents. Planner Whetstone remarked that an affordable

unit equivalent is approximately 800 square feet. Based on a set formula, if a 1600 square foot single family deed restricted home is built, it would be equivalent to two affordable housing units. She explained that 239 units is the maximum allowed in terms of individual units, and that number could be reduced if the units exceed 800 square feet.

Planner Whetstone noted IHC had an affordable housing obligation of 44.7 unit equivalents and that number was based on the square footage of the hospital. Commissioner Savage understood that the hospital was able to convert their obligation to 28 larger units and still meet the requirement. Planner Whetstone replied that this was correct. Commissioner Savage asked if the decision for 28 units was made by Phyllis Robinson replied that it was included in the IHC annexation agreement.

Chair Wintzer clarified that IHC originally planned to build those units on their campus and the City encouraged them to move those units through the Park City Heights process. Planner Whetstone explained that there was still a pending pre-MPD from IHC for the affordable units on the IHC site.

Commissioner Peek asked if the square footage of those units would be monitored to make sure it does not exceed the unit equivalents. Planner Whetstone answered yes and stated that it would be similar to the process with Talisker where the units are documented and recorded.

Chair Wintzer requested that the Staff conduct an affordable housing seminar with the Planning Commission in the near future so they could better understand the process for other projects. Commissioners Savage concurred that a seminar would be very helpful. Planner Whetstone stated that the units would be clustered to keep them off the ridgeline. She noted that the density ratio for Park City Heights is one unit per acre, including the affordable units. However, if the required affordable housing units are excluded from the density calculation, which is allowed by the LMC in the master plan, the net density ratio is 0.81 units per acre. Planner Whetstone remarked that the required open space in the CT zone is 70%. Of the 239 acres, approximately 175 acres would be open space.

Planner Whetstone clarified that the applicant understands that approval of the pre-MPD would not guarantee approval of the MPD. In the pre-MPD process, the Planning Commission only finds initial compliance with the General Plan and there is no approval of a specific site plan. If the pre-MPD application is approved, the applicant would submit an MPD application and that would require a separate process which includes review of the MPD criteria and public hearings. If the MPD proposal does not comply with the criteria, the MPD can be denied.

Planner Whetstone recalled comments at the last meeting regarding trail connections. She noted that the project proposes future trail connections to the Rail Trail and the Quinn's Trail. A future bus route is currently addressed in the transportation plan when the park and ride is completed and to service future development units.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the bubble concept plan in terms of the annexation agreement, and consider finding that the pre-MPD complies with the General Plan per the stipulations of the annexation agreement.

Planner Whetstone reported on a phone call she received from Greg Erickson, the owner of the County parcel. Mr. Erickson was unable to attend the meeting this evening and requested that the MPD application address the uses that could occur on the dedicated open space parcel adjacent to his property. Mr. Erickson also expressed concern with how the development

relates to the Rail Trail. He wanted to make sure that the plans for extension to the Rail Trail and any improvements would consider the safety of bikes and how people would get over to the Quinn's Trail. Mr. Erickson also wanted to know the breakdown of workforce housing in terms of size and the number of different sizes.

Patrick Moffatt, representing the Boyer Company, believed Mr. Erickson's concerns referred to the MPD stage of the process. Planner Whetstone agreed and noted that Mr. Erickson had specifically mentioned the MPD stage.

Chair Wintzer stated that as a Planning Commissioner he had volunteered for the task force, which met for a year and a half on the Park City Heights project. He had concerns that were highlighted by the bubble diagram, but in general, he believed the current proposal was a better plan than what the previous Planning Commission had voted on. Chair Wintzer felt the City Council had addressed some of their concerns and came back with better solutions.

Chair Wintzer stated that when the project was originally presented it was considered a second home community. The current proposal is for primary residents in a community. He was concerned with how they could make this community a neighborhood and still fit within the General Plan. Chair Wintzer wanted the bubbles to overlap so the houses blend with each other and there would not be a distinguishing feature from one economic status to another. He noted that the original plan had duplexes where one side was a market rate unit and the other side was an affordable rate. This helped create a seamless community. Chair Wintzer felt it was important to keep with that direction.

Chair Wintzer stated that the Rail Trail is a great community amenity but it is a riding trail and not a destination trail. He suggested some type of commercial entity that ties into the Rail Trail to create a destination stop on the trail where people could buy a drink or sandwich. He encouraged a stronger connection with the Rail Trail as a main amenity for the community. Chair Wintzer noted that this development is away from town and he felt it was important to keep people out of their cars by providing a recreation facility that children can access by bike or walking. He suggested that a field for a pick-up soccer game or baseball could be counted as open space if it is open to the public.

Chair Wintzer supported commercial space to service that community. He also suggested adding more affordable rental units on top of the commercial, and stated that he would be willing to add additional density of one or two units for that to occur.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Pettit echoed Chair Wintzer's comment in terms of evolving into a better project with less density. She also concurred with his statement about integrating the market rate units with the affordable units to create less separation between the two. Commissioner Pettit commented on how the community in this development would be isolated from the rest of the build out in Park City. In her opinion, connectivity is critical. Commissioner Pettit felt this proposal was inconsistent with neighborhood development best practices typically seen in that area. This project borders on sprawl to a certain extent because it is not contiguous with other developed parts of town. She struggled with how to make that work. Commissioner Pettit

stated that if they could weave more recreational elements into this project as amenities that are shared with the public, it would encourage people to ride their bike out there on the Rail Trail and help bridge that separation from Town. That stretch of the Rail Trail is relatively flat and it would be easy for children to ride their bikes.

Commissioner Pettit wanted it clear that the annexation agreement is the framework by which they could move forward with the MPD, but it does not give the applicant a vested right. The Planning Commission can deny the MPD if they cannot find compliance with all the criteria. She noted that the elements within the annexation agreement related to traffic mitigation and sustainable development are starting points at a minimum. She expected that the Planning Commission would go well beyond the annexation agreement in terms of meeting traffic mitigation requirements and sustainable development. Commissioner Pettit noted that the annexation agreement focuses primarily on individual homes meeting certain criteria, but it does not speak to the community as a whole and the elements that are important in neighborhood development best practices.

Commissioner Pettit stated that in looking at the General Plan elements she echoed Chair Wintzer regarding the need to incorporate commercial that not only supports the community but also serves as a destination for people on the Rail Trail. She was also open to considering some form of office space because people are moving away from long distance commutes to offices. There is a need to create more nodes within a neighborhood similar to a home office, but where people are part of a social setting and less isolated. Commissioner Pettit recognized that this alternative may not work for this particular community, but she encouraged them to think about.

Commissioner Pettit stated that during the MPD review she would be focusing on specific criteria, which included preserving the mountain resort and historic character of Park City; future development should compliment the existing historic and resort qualities of the mountain community; new development should be modest in scale and utilize historic building and natural building materials. She would also focus on preserving environmental qualities and thinking about the wildlife habitat in that area to make sure they are sensitive to areas that need to be protected, and mitigate the impacts from this project. Commissioner Pettit stated that she would also be looking at matters such as the right mix for the affording housing component of this project. She noted that Park City is experiencing a huge change in its inventory and pricing and they may to rethink the mix based on who lives in the community. Commissioner Pettit requested an updated analysis to help the Planning Commission understand the changes in the economy, the need, and the appropriate mix.

Commissioner Pettit stated that added density should come with a significant public benefit, such a creating amenities that benefit both the residents of that community, as well as other residents in Park City.

Commissioner Hontz felt the site visit was very helpful. She concurred with the comments from Commissioners Wintzer and Pettit. Commissioner Hontz was concerned about the connectivity with all of Park City, but specifically access to the IHC Clinic across the street. The pedestrian perspective is important, but she was also concerned about creating opportunities for vehicular connections that do not involve Highway 248. If IHC is successful, vehicle circulation and connection will be a key factor and she would need to know that this plan would not increase traffic problems on Highway 248. Commissioner Hontz used other projects as examples of inadequate vehicular circulation and why those projects are not walkable.

Commissioner Hontz commented on the tiers of affordability and stated that she would like to better understand the income levels and the current and future housing needs in Park City. She had conducted her own research and found a large number of rentals and for-sale units at different price ranges. Commissioner Hontz requested a market study/needs analysis to help determine the appropriate housing product for this project. Commissioner Hontz felt it was also important to know if there were other housing units besides the 35 Talisker units that need places to be built. If there is an affordable housing report, she would like to see that. If not, she would like to have one done.

Commissioner Hontz appreciated clarification on the pre-MPD application process so the Planning Commission could feel comfortable that finding initial compliance with the General Plan would not approve a specific density or location of uses. She stated that during the actual MPD review, she would be focusing her direction on the community character elements of the General Plan. She would be looking for an authentic feeling of place rather than a sprawl subdivision. Commissioner Hontz stated that she would be more specific with her concerns regarding community character if they reach the MPD stage.

Commissioner Luskin thanked the Staff and applicant for the site visit. Commissioner Luskin concurred with his fellow Commissioners who had outlined the majority of his concerns. He stated that the Planning Commission are the protectors and caretakers of the character of Park City. When he looks at a place like Quinn's Junction he likens it to driving through the Yosemite tunnel and suddenly coming upon the Yosemite Valley. That is your first impression and that impression is lasting. When his friends come to Park City, their first impression is lacking if they come through Kimball Junction. Commissioner Luskin stated that Quinn's Junction is the back door to Park City, but in some cases, it could be the front door. When thinking about preserving the historic character, they should be mindful that this will be the first view coming in from Quinn's Junction. Commissioner Luskin remarked that the People's Health Building and the IHC hospital are nice buildings, but it is much riskier to have subdivision sprawl because that makes it harder to preserve the historic character. Commissioner Luskin encouraged the applicant to be conscious of this when they reach the design phase of the project and to consider the importance of this whole area.

Commissioner Luskin disagreed with Chair Wintzer regarding commercial development on the bike trail. In his opinion, the bike trail is a journey and not a destination. He finds it satisfying that there is no commercial development in the area and he would like to preserve that rural quality. Commissioner Luskin commented on the recreation element and suggested winter ski tracks, similar to what occurs on the golf course, to keep the resort nature.

Commissioner Luskin stated that he is always conscious of dead animals on the road, particularly in the winter, and he felt it was important to look at the wildlife corridors. He suggested that the applicant contact the Wildlife Protection Society for their input on this matter.

Commissioner Luskin stated that he loves to mountain bike and he would like to see a mountain bike trail from Quinn's Junction to Redstone to eliminate the use of cars. Planner Whetstone pointed out that the trail is extending and it is currently within a mile from Redstone. He agreed with Commissioner Hontz that connectivity is a key element. He assumed the development would be mostly residential, which would add to the transportation limits. Commissioner Luskin stated that the Planning Commission has a major responsibility in reviewing the MPD for all the reasons outlined.

Commissioner Peek concurred with most of the comments from his fellow Commissioners. He

believed the Rail Trail is an important connection, as well as the tunnel that crosses Highway 248. He felt it was important to work with the City across that parcel to get the trail connection from the Rail Trail to the tunnel off the dump road. Commissioner Peek stated that connectivity to the regional commuter trail system is also important and needs to be done well.

Commissioner Peek favored a commercial element to the project. He referenced his comments from the last meeting regarding suburban elements, and read from the General Plan. Page 13, "Steps should be taken to prevent the area from developing with traditional suburban features". Page 17, "Limit size of homes in relation to the lots". "Vary building setbacks to avoid giving neighborhoods a suburban feeling". Page 18, " For developments near City entries, add special controls regarding setbacks, landscaping, building mass and character". With regard to the concept plan, Commissioner Peek favored blurring the lines with a shadow drawing showing the uses within the entire bubble. He used Silver Star as an example of how the uses are well integrated into the overall use and feel of the project. Separating the Estate lot area from the affordable units is not appropriate because it creates greater impacts on the affordable use.

Commissioner Savage asked if the entire development was contemplated as condominium style home ownership regardless of where the units are located, or if it would be single family homes. He asked if the applicant would actually build the homes or if the lots would be sold. Mr. Moffatt replied that it would be a mix of both. Some areas will be a condominium-type product; however, the majority is contemplated as lots to be sold for individuals to build. Commissioner Savage assumed that the homes would be custom designed on those individual lots. Mr. Moffatt replied that this was correct. Commissioner Savage could not envision a situation where the affordable homes would be scattered among the Estate lots. As a practical matter, he felt they should be cognizant of the fact that the affordable housing sector would be populated by families with two full-time workers. In an effort to maintain a neighborhood feel at the major entrance, Commissioner Savage strongly recommended a form of condominium/HOA ownership where the economics of that HOA is sufficient to maintain a quality entrance that is not dependent on the individual willingness of those occupants. Commissioner Savage believed the idea to have individual home ownership was contrary to the idea of blending the units. He supported finding a way to emphasize a high quality, integrity feel of the entrance for the affordable housing area through that type of mechanism. Commissioner Savage felt that a duplex with one side being affordable and the other side being market rate would create a negative marketing and sales issue. He was open to more dialogue on that issue.

Mr. Moffatt stated that integration has been contemplated and some of the detached product would be affordable. In those instances the developer would hire the builder for the affordable homes to meet their obligation. Mr. Moffatt stated that the HOA would be responsible for maintaining the entrance to the affordable housing units. Commissioner Savage reiterated his preference that all the affordable housing units be part of an HOA that is structured to have enough associated resources to make sure they do not end up with dilapidated areas.

Mr. Moffatt wanted the Planning Commission to be aware that they were listening to their concerns and were prepared to address the issues if they move forward to the MPD.

Commissioner Savage stated that because Park City has ownership in the area, he wanted to know whether there were potential conflicts of interest between their role as a Planning Commission and the ownership of the City as a co-applicant.

Assistant City Attorney McLean stated that in this situation the Planning Commission is the regulator and they should treat this the same as any other application that comes before them.

She explained that the Planning Department and the City, as the applicant, maintain a separation. Phyllis Robinson is the Staff person representing the City and Kirsten Whetstone is the Staff Planner for the project. If either has questions regarding Park City Heights, they are required to follow the same process as any other application.

**NOTE: Due to recording problems portions of the discussion was not recorded and some of the text was taken from handwritten notes.**

Commissioner Strachan echoed the comments of his fellow Commissioners and he thanked Planner Whetstone for the comparisons she had provided from other developments. Commissioner Strachan stated that he still struggled with how the plan proposed meets the intent of the General Plan. He could find no compliance with the goal that future development should compliment the existing historic and resort qualities of the mountain community, or the goal that new development must be modest in scale. This proposed development is too large in size and scope and it is not anywhere close to matching the historic qualities of the community. In terms of creating a buffer, he agreed with Commissioner Luskin's example of the tunnel to Yosemite Valley. Commissioner Strachan found it difficult to think about driving in on Highway 248 and not having that open space buffer. He also could not find compliance with the goals to preserve the environmental qualities and the natural views.

Commissioner Strachan stated that in his opinion, the proposed plan and the General Plan do not compute and for that reason he could not find initial compliance.

Chair Wintzer agreed with Commissioner Strachan's concerns, however those issues could be addressed in the MPD process. He emphasized that they first needed to move from this step to the second step, which is the MPD, before they could discuss specific details with the applicant.

Assistant City Attorney McLean pointed out that the LMC was recently amended to allow the Planning Commission to find initial compliance with the General Plan. The Code is clear that the pre-MPD stage is only a concept level and that approval at this stage would not mean automatic approval of the MPD.

Chair Wintzer asked if finding initial compliance means that the Planning Commission is satisfied that the number of units meets the MPD. Chair Wintzer requested clarification on what the Planning Commission would actually be voting on this evening.

Assistant City Attorney McLean recalled that at the last meeting she had read from the section of the Code that talks about giving the applicant direction and finding initial compliance with the General Plan. The language also talks about public notification and public input on the preliminary concepts. Ms. McLean clarified that density per se is not approved in a concept plan. However, density and other considerations need to be viewed with the focus on annexation and the zoning that was approved by the City Council. She pointed out that the City Council felt the proposed density was appropriate for that zone. Ms. McLean remarked that based on specific criteria of the MPD, the density may need to be decreased, but the Planning Commission would need specific facts and evidence to allow them to reduce the density.

Commissioner Savage understood that the conceptual plan fits within the LMC and touches on some of the General Plan elements. However, Commissioner Strachan had pointed to areas where they could push back because the plan does not feel right relative to the intent of the General Plan. Commissioner Savage was uncomfortable with the ambiguity in terms of the

direction to the applicant relative to trying to address those concerns. He pointed out that even if some of the Commissioners like the meadow, in reality that meadow can no longer exist with respect to the proposed plan, assuming that the plan moves forward. Commissioner Savage thought it was important for the Planning Commission to provide specific suggestions to the applicant, so if this pre-MPD is approved they would have enough explicit guidelines to consider and incorporate into the MPD.

Commissioner Savage believed that the Planning Commission wanted to approve the pre-MPD, but with the understanding that their concerns would be addressed in the MPD. He was unsure if the Commissioners had been explicit enough in their direction.

Chair Wintzer stated that the Planning Commission had the ability to condition the approval with added conditions. He reiterated that in order to begin talking about the major issues, they must first determine whether or not the concept plan complies with the General Plan. Commissioner Pettit pointed out that this stage in the process was only a checklist against the General Plan for compliance. The Land Management Code criteria for an MPD has not been considered at this point and a Land Management Code analysis has not been done.

Commissioner Savage understood that the Staff had done a preliminary study for the zone that City Council approved for this annexation and found that the pre-MPD was consistent with the Code.

Planner Whetstone explained that the proposed density, the size, the use, and the sensitive lands analysis was not contrary to the Land Management Code CT zone. Based on the City Council action, Commissioner Savage believed there was a higher degree of explicit compliance with the LMC than with the General Plan.

Commissioner Pettit explained that compliance with the LMC has not been determined, as it relates to the MPD criteria. She stated that basic concepts are compliant, but in terms of extensive review and applying the criteria to the details of the MPD application, that process has not been started. Commissioner Pettit noted that the LMC contains a lot of guidance and the applicant is aware of their burden to demonstrate that they have satisfied the criteria in the LMC.

Commissioner Savage asked if the LMC criteria needed to be on the table before the Planning Commission could approve the pre-MPD application. Assistant Attorney McLean explained that the pre-MPD is an initial look at the proposal because a formal application had not yet been submitted. The purpose of the MPD under State law is for the Planning Commission to give the applicant direction on what they want to see in the MPD.

Commissioner Luskin pointed out that the main question this evening was whether or not this proposal complies with the General Plan. Assistant City Attorney McLean clarified that the question is initial compliance.

Mr. Moffatt stated that if the Planning Commission votes to move forward with the MPD this evening, he had a list of issues to work with. He believed the next step would be work sessions with the Planning Commission where the applicant could explicitly talk about one issue at a time, such as traffic, wildlife, etc. This would allow them to work on specific issues piece by piece in conjunction with the Planning Commission to resolve their concerns. These work sessions would occur prior to public hearings and a final vote on the MPD.

Planner Whetstone noted that the Staff report includes findings and suggested conditions of

approval that address the issues the Staff would like to see in the MPD application. She stated that the Planning Commission could add findings that address their own concerns related to connectivity, trails, uses, and the desire to create a neighborhood community that integrates with other neighborhoods in Park City. Planner Whetstone suggested a destination public park that would draw the communities together.

Director Eddington asked the Assistant City Attorney if the issues raised by the Planning Commission could be addressed in their action if they choose to vote for initial compliance this evening. Ms. McLean did not think the items needed to be included in the motion because they were already stated in the direction to the applicant. If the Planning Commission chooses to vote in favor of the pre-MPD and find initial compliance with the General Plan and the applicant comes back with a plan contrary to the direction given, that would be reason to deny the MPD.

Chair Wintzer clarified that the direction given would not need to be a condition of the approval. Ms. McLean replied that this was correct. Commissioner Pettit asked if it could be a condition. Given the fact that the record is the written minutes rather than the recording, she was more comfortable moving the pre-MPD forward with findings of fact and conclusions of law and conditions of approval that reflect their discussion this evening.

Assistant Attorney McLean suggested reflecting their discussion in the findings of fact rather than conditions of approval. Commissioner Pettit referred to Finding of Fact 21, which talks about the fact finding the Planning Commission would make if they move forward. She did not think the finding went far enough in terms of meeting some of the other Quinn's Junction Joint Planning Principles. She felt the finding needed to include more details since this was the first stepping stone towards the MPD application process.

Assistant City Attorney McLean understood the concern that the minutes are only a summary of the discussion, however, she believed there was ample opportunity under the MPD process to work out the details in work session meetings. She reiterated that in the pre-MPD process the Planning Commission should only be looking at the general concept. If they get too mired in the details at this point it does not allow the applicant to move forward with the MPD, nor would they be complying with the intent of the pre-MPD process under State law. Ms. McLean wanted the Planning Commission to be aware that as part of the annexation, the City Council made a finding that the type of zone for that area was CT zoning. In Utah, once a property is zoned, you can expect some form of development associated with that zone. Ms. McLean recognized that there was obvious tension with the General Plan, which is why the General Plan is being revised. She noted that the area was not drawn as open space and that needs to be considered.

Commissioner Peek pointed out that the area could be open space if the City exercised its buyout rights and decided that it should remain open space. Ms. McLean remarked that the applicant has rights and this property was annexed in with a the CT zone. At this point the lots have not been subdivided and recorded, but there is a certain amount of density associated with the land. The MPD process is the nuts and bolts process of how this development would look.

Commissioner Savage understood that if a plan is not approved by a certain date, the developer has the right to put his 50% to the City. Ms. McLean stated that the Planning Commission should not be concerned with that factor because it is not relevant to their decision. The Planning Commission has the responsibility to treat this the same as any other application. All applicants have a due process right and those deadlines should not be a part of the decision making process, particularly since the City is involved with those deadlines. The Planning Commission should give this applicant the required due process because every developer has

the right to resolution. Commissioner Savage asked if he was correct in assuming that there would be ample time to resolve the issues prior to any deadlines. Ms. McLean replied that this was correct.

Commissioner Strachan acknowledged that the zoning is CT and whether or not it is this project, something would be built. He believed that whatever is built would destroy the meadow and the hillside and would be in conflict with the objectives of the General Plan.

Commissioner Strachan felt the question comes down to the definition of initial compliance and whether that is different from full compliance with the General Plan. He thought the Planning Commission should think about questions they would ask during a full compliance analysis at the MPD stage that they were not asking now. In his opinion, there was nothing. If he asks himself all the questions the General Plan requires him to ask regarding this development and it can meet the General Plan, he is duty bound under the statute to make the determination of initial compliance. If it cannot meet the General Plan, despite what the zone may allow, he still needs to make that finding.

Ms. McLean agreed with Commissioner Strachan that he needs to find for initial compliance, however, it is not enough to say that any development on that land would be in conflict with the General Plan based on how the General Plan is written. If it is not in compliance, there needs to be specific reasoning for why it does not comply and what the developer could do differently to bring it into compliance. She stated that the General Plan needs to be clearer because if the General Plan calls for open space, that conflicts with property rights and the right to develop. Ms. McLean offered hypothetical examples to explain situations where the concept plan may not comply with the General Plan. In those instances, the Planning Commission would have specific reasons that the developer could address.

Commissioner Savage asked if the City Council made the determination that the zone was in compliance with the General Plan when they established the zone for that property subsequent to the annexation. Ms. McLean answered yes and believed that it was a finding in the annexation. Planner Whetstone reported that there was discussion during the annexation that the General Plan was very broad and had competing objectives.

Commissioner Savage pointed out that a higher authority had already determined that this annexation and the zoning is compliant with the General Plan. Director Eddington replied that this was correct. The City Council made that determination based on the recommendation from the Planning Commission during the previous pre-MPD approval. Chair Wintzer stated that the Planning Commission had recommended density similar to the current proposal and asked the City Council to look at three or four items. According to the minutes he felt those items were discussed and addressed. Chair Wintzer agreed that the City Council made that determination after the Planning Commission forwarded their recommendation.

Based on Chair Wintzer's explanation and the City Council's process, Commissioner Savage thought if it was apparent that initial compliance had already been determined for this level of the pre-MPD. Planner Whetstone clarified that the Planning Commission had not made that determination. Ms. McLean explained that the City Council determination was part of the annexation. The City Council made a finding that the density is appropriate for that area. However, the Planning Commission is looking at the actual concept plan and what could occur with that density. As an example, if the density is proposed on the ridge rather than in the meadow, it would not comply.

Commissioner Strachan clarified that the Planning Commission was not bound by the City Council's decision on the annexation. An annexation is one standard under the Code and the pre-MPD is another standard. Ms. McLean stated that the Planning Commission needed to balance the fact that the City Council make a finding that the density of the CT zone is an appropriate density.

Commissioner Peek noted that the annexation agreement specifically says, "This agreement does not represent approval of vesting with this MPD or any subsequent MPD." Director Eddington felt it was important to recognize that the Planning Commission was not looking at a lot by lot approval. This is a pre-MPD, which is where they determine initial compliance. If it moves forward to the MPD stage, there would be the requirement to determine full compliance with the General Plan. He referred to Finding of Fact #22 on page 98 of the Staff report, and noted that the Planning Commission would need to make that determination as well.

Planner Whetstone stated that the purpose of the pre-MPD is to hear feedback and direction from the Planning Commission so the applicant can work with that information and incorporate it into the MPD before they come back for the full MPD review.

Planner Whetstone referred to the findings she had prepared in the Staff report and suggested that Finding of Fact #21 was not factual and thought it could be deleted. She noted that the remaining findings were facts for the Planning Commission to consider, but not something the applicant is held to.

Commissioner Strachan stated that as they get further into the process as identified in the Staff report, it becomes harder and harder and the standards become more and more burdensome. If the Planning Commission is having difficulty with this first step, it will only get more difficult and it will be harder for the developer to meet the requirements of the LMC and mitigate the impacts. Commissioner Strachan remarked that if the Planning Commission finds initial compliance in hopes of resolving the issues at the next step, he was unsure if that would happen.

Chair Wintzer agreed with Commissioner Strachan's comment, but if they do not move to the next stage, there is no way to judge whether or not it could be done. He concurred that if the applicant comes back with something similar to the concept plan, it would be difficult to go further. Planner Whetstone felt it would be easier because at that point the Planning Commission would see more details that would address their concerns. She believed the applicant should have the opportunity to submit the MPD application to see if they can address those concerns. Without moving past the pre-MPD stage, they cannot submit an application.

Commissioner Strachan stated that because the area was zoned CT, anything that could be built in that zone would not be compliant with the General Plan. However, because the zoning is in place, they need to live with that fact and have no choice but to find initial compliance. He believed the General Plan had been trumped by the zone. Commissioner Strachan remarked that even if they are forced to find initial compliance, he was unsure if compliance with the General Plan would be on the table at the MPD stage because the City obviated the General Plan with the CT zone.

Commissioner Savage felt the Planning Commission had the choice to deny the pre-MPD if they feel it is not compliant. Commissioner Strachan reiterated that the applicant has a vested right to at least the minimum allowed under the CT zone and nothing built in that zone would be

compliant with the General Plan.

Commissioner Luskin stated that the CT zone is a density issue, but there is still historic character, the resort concept, and other features that do not comply with the General Plan. If the Commissioners believes those issues are insurmountable, they logically cannot approve it.

Commissioner Strachan stated that if the zone has approval for CT development, the Planning Commission needs to view the General Plan within the context of the CT zone. Director Eddington stated that at this stage the Planning Commission should only look at initial compliance with the General Plan. However, if it moves to the next step, the Planning Commission would take a harder look at design, layout, and typical MPD requirements. The applicant would be required to meet the intent of the zone, as well as the requirements for the MPD. At that point the MPD must be consistent with the Land Management Code. Director Eddington noted that the applicant has expressed an interest in working pro-actively with the Planning Commission during work sessions. That opportunity would benefit the Commissioners and the applicant in terms of what is vested in the CT zone and what the Planning Commission feels is appropriate development based on the General Plan.

Director Eddington stated that the Staff would prepare a bullet-point list compiled from the direction given this evening, and the Planning Commission could refer to that list during the MPD process.

Chair Wintzer pointed out that the Planning Commission has the ability to correct the minutes before they are approved if they feel the discussion was inaccurately reflected.

Assistant City Attorney McLean stated that the goals of the General Plan outlined on Page 94 of the Staff report were open to individual interpretation, however, the Planning Commission would be voting as a whole. The City Council made a finding that a certain amount of density is allowed. In reading the General Plan there are broad strokes, but there is also discussion that new structures should blend in with the landscape. Therefore, a 20-story building to use up all the density would not comply with the General Plan and would not meet the LMC criteria. The input in terms of compliance should focus on whether the scheme initially complies with the broad strokes of the General Plan.

Chair Wintzer stated that some of these same issues were raised in the previous pre-MPD approval. He noted that the concept does not comply with every aspect of the General Plan, and they need to look at whether there is compliance with the general concept of the General Plan. Having gone through this process initially, he recognized that it is difficult to make that finding based on how the General Plan is written. Chair Wintzer also thought the definition of initial compliance was vague.

Commissioner Strachan hoped that the applicant would take the direction given this evening and come back with an MPD that comes close to compliance with the General Plan. He suggested that connectivity would be a good start. Commissioner Strachan stated that it would be difficult for him to find compliance with the General Plan because he sees many conflicts. He felt the Commissioners should follow the procedure and vote they way they needed to.

Commissioner Pettit favored striking Finding #21 as suggested by Planner Whetstone, primarily because there needs to be additional public benefit in addition to just meeting the affordable housing requirement. Commissioner Pettit suggested revising Finding of Fact #22 to read, "A finding of **initial** compliance with the General Plan is required prior to submittal of applications...". She revised Findings of Fact #24 to read, "Planning Commission action for

General Plan **initial** compliance does not constitute approval of a Conditional Use permit or Master planned Development.”

Commissioner Pettit referred to the fifth bullet point under Condition of Approval #1, and added, “including but without limitations, public recreation areas.” Commissioner Pettit referred to page 99, the tenth bullet point under Condition of Approval #1, and added “A housing needs assessment that directly addresses affordability.

Commissioner Hontz added an additional bullet point to Condition #1 to require a traffic study. As suggested by Planner Whetstone, Finding of Fact #26 was added to read, “Discussion from the Planning Commission meetings of August 11, 2010 shall be incorporated herein.”

It was noted that Findings #10 and #11 were duplicates and that Finding #11 should be deleted. Deleting Findings 11 and 21, would change the number of Findings to 24.

Assistant City Attorney McLean requested that the Planning Commission better articulate how the MPD would comply in order to provide better direction to the applicant. Commissioner Luskin noted that based on the guidelines of initial compliance, the Planning Commission should articulate a big picture of their concerns and the applicant should come back with their interpretation of those concerns and how they were reconciled. He was not convinced that they could be reconciled.

MOTION: Commissioner Savage made a motion to APPROVE the Park City Heights Pre-MPD application based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report and as amended. Commissioner Pettit seconded the motion.

VOTE: The motion passed 4-2. Commissioners Luskin and Strachan voted against the motion.

#### Findings of Fact - Park City Heights pre-MPD

1. The 239 acre Park City Heights Master Planned Development property is located within the Community Transition (CT) zoning district.
2. This property is subject to the Park City Heights Annexation plat and Annexation Agreement, including the Water Agreement, as approved by the Park City Council on May 27, 2010.
3. On April 9, 2008, the Planning Commission voted to forward a positive recommendation to the City Council on the 286.64 Park City Heights Annexation that included the 239 acre MPD property. A pre-MPD application was submitted with the revised annexation application on July 5, 2007 and reviewed by the Planning Commission and City Council as part of the annexation review.
4. The Planning Commission found the proposed annexation in compliance with the General Plan, with the caveat that the final MPD application addresses several areas of concern. Those areas of concern include 1) overall density (reduction of market units and limit on total units, including affordable units); 2) location of units on the site in consideration of sensitive lands; 3) better integration of the affordable units within the overall project; 4) enhanced entry area to better identify a neighborhood gathering area and sense of arrival; 5) sustainability and water conservation requirements; and 6) a greater overall design/appearance as a residential community that relates to park City's

resort identity rather than as a "cookie cutter" suburban subdivision.

5. On November 12, 2009, Council approved a land purchase agreement to acquire a 50% interest in approximately 200 acres of the 239 acre annexation property.
6. On May 27, 2010, City Council voted to adopt an ordinance approved the Park City Heights Annexation approving an annexation agreement and water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.
7. On June 17, 2010, the applicant provided an updated pre-MPD submittal, revising the July 5, 2007 application submitted with the revised annexation application. The revised application included a revised conceptual site plan, for a mixed residential development consisting of 239 dwelling units on 239 acres.
8. The pre-MPD application consists of 1) 160 market rate units in a mix of cottage units on smaller (6,000 to 8,00 sf lots) and single family detached units on 9,000 to 10,000 sf lots; 2) 44.78 Affordable Unit Equivalentents configured in approximately 28 units to satisfy the IHC MPD affordable housing requirement; 3) 32 Affordable Unit Equivalentents configured as approximately 16 units to meet the CT zone affordable housing requirement for Park City Heights; and 4) approximately 35 affordable units the City proposes to construct consistent with the stated public purposes in the acquisition of an ownership interest in the land.
9. Affordable housing units are proposed as a mix of stacked condominiums, townhouses, and cottage style units. The final configuration and mix will be determined prior to submittal of the MPD application.
10. The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including the extension to the Rail Trail.
11. Setbacks within the CT zone are twenty five feet (25') from the perimeter of the MPD property. The conceptual plan complies with these setback requirements.
12. The Planning Commission may approve decreased setbacks for individual lots within the MPD at the time of MPD and subdivision plat approval.
13. Approval of a final subdivision plat is a condition precedent to issuance of building permits.
14. A phasing plan and overall construction mitigation plan will be reviewed as part of the final MPD review.
15. Trails and linkages to trails shown on the City's Mater Trail Plan will be reviewed as part of the final MPD review.
16. Residential development requires a Conditional Use Permit in the CT zone to be reviewed concurrently with the final MPD review.
17. Intermountain Health Care's affordable housing units were transferred to the Park City

Heights property per the Park City Heights Annexation Agreement and the Intermountain Health Care/USSA/Burbidge Annexation Agreement.

18. Utilities, such as water, sewer, electricity, phone and cable will need to be extended to the site and a utility phasing plan will be reviewed as part of the final MPD review.
19. Access to the property is from Richardson's Flat Road, a public road, and the two upper estate lots have access from Sunridge Cove within the Hidden Oaks at Deer Valley Subdivision.
20. A finding of initial compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit.
21. Compliance with applicable criteria outlined in the Land Management Code, including the CT zone (Section 15-2.23) and MPD (Section 15-6) is required as part of the final MPD review.
22. Planning Commission action for General Plan initial compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
23. The discussion in the Analysis section is incorporated herein.
24. The discussion from the Planning Commission meeting of August 11, 2010 shall be incorporated herein.

#### Conclusions of Law - Park City Heights pre-MPD

1. The pre-MPD application complies with the Land Management Code, Section 15-6-4(B) pre-application Public Meeting and Determination of Compliance.
2. The proposed pre-MPD application initially complies with the Park City General Plan, as conditioned.

#### Conditions of Approval - Park City Heights pre-MPD

1. The following items shall be submitted with the MPD/DUP application, in addition to all required MPD submittal information:
  - A detailed site plan (lot layouts for development areas and phases, setbacks for individual lots and multi-family buildings, demonstration of the integration of affordable and market units) consistent with the General Plan elements;
  - preliminary Subdivision plat;
  - statement of architectural objectives and character, including architectural elevations, exterior materials/colors/details, and building height;

- statement of green building objectives and compliance with annexation agreement requirements, including landscaping and water conservation objectives; consideration of additional land uses, such as allowed uses and amenities; including without limitation, public recreation areas.
  - parking and circulation objectives and plans (vehicular-street widths, pedestrian, trails, emergency vehicles, public transit, bike lockers, bus stops, etc.);
  - visual analysis from identified vantage points (revised to reflect proposed site plan);
  - phasing plan for development and extension of utilities and trails;
  - existing and final grading plan identifying cut and fill areas, grade retaining structures, storm water detention areas, etc.;
  - an affordable housing plan consistent with the Annexation Agreement describing unit sizes, configurations, rental and sale restrictions, occupancy requirements, etc, as well as a housing needs assessment that addresses affordability.
  - wildlife corridors and proposed mitigation for impacts to these corridors and additional information regarding mitigation for sage grouse habitat losses.
  - A traffic study is required.
2. All conditions of the Park City Heights Annexation Agreement, including the Water Agreement shall be complied with.

The Park City Planning Commission meeting adjourned at 9:10 p.m.

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

# Planning Commission Memorandum



**To:** Park City Planning Commission  
**From:** Kirsten Whetstone, Senior Planner  
**Date:** August 11, 2010

## **RE: Park City Heights Pre-MPD application meeting**

On July 14, 2010 the Planning Commission held a Pre-MPD application meeting on the Park City Heights MPD as required by the Land Management Code. Planning Staff prepared a staff report (see attached Exhibit A) summarizing the following items:

- background of the project
- pre-MPD concept plan
- objectives of the Master Planned
- elements of the Annexation Agreement and Water Agreement
- proposed phasing
- Land Management Code (CT) zone requirements
- Applicable General Plan elements

The report included Findings of Fact, Conclusions of Law, and Conditions of Approval to provide the applicant with direction on specific items that will need to be included in the Master Planned Development submittal for this property. Staff requests that the July 14<sup>th</sup> report be used in the continued discussion of the Park City Heights pre-MPD application review.

There was no public comment provided at the meeting. Following a discussion the Planning Commission requested additional time to better understand the proposal and to review the staff report. The Commission requested a site visit be scheduled for the next meeting. Draft minutes of the July 14<sup>th</sup> meeting are included in the packet.

A site visit has been scheduled for the 5 PM work session on August 11<sup>th</sup>. The Commission should meet staff and the applicant at the dirt parking lot located off of Richardson Flat Road. The applicant will provide an orientation as to the location of the proposed development relative to the entry corridors, ridgelines, steep slopes, existing vegetation, etc. and will answer questions related to physical location of these items.

Staff urges the Commission to contact staff prior to the meeting if for any additional clarification is needed or if the Commission wishes to review full size plans for the project.

The Commission also requested additional information on the review process on this project to better understand the steps in the process and the action that occurs at each step. Staff has outlined the review process for this property as follows:

## Process

### 1. Annexation.

Annexation is a legislative process dictated by Utah state statutes, and the Annexation Policy Plan, of which General Plan review is a part. Because of this, the community can place more or less weight on various community goals and objectives based on a variety of factors, such as the nature of the property, location, access, proximity to services, nature of adjacent property, etc. In this case, the community goals of affordable housing, linking residential uses to transit, and preserving large expanses of open space are goals that staff believes can realistically be achieved with the annexation this property into Park City. The City Council found the proposed PC Heights Annexation in compliance with the General Plan as documented in the Annexation Agreement.

### 2. Zoning.

Designation of a zoning district is a requirement of an annexation. The City Council adopted the CT zone for the Quinn's Junction area. It found the CT zone to be an appropriate regulating zone for the Park City Heights property, when paired with the requirements and objectives of the MPD Chapter, for its specific regulation of land uses, density, and other lot and site requirements. The Council found the CT zone for this area to be in compliance with the General Plan as documented in the Annexation Agreement.

### 3. Pre-MPD review.

Once a property is within the City limits, the applicable Chapters of the City Zoning Ordinances (the LMC) are applied. In this case the specifics of the CT zone, as well as the MPD Chapters are tools used in the next step of the review process. The first step in the MPD process is the pre-application public meeting. The purpose of this meeting is to discuss a concept plan prior to submittal of an MPD application, allow an opportunity for the public to comment on a concept plan, for the Commission to make a determination of initial compliance with the General Plan at the conceptual plan level, and to provide direction to the applicant regarding specific items that will need to be included or addressed with a formal MPD submittal. The Pre-MPD also needs to comply with the terms of the annexation agreement.

### 4. MPD review.

The MPD review process allows the Commission to take a detailed look at the specific site plans, building sites, streets and utility systems, locations of trails and trail connections, location of bus stops, relationships between buildings and parking, architectural theme or character, requirements for specific building practices, such as green building, water efficient landscaping, types and

occupancy of units, affordable housing and other items. The MPD review provides the specific lot and site requirements, building heights and other specific measures (such as open space, building practices, setbacks, and sensitive lands) that must be addressed in order to achieve certain densities. The MPD needs to comply with the terms of the annexation agreement.

5. Preliminary subdivision plat.

A preliminary plat is submitted with the Master Planned Development application for concurrent review. A preliminary plat includes the following: location of the property with respect to surrounding property, existing conditions (i.e. ROW, streets, easements, streams, physical features, etc.), boundary line location and dimensions, proposed lots and street layout, preliminary utility locations and connections, proposed trails/trailheads and trail connections, open space and parks locations, indication of the proposed uses of the lots (types of units), notations regarding proposed easements, restrictions or requirements to ensure solar access, limits of disturbance boundaries, and other information that describes the ownership, description, features, and contains all LMC requirements for preliminary plats per Section 15-7.4-1.

6. Final subdivision plat/Condominium plat.

Review of a final subdivision plat and utility plans allows the Commission to consider whether the final plat and utility plans are in compliance with the preliminary plans and conditions of the MPD. Recordation of plats, completion of site improvements, and satisfaction of certain conditions is typically a requirement prior to issuance of building permits for individual buildings. Condominium plats address ownership issues by identifying private, common, and limited common areas. The final plat requirements are identified in LMC Section 15-7.4-3.

7. Conditional Use Permit review.

Conditional Use Permit review for certain buildings or uses maybe a condition of the MPD and may be required prior to issuance of occupancy permits.

8. Building Permits.

Building permit applications are reviewed for compliance with the final subdivision plat and any conditions of approval of the MPD and/or CUP. Building permits are required prior to building construction on the property.

A simplified review process flow chart is as follows:

- Annexation and Zoning (PC and CC)  
▼
- Pre-Master Planned Development meeting (PC)  
▼
- Master Planned Development submittal and review (PC)  
▼
- Preliminary plat/site plan submittal and review (PC and CC)  
▼
- Final plat/utility plan submittal and review (PC and CC)  
▼
- Conditional Use Permit (CUP) review for certain uses/buildings, as conditioned by the MPD and/or CT zoning (PC or Staff)  
▼
- Building permits (Staff)  
▼
- Occupancy permits (Staff)

#### Concept Land Use Plan

The applicants have submitted a bubble diagram concept land use plan identifying the general location of the various housing types in the context of sensitive lands, such as ridges, slopes, wetlands, and entry corridors (see attached Exhibit B). This is the appropriate level of detail for the pre-MPD meeting and review. The concept land use plan provides a framework from which to develop the specific site plan from. The annexation agreement identifies the types of housing and maximum allowable density permitted as part of the annexation. The annexation agreement allows up to 239 dwelling units and may include up to 160 market rate units in a mix of cottage units and single family detached units and 79 affordable units. The applicants also submitted a summary of General Plan compliance (see attached Exhibit C).

#### Traffic Study

The Commission requested that the traffic study summary be provided. The executive summary was emailed to the Commission following the meeting. Traffic was a concern during the annexation review process and traffic mitigation measures are outlined in the annexation agreement. The density reduction from approximately 300 units to 239 units was in part related to reducing potential traffic congestion in the area. The traffic study is based on the higher unit counts (e.g. 300 units).

The PC Heights pre-MPD application proposal includes pedestrian and bicycle connections to the existing Rail Trail. From the Rail Trail a person can take a trail from Quinn's Junction to IHC and Silver Creek Junction and on to Kimball Junction through the Trailside neighborhood. Alternatively, a person can take a trail from Quinn's Junction to Park City and follow a trail along 224 to Kimball Junction. Additionally, with completion of the Park City Heights units and in conjunction with the Richardson Flats park and ride lot, the Park City Heights property will have direct access to the City bus system with additional service along Richardson Flats Road.

Providing affordable housing closer to Park City than Kamas, Oakley, Heber, Midway, and Salt Lake City, theoretically will allow some of these long range commuters, who currently drive in to town, to have direct access to the trails and bus systems, further decreasing traffic on SR 248 and SR 224.

#### Support Commercial

The Commission expressed support for including support commercial within the MPD.

#### Density

The Commission discussed the proposed density of 239 units on the 239 acres MPD property and noted a benefit of the reduction from the initial annexation proposal. There was consensus that a site visit would help the Commissioners to better understand the proposed density and layout.

#### Staff Recommendation

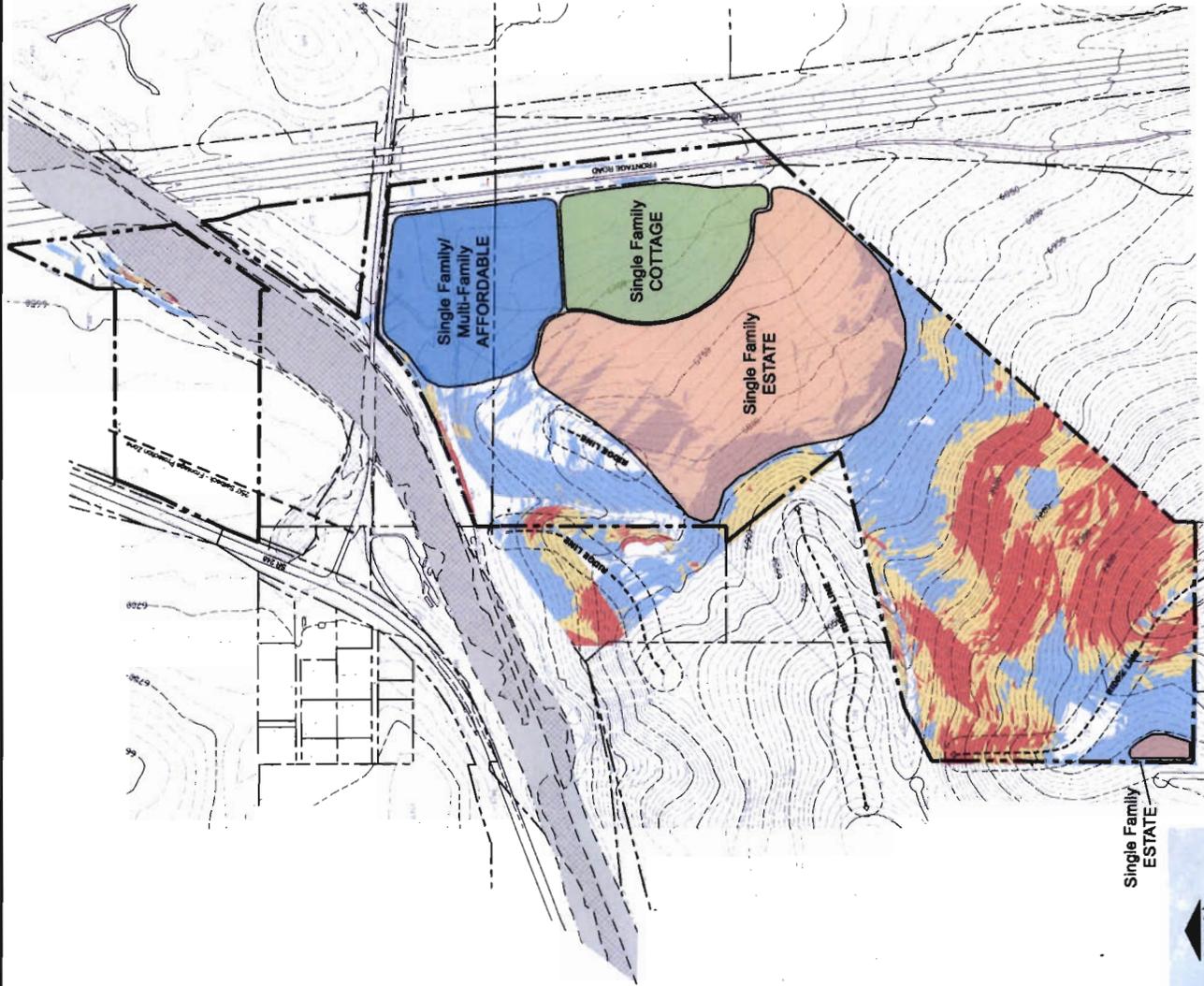
The Planning Staff recommends the Commission open the public hearing, consider any public input and provide direction to the applicants on the concept plan and initial general plan/annexation agreement compliance. Please reference the Staff Report from the July 14<sup>th</sup> meeting packet. Draft minutes of that meeting are provided in this August 11<sup>th</sup> meeting packet. Staff recommends the Planning Commission make a determination of preliminary compliance with the General Plan and annexation agreement regarding the Park City Heights pre-MPD application per the findings of fact, conclusions of law, and conditions as outlined in the July 14<sup>th</sup> Staff Report. This determination is not an approval of a specific site plan and allows the applicants to move forward with the Master Planned Development application that will come before the Planning Commission for further review and approvals.

#### Exhibits

Exhibit A- July 14, 2010 Staff Report (exhibits to this report are available on-line)

Exhibit B- Concept Land Use Plan

Exhibit C- General Plan compliance summary from applicants



Legend



Single Family ESTATE



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 14, 2010

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson, Principal Planner; Kirsten Whetstone, Planner; Katie Cattan Planner; Jacquy Mauer, Planner; Kayla Sintz, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

**I. ROLL CALL**

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

**II ADOPTION OF MINUTES**

MOTION: Commissioner Savage moved to APPROVE the minutes of June 23, 2010 as written. Commissioner Strachan seconded the motion.

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

**III. PUBLIC COMMENT**

There was no comment.

(other items not included in this version)

5. Park City Heights Pre-MPD  
**(Application #PL-10-01014)**

Planner Whetstone stated that a pre-master planned development is required prior to submittal of a master planned development application. The purpose is to allow the Planning Commission, the Staff and the public to review a concept plan for an MPD early in the process. She explained that the property had been annexed and the Planning Commission was being asked to review the pre-MPD application and determine whether the proposal is in initial compliance with the General Plan.

Planner Whetstone reviewed a site plan to orient the Planning Commission with the project location. The property was annexed and put into the Community Transition Zone (CT), which is the same zoning as the IHC property to the north.

Planner Whetstone noted that the pre-MPD application was for 239 units on 239 acres, consistent with the CT zone, which is one for one. However, in this case that includes all the units, including the affordable units, which could be exempt. Planner Whetstone reported that the Boyer Company is the petitioner and the City is a co-petitioner since they are co-owners with the parcels.

Planner Whetstone reviewed the concept plan, showing 160 market rate units and 79 deed restricted affordable units, for a total of 239 units. The annexation agreement does not allow the affordable units to be exempted from the density.

Spencer White, representing the Boyer Company, clarified that at some point in the annexation discussion, they started talking about units rather than UEs. Therefore, the annexation agreement states that they are allowed 239 units, which is not necessarily one to one. Mr. White remarked that taking the affordable units out of the equation reduces the number to 195 density units, which is the density counted towards what is allowed in the CT zone. He explained that they added the additional affordable units to reach 239. There are 239 acres in the development application, but it is not tied to 239 units. Mr. White clarified that 195 are the actual market rate units.

Commissioner Peek recalled that the number was originally 303 units and that number was reduced through the annexation.

Planner Whetstone remarked that approximately 28 of the units were coming from IHC based on a five acre land swap. In addition, approximately 16 CT zone units would be the affordable units required based on the number of market units proposed with the final MPD. An additional 35 units are City-sponsored affordable units.

Planner Whetstone stated that the concept plan presented this evening was the same plan presented to the City Council with the annexation. She noted that when the Planning Commission previously reviewed the annexation application, they provided recommendations on what they would like to see reflected in either the concept plan or the annexation. Those recommendations were outlined on page 200 in the Staff report. Planner Whetstone stated that the final site plan requires Planning Commission approval as part of the master plan. She noted that the master plan application would provide a preliminary subdivision plan, preliminary utilities and additional detail.

The Staff recommended that the Planning Commission conduct a public hearing, consider any input and provide direction to the applicants on the concept plan, the density, and general plan compliance issues outlined in the Staff report. The Staff requested that the Planning Commission consider approve the Park City Heights pre-MPD application per the findings of fact, conclusions of law and conditions of approval outlined in the Staff report. This approval would allow the applicants to move forward with the final master planned development.

Spencer White reported that the applicant submitted an application in January 2005. In five years the application has been through Task Force, the Planning Commission, and an

annexation. He presented a power point presentation showing the progression of the master plan and how density was reduced and open space was increased.

Mr. White stated that in 2005, the proposal was for 352 residential units and 200,000 square feet of general commercial. The commercial was proposed on 24 acres directly off of Highway 248. During the task force process, the density was reduced to 317 units. Mr. White noted that during the task force process, Talisker was asked to join the application for the annexation and the MPD and to add their affordable housing component.

Commissioner Savage referred to the slide showing the previously proposed commercial district and asked who owns the property. Mr. White stated that it still belongs to the Park City Heights developer. That 24 acres would be deeded to the City as part of the annexation agreement. Commissioner Savage asked about the land above that. Mr. White replied that it was the Quinn's Junction parcel. Commissioner Savage clarified that the future of that piece of property is still to be determined in the future and it has no relation to the Park City Heights application. Mr. White replied that this was correct. Planner Whetstone pointed out that the property in question was not part of the annexation and is not within the City limits. Mr. White identified the entire annexation boundary.

Mr. White reiterated that once the task force process was completed they had added Talisker and their affordable housing and the density was moved to 317. During the next process when they were approved for the annexation by the Planning Commission, they had reduced the density to 303 units. Mr. White presented the currently proposed master plan showing the 239 units identified in the annexation agreement. He clarified that 160 units are market rate units, 35 units are Park City Municipal affordable units, and 28 units came from IHC. He pointed out that during the task force process the City requested that Park City Heights consider bringing in the IHC affordable housing requirement into the project so those units would not be an island over by the hospital. Mr. White stated that the remaining 16 units would be Park City Heights affordable units.

Mr. White remarked that the intent was to make the project a mix of units so the affordable housing would not be isolated by itself. The affordable units proposed would be a mix of stacked condos, townhomes and single family detached homes. He noted that in the progression the upper units were brought off the hill and the open space was increased to approximately 73%.

Mr. White stated that the applicant was looking forward to having a work session discussion with the Planning Commission to provide the details of the project. He suggested that a site visit would be especially helpful to the new Commissioners.

Commissioner Savage asked if the affordable housing units were scattered throughout the project or if they were concentrated in one location. Mr. White replied that they are mostly concentrated near the common play field and clubhouse. He pointed out that there would be a mix of affordable units so it would not look like typical stacked, apartment style affordable units. The affordable units would be located in close proximity to public transportation.

Mr. White presented an aerial photo to help the Commissioners get a sense of where things would be located in the project. He noted that the roads and homes would be kept off of the steep slopes, but some would be in the 15-30% range.

Mr. White believed the conceptual plan met the requirements for initial compliance at the pre-MPD.

Planner Whetstone noted that the Staff report outlined items for discussion and requested that the Planning Commission provide feedback and direction.

Commissioner Savage requested that Mr. White address traffic and traffic mitigation as it relates to this project. Mr. White explained that extensive traffic studies were conducted for the area when the proposed density was in the 300 unit range. An initial study was done and then updated and the traffic engineer presented his findings to the Task Force, the Planning Commission and the City Council. Mr. White stated that when Park City Municipal became a co-tenant on the project, a main objective was to reduce the density. Going from the 303 to 239 units was important to the City Council in an effort to reduce traffic congestion in that area.

Commissioner Savage asked if a summary traffic report was available for the Commissioners. Planner Whetstone offered to provide that report for the Planning Commission. She noted that the 2007 Hales Engineering report was referred to in the annexation agreement, along with mitigation requirements. Planner Whetstone remarked that resolving the traffic issues was one reason why the annexation agreement was stalled for a period of time.

Chair Wintzer clarified that the discussion this evening should focus on density and potential commercial space. Planner Whetstone replied that this was correct, as well as comments on the site plan.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Chair Wintzer stated that he was on the Planning Commission when the process first started and he was also on the Task Force. He thought it would be difficult to make a decision this evening since many of the Commissioners were new had not seen this project prior to this evening. Chair Wintzer understood that the Planning Commission needed to be sensitive to the time constraints based on the partnership with the City, but he was uncomfortable making a determination for General Plan compliance this evening.

Planner Whetstone clarified that the Staff and applicant were only looking for initial compliance. She pointed out that this project went through an extensive annexation review, which required compliance with the annexation policy and the General Plan.

Chair Wintzer understood that as someone who was previously involved with the project, but he felt it was unfair to ask three or four new Commissioners to make that decision without the benefit of further review and understanding of the project.

Chair Wintzer felt this was a better project than what was originally proposed. He thought the traffic issues were more complicated than how it was presented because the proposed change in use of the units would generate more traffic into Park City. Mr. White noted that the number of affordable units was reduced and the market units stayed the same. He did not believe the project as proposed would generate additional traffic.

Phyllis Robinson clarified that what changed is the type of affordable unit being recommended for Park City Heights. It has moved away from small 800-1,000 square foot two-bedroom rental units to some ownership units and adding a single family component. The number of units has decreased but the unit size increased.

Chair Wintzer recalled that the key issue to the traffic study was school time traffic and he felt that was still an issue. Commissioner Hontz asked if the project would put all the traffic on to Highway 248. She was told that it would. Planner Whetstone noted that traffic would be a major discussion item at the master planned development stage. She reiterated that the Planning Commission was not being asked to approve the master planned development. The applicant needed approval of the concept plan before they could begin working on a master planned development application.

Chair Wintzer favored having commercial space to support the project. Commissioner Peek agreed on the commercial space. He stated that he was on the Planning Commission when they forwarded a recommendation for annexation. However, in looking at the specific layout, he felt this project could be located anywhere, including Jeremy Ranch and Pinebrook. Commissioner Peek pointed out that the General Plan talks about minimizing architectural style and size that are not in keeping with the mountain resort and historic character of the community, and minimizing parking expanses between the street and front facades of the buildings. He believed the neighborhood would be a presentation of garage doors and driveways, as opposed to other design solutions that would make the car less subservient.

Planner Whetstone stated that there would be design guidelines for the neighborhood and direction like Commissioner Peek's comment about garage doors would be helpful in drafting those guidelines.

Commissioner Savage preferred to continue this item to a date certain and schedule a site visit before the next meeting. He suggested that the Planning Commission discuss possible alternative concepts as it relates to this pre-approval, rather than starting with too much momentum behind one particular plan.

Mr. White stated that the applicant was anxious to reach that point, but per the Code, that cannot be done at this pre-MPD stage. This step is to find initial compliance with the General Plan and not design specifics on the concept.

Commissioner Peek clarified that based on the two items he cited in the General Plan, this project does not comply. It is a typical linear subdivision and he was not willing to vote in favor of compliance.

Assistant City Attorney McLean explained that under the LMC and the State Code, the pre-MPD is an initial first look at the project to make sure the applicant is moving in the right direction. It is within the purview of the Planning Commission to request that the applicant comes back with additional information or to say that the applicant is taking the wrong direction. She understood Commissioner Peek's concerns and suggested that they get an indication of whether or not the rest of the Commissioners concurred.

Chair Wintzer reiterated his personal comment that this is a better plan than what originally proposed. As Chair of the Planning Commission, he was concerned that the new Commissioners were being asked to vote on something they were seeing for the first time, without prior knowledge of the project.

Commissioner Hontz liked how the density was shaped and formed to come off the ridge and that it is not visible from the Park City entry corridor from Highway 248. She favored the placement much better than the previous iterations. Commissioner Hontz also liked how development was taken off the steep slopes and off the other parcels to the north. She appreciated the open spaces that was created by this current iteration. However, she struggled with whether or not the density complied with the General Plan. She thought the project was very dense, and without visiting the site she was unprepared to say whether or not it was appropriate. Commissioner Hontz concurred with Chair Wintzer regarding the support commercial component. She commented on other areas where support commercial was not successful and felt it was important for the Planning Commission to look at the design and the uses.

Commissioner Pettit stated that she also has history with this project and she struggled at the last meeting in terms of what was actually approved. She agreed that the project was evolving into something more compatible with the intent of the General Plan, but she was not completely comfortable with the density issue. Commissioner Pettit remarked that in fairness to the new Commissioners and because this was one of the largest MPDs they were likely to see, she thought a site visit and further discussion would be beneficial. She was not prepared to vote this evening. Commissioner Pettit supported the concept of support commercial. It would be nice to eliminate car trips and to provide the residents of the area with a place to meet and gather.

Commissioner Strachan did not think that the plans presented this evening complied with the General Plan. He did not believe it compliments the existing historic and resort qualities of the mountain community for the reasons Commissioner Peek pointed out. Commissioner Strachan stated that in his interpretation of the General Plan, a 200+ unit subdivision does not meet the definition of modest under the goal of the General Plan. He realized it was a function of the size of the land, but there is nothing modest about this project. Commissioner Strachan stated that it does not meet the healthy environment with the clean air and natural landscapes goal because it relies on the automobile. He felt strongly that there should be alternatives to the automobile. Commissioner Strachan first thought the proposal did not comply with the goal to preserve natural views of the mountains and meadows; however, based on what was presented this evening, he now believes it does.

Commissioner Luskin stated that as a newer Commissioner he was not involved in the previous process. For that reason he needed more time to get a sense of the area and the magnitude of the project. Commissioner Luskin agreed with Commissioners Peek and Strachan regarding compliance with the General Plan. He requested clarification on the wildlife study to know if it was more than just a name on paper or whether it would realistically work. He was concerned about wildlife corridors in relation to traffic. Commissioner Luskin believed the density would generate traffic and he wanted to know the extent of the public transit and whether it would be effective. He is an advocate of biking in good weather months and suggested a condition of approval requiring bicycle trails, possibly all the way to Kimball Junction. Commissioner Luskin stated that this was a large project outside of the center of town. In his opinion it differs considerably from Old Town and what creates the character of Park City. He was not opposed to commercial development. Commissioner Luskin was not prepared to provide substantive input based on his limited knowledge of the project. He could not support it this evening and he needed additional information to be convinced that it did comply with the General Plan.

Chair Wintzer asked if the two lots at the top were still part of the proposal. Planner Whetstone replied that they were still there.

Commissioner Whetstone clarified that approval of the concept plan was necessary before the applicant could move forward to the MPD application. Because a master planned development application is required, she was unsure what would happen if they could not get past this first step.

Director Eddington understood that the Planning Commission wanted to see conceptual alternatives to the proposed plan and more detail on the support commercial. They also wanted a site visit. The Planning Commission and Staff discussed a possible site visit at 5:30 p.m. on Wednesday, August 11.

Patrick Moffitt, with the Boyer Company, stated that before they spend time and money on alternative drawings, he felt it was critical to first get to the MPD process. Once the pre-MPD is approved, they would be very willing to provide whatever alternatives and information the Planning Commission requested. He believed that was the process identified in the LMC. Mr. Moffitt clarified that he was not requesting a vote this evening.

Commissioner Peek pointed out that the Staff report requested that the Planning Commission review the Park City Heights pre-Master Planned Development application and conceptual plan. He clarified that they were reviewing the conceptual plan for initial compliance with the General Plan. Planner Whetstone remarked that in the pre-MPD process, the Planning Commission should provide direction on what details they would like to see in the MPD, such as unit configuration, street access, etc.

Assistant City Attorney McLean read from the LMC section regarding a pre-MPD. "Pre-application will be filed with the Park City Planning Department and shall include a conceptual plan and the public will be notified. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for master planned development, all MPDs will be required to go through a pre-application public meeting before the Planning Commission. At the pre-application public meeting, the application will have an opportunity to present the preliminary concepts for the proposed MPD. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given the opportunity to comment on the preliminary concepts so the applicant can address neighborhood concerns in preparation of an application for an MPD. The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan, and will make a finding that the project initially complies with the General Plan. Such a finding is to be made prior to the applicant filing a formal MPD application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to acceptance and processing of the application."

Commissioner Strachan stated that nothing in that Code section requires the Planning Commission to affirmatively tell the applicant exactly what the concept should be. The applicant has the responsibility to provide the plan, and the Planning Commission has the purview to determine whether or not it complies with the general plan. Planner Whetstone agreed, noting that the applicant had provided a conceptual plan for the Planning Commission to review for determination. She understood that the Planning Commission believed some parts of the plan do not comply with the General Plan. In those circumstances, the Planning Commission should provide direction on what the applicant could change to bring the project into compliance.

Commissioner Savage asked if the Staff felt the conceptual plan as presented complied with the General Plan. Ms. McLean stated that the Staff makes their recommendation to the Planning Department based on their professional opinion. In this case, the Staff's opinion is that it does comply. She pointed out that some discussion points were outlined in the Staff report for Planning Commission feedback. Ms. McLean clarified that the Planning Commission is the ultimate decision maker.

Chair Wintzer suggested that individual Commissioners meet with Planner Whetstone prior to the next meeting to help them better understand the project and the process.

Commissioner Savage was willing to meet with Planner Whetstone and review the project more thoroughly for a vote at the next meeting. He was unaware of the magnitude of the project when he received his Staff report.

Mr. White wanted it clear that the applicant feels no entitlement to the master plan or the density. They look forward to working out all the issues through the process. He believed that everyone had a different expectation of the process this evening and offered to come back with an explanation of why they believe the concept plan complies with the General Plan elements. Mr. White took into consideration Commissioner Peek's comments about driveways into each home. That was never their intention and the idea of shared driveways and other alternatives were discussed in the Task Force meetings. Mr. White expressed a willingness to work with the Planning Commission to provide the details they needed for a vote at the next meeting.

MOTION: Commissioner Strachan moved to CONTINUE the Park City Heights pre- MPD to August 11, 2010. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 11:15 p.m.

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

## Planning Commission Staff Report



**Subject:** Park City Heights Pre-MPD  
**Author:** Kirsten A. Whetstone, AICP  
**Date:** July 14, 2010  
**Project Number:** PL-10- 01014  
**Type of Item:** Pre-Master Planned Development

**PLANNING DEPARTMENT**

### **Summary Recommendation**

Staff recommends the Planning Commission review the Park City Heights pre-Master Planned Development (MPD) application and conceptual plan, take public input, and consider approving findings of initial compliance with the Park City General Plan.

The purpose of this meeting is to:

- Discuss the proposed MPD conceptual plan
- Take public input
- Discuss findings prepared by staff
- Consider finding initial compliance with the Park City General Plan
- Provide direction to the applicants regarding the MPD submittal

### **Description**

**Project Name:** Park City Heights pre-Master Planned Development  
**Applicant:** Boyer Park City Junction, L.C. and Park City Municipal Corporation  
**Location:** Southwest corner of the intersection of State Highway 248 and Highway US 40- the MPD application includes approximately 239 acres of the 286 acres of recently annexed land.  
**Zoning:** Community Transition (CT)  
**Adjacent Land Uses:** Municipal open space; single family residential subdivisions; vacant parcel to the north zoned County- RR; and vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex are on the northwest corner of the intersection.  
**Reason for Review:** Pre-Applications for MPDs require Planning Commission review and finding of initial compliance with the General Plan in order to go forward.  
**Owner:** Park City is 50% owner with The Boyer Company of the larger parcel (175 acres) to the south and 24 acres of the front open space parcel. Park City owns outright approximately 40 acres, 20 within the open space to the north and 20 at the north end of the development parcel.

### **Pre-Master Planned Development public meeting**

The Land Management Code (LMC) (Section 15-6-4 (B)) requires a pre-application public meeting to discuss a Master Planned Development (MPD) conceptual plan and determination of whether the proposal is in initial compliance with the Park City General

Plan prior to the applicant submitting a final MPD application. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts early in the planning process.

The Planning Commission must make findings of initial compliance with the General Plan prior to a formal MPD application being submitted and can provide direction to the applicant regarding items that need to be addressed with the MPD submittal.

### **Background**

After a process that took many years, on May 27, 2010, the City Council voted to annex 286.64 acres of the area known as Park City Heights (see Exhibit A). When the Planning Commission reviewed the annexation application on April 9, 2008, it asked that final MPD application address several areas of concern, including:

- overall density in terms of number of single family/market rate lots,
- location of units on the site in consideration of sensitive lands (ridgelines, etc),
- better integration of the affordable units within the overall project,
- entry area needed to be redesigned to provide a neighborhood gathering location and better sense of arrival,
- sustainability and water conservation, and
- a greater overall design/appearance as a residential community that relates to Park City's resort identity rather than as a "cookie cutter" suburban subdivision.

On November 12, 2009, Council approved a land purchase agreement to acquire a 50% interest in approximately 200 acres of the 286 acre annexation property. A condition of the Purchase and Sale Agreement with Boyer Company, the annexation petitioner, required the parties to enter into a Co-Tenancy Agreement prior to closing. Additionally, prior to November 12<sup>th</sup>, the City acquired the two Talisker parcels within the Annexation property (approximately 40 acres) and became a co-applicant in the annexation.

On November 19, 2009, Council conducted a public hearing and approved the Co-Tenancy Agreement. This agreement creates a two (2) year window for additional public process, planning, and negotiation regarding the form the public/private partnership will take. If an agreement on the Development Plan for Park City Heights is not reached within two (2) years, Boyer may exercise an option and the City will buy the remaining 50% interest in the property. On May 27, 2010 the Council adopted an Ordinance approving the annexation. Now that the property has been annexed, Master Planned Development (MPD) approval from the Planning Commission is required prior to any development or site work or building permit approvals.

Since November 2009, the applicants and City Staff have worked together on amendments to the concept site plan to address the Planning Commission's concerns, as well as direction from the City Council including amendments to the affordable housing plan, water agreement, and details of the overall annexation agreement.

Staff and the applicants finalized the annexation agreement, including a water agreement between the City and the applicants (Exhibit B).

On May 27, 2010, the City Council voted to adopt an ordinance approving the Park City Heights Annexation agreement which included the water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.

On June 17, 2010, the applicant provided an updated pre-MPD submittal, including a revised conceptual site plan for a mixed residential development on 239 acres of the total 286 acres annexed (Exhibit C). The remaining annexed area is owned by separate parties and is not subject to this MPD. A pre-MPD application was submitted with the revised annexation application in 2005 as required by the code. The pre-MPD provided the basis of the density discussion during the annexation review process. The revised conceptual plan consists of 239 residential units, including:

- 160 market rate units in a mix of cottage units on smaller (6,000 to 8,000 sf lots) and single family detached units on 9,000 to 10,000 sf lots,
- 44.78 Affordable Unit Equivalents configured in approximately 28 deed restricted affordable units to satisfy the IHC MPD affordable housing requirement,
- 32 Affordable Unit Equivalents configured as approximately 16 deed restricted affordable units to meet the CT zone affordable housing requirement, and
- 35 deed restricted affordable units that Park City Municipal proposes to build consistent with one of its stated public purposes in the acquisition of an ownership interest in the land.

Affordable housing units are proposed as a mix of stacked condominiums, townhouses and cottage style units. The total unit count of 239 includes all of the affordable units, including those that could be exempted from maximum density calculations per the LMC.

The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including an extension to the Rail Trail.

## **Analysis**

### **Density**

The revised conceptual plan includes a reduction from 200 to 160 market rate units reflecting a 20% decrease in the number of market units from earlier plans. The proposed density is consistent with the Annexation Agreement. The conceptual plan includes 79 affordable deed restricted units for a total of 239 dwelling units on the 239 acre MPD property. The density ratio is one (1) unit per acre, including the affordable units. This density is consistent with the CT zone for residential MPDs. If the 46 required affordable housing units (IHC and CT zone obligations of 20%) are excluded from the density calculations, as allowed by the LMC, the net density ratio is 0.81 units per acre.

Staff requests discussion on the idea of converting some residential UEs to commercial for small neighborhood support commercial, such as a general store/café with a neighborhood oriented office component on the second floor. One (1) residential UE (2000 sq. feet) could be reserved for future commercial in an effort to be more sustainable. The entry area would be an appropriate location for a little "depot stop" near the Rail Trail bike path, for snacks, sandwiches, coffee, cold drinks, as well as having a second story office component to collect year round rent to support the neighborhood

commercial use. **Staff requests discussion on the proposed density and potential of including neighborhood commercial uses within the MPD. Is the proposed density consistent with the General Plan goals and objectives as discussed later in the report?**

#### Revised Conceptual Site Plan

The conceptual site plan has been revised to address Planning Commission concerns for:

- greater integration of the affordable and market units,
- greater clustering of units around a common green area,
- enhanced backyards adjacent to open space,
- locating units 60' to 70' lower on the slope,
- enhanced neighborhood entry and identity,
- further minimize visual impact by moving development off the ridge closest to the Rail Trail at the northern portion of the site,
- enhanced resort character with a winter tubing hill amenity proposed on a portion of the interior neighborhood open space to provide a neighborhood winter recreation amenity,
- enhanced trail locations and connections, and
- enhanced community play field within common area near entry and multi-family units.

A final detailed site plan will be a required element of the Master Planned Development application. **Staff requests discussion on the revised conceptual site plan (see below Annexation Agreement and Water Agreement for discussion of required Green Building, water conservation, and other best planning practices for site planning, etc.)**

#### Annexation Agreement

The Annexation Agreement (Exhibit B) specifically addresses the Council's direction on the Park City Heights annexation, pertaining to affordable housing, residential density, trails, transportation improvements, and sustainable design, including water conservation requirements, in addition to the usual subjects of annexation agreements. The conceptual plan complies with the general direction provided by the Council.

The Annexation Agreement includes specific requirements for sustainability, including green building and water conservation requirements as follows:

All construction within the Final MPD shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the CT Zone. Unless otherwise approved in the final MPD in compliance with the current Environmental/Sustainability Element of the General Plan, each home in the development must receive National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the MPD approval) OR reach LEED for Homes Silver Rating (minimum of 60 points)...

In addition to requiring specific Green Building standards the Annexation Agreement identifies specific water conservation requirements as follows:

... to achieve water conservation goals, the builder must either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.

#### Water Agreement

The water agreement limits initial water delivery to the project by capping the number of initial UEs that may be occupied until the Quinn's water treatment plant is completed. Phase I is limited to a maximum of 180,000 sf of residential development and shall not exceed 90 UEs or 90,000 gallons of water per day of demand.

Subsequent development is required to be phased to provide time for the City to construct a water treatment plant capable of increasing the City's water source capacity by a minimum of 1,500 gallons per minute (gpm). The City anticipates the water treatment plant will be operational and capable of increasing the City's water source capacity by a minimum of 1,500 gpm on or before October 14, 2011. The agreement limits issuance of temporary or permanent certificates of occupancy to any development beyond Phase I to the date on which the water treatment plant is operational as stated.

Other notable elements of the water agreement include:

- Location and construction of a culinary water tank and culinary water distribution lines.
- Provision of rights of way for potential future City-owned water infrastructure including an additional raw water tank.
- Cost sharing of water systems and infrastructure.

#### Phasing of Development

Phase I is anticipated to include the IHC and CT zone required affordable units and market units that can be accommodated with the existing water infrastructure. Phase I includes the entry area, community play field, trail connections to the Rail Trail, and the multi-family and cottage units located within the northern most development pod and loop road located closest to Richardson's Flat Road (see Exhibit D). Construction of the upsized water tank would not occur with this phase and infrastructure would be limited to that necessary to provide service to the Phase I units. Anticipated timeframe is for the construction phase for Phase I to begin Spring of 2011.

Phase II will be timed to market demand. The owners have confirmed that they would not proceed with bonding and/or installation of infrastructure without documentation of market feasibility and preliminary developer interest in the property. Given current economic climate it is likely that infrastructure for the bulk of Park City Heights would not occur prior to 2012.

Land Management Code

The Community Transition (CT) zoning requirements are as follows:

| CT Zone                   | CODE REQUIREMENT  | PROPOSED  |
|---------------------------|---|---|
| SETBACKS:                 |   |   |
| *FRONT:                   | 25' (minimum of 100' to SR 248 ROW per ECPO)  | Varies from 150' to 270'  |
| *SIDES                    | 25'   | 25' or greater  |
| *REAR                     | 25'   | 25' or greater  |
| HEIGHT                    | 28' plus 5' (33') for pitched roof with a minimum slope of 4:12                                   | 33' with pitched roofs anticipated for all cottage units and single family detached units. Height exception may be requested for multi-family unit buildings. |
| DENSITY                   | Maximum density is 1 dwelling unit per acre for MPDs- excluding required affordable housing units | 239 units on 239 acres (this includes all required affordable housing units per the Annexation Agreement)   |
| LOT SIZE/FLOOR AREA RATIO | No minimum lot size, no maximum floor area of Floor Area Ratio (FAR)                              | No lot size, floor area ratio information available.  |
| OPEN SPACE                | Minimum of 70% for MPDs   | 73%.  |
| **PARKING                 | 2 per dwelling unit   | 2 per dwelling unit   |

\*Master Planned Developments require a 25' setback around the perimeter of the MPD. Sensitive Lands Overlay (SLO) requires additional setbacks. Setbacks from property lines of individual platted lots within the MPD shall be determined by the Planning Commission at the time of the MPD approval.

\*\*Parking in an MPD in the CT zone is required to be 60% in a structured/tiered arrangement. All parking for the residential units is proposed to be within garages or structures. Parking requirements maybe increased or decreased by the Planning Commission during the MPD review.

## **General Plan Discussion**

The specific elements of the General Plan that apply to this project are included in the following analysis.

### **Goals**

The General Plan, in the Community Direction section, establishes goals designed to address foreseeable problems and express community aspirations. The following key goals are applicable:

- Preserve the mountain resort and historic character of Park City.
  - Future development should complement the existing historic and resort qualities of our mountain community.
  - New development... should be modest in scale and utilize historic building and natural building materials. New structures should blend in with the landscape.
- Preserve environmental quality, open spaces, and outdoor recreational opportunities.
  - Preserve an attractive, healthy environment with clean air and natural landscapes. To preserve the natural views of the mountains and meadows, new development... should be focused in less visible areas.
  - Retain maximum possible amount of natural vegetation, screen structures, and preserve natural quality of the landscape.
- Maintain high quality of public services and facilities.
  - Community should continue to provide excellence in public services and community facilities to meet the needs and desires of residents and visitors.
  - Maintain the unique identity and character of an historic community

### **Community Character Element**

The project is located adjacent to the Highway 40/248 planning area, also in the Quinn's Junction planning area. New residential developments should be modest in scale and utilize historic and natural building materials.

Applicable "Developing Areas Actions" include:

- Promote the use of such building materials as wood siding, rock accents, earth tones, and metal roofs that have historic precedents in a mountain community context.
- Minimize parking expanses between the street and the front facades of buildings. Require landscaped entries that connect with streets to provide easy, safe pedestrian access.
- Minimize architectural styles and signage that are clearly not in keeping with the mountain resort (and historic) character of the community.
- On development near City entries, enact special controls regarding setbacks, landscaping, building mass, and character.

### Land Use Element

The General Plan's Land Use Plan identifies the subject site as undeveloped open land and possible low density residential receiving zone.

- The General Plan discusses the following elements for development: architectural character, controlling lighting and size, requiring well-engineered streets, maintain pedestrian linkages from neighborhoods to commercial areas minimize expanses of parking, enhance landscape buffers at street edge and at entrances, etc.
- Community Design policies encourage comprehensive, efficient developments that consider overall impacts on surrounding properties.

### Open Space Element

The Open Space element seeks to support a community preference for retaining the openness unique to Park City and avoiding the planning and development pitfalls that can result from urban sprawl. This element also incorporates visual preferences of residents regarding the value of a variety of types of open spaces, including the openness of entry corridors.

- Demand special attention to the entryway areas, including Highways 40, 224, and 248 with site planning parameters that create open space corridors.

### Environment Element

This element focuses on policies and actions that protect and enhance the environment, aesthetics, and unique natural resources of the community.

- Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.
- Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project.
- Wildlife habitat and migration routes should be considered in developments.
- A balance must be maintained between development, recreational activities and the natural environment. It is important to work cooperatively with State and Federal government agencies to resolve issues. Environmental considerations must be part of the community planning, recreational development, and planning of large-scale events.
- Water resources, Air quality, Energy, Material Resources, and Aesthetics are important considerations for development in Park City.

Staff finds that the pre-MPD conceptual plan generally complies with these General Plan elements and that additional details, as described below, are required as part of the final MPD application in order for the Park City Heights development to fully comply with the intent and purposes of the General Plan. **Staff requests discussion and direction from Planning Commission regarding these General Plan Elements.**

### Process

Approval of the pre-application is the first step in the MPD process and focuses on General Plan and zoning compliance for the proposed MPD. Based on public input, Planning Commission direction, and findings of initial compliance with the General Plan,

the applicant may submit a MPD application. The MPD application shall address the following:

- detailed site planning issues (development areas, open space, sensitive lands, visual analysis, character of the development, lot layout, etc);
- setback requirements for individual lots and buildings within the MPD;
- architectural character (building design, materials, height exceptions, etc.);
- green building requirements, landscaping, and water conservation;
- parking and circulation (vehicular, pedestrian, trails, emergency vehicles, public transit, etc.);
- land uses, such as allowed MPD support uses and integration of affordable units; and
- general compliance with all applicable requirements of the LMC for Master Planned Developments and the CT zone.

Master Planned Developments require a public hearing and final action by the Planning Commission. A development agreement is required to be ratified by the Planning Commission before any development work can begin. A subdivision plat, to create legal lots of record, dedicate streets and easements, and identify open space parcels, trails, common areas, etc. is a requirement prior to site work and building permits. Subdivision plats are reviewed by the Planning Commission with final approval by the City Council. Building Permits are required prior to any construction activity.

#### **Notice**

Notice was published in the Park Record and posted according to requirements of the LMC. Courtesy notice letters were sent to affected property owners according to requirements of the LMC.

#### **Public Input**

Public input was received at public hearings conducted in 2008- 2010 regarding the annexation and proposed development plans. Public input from members of the Hidden Oaks/upper Deer Valley neighborhoods has consistently requested that no through streets be permitted connecting the Park City Heights property to the Hidden Oaks/upper Deer Valley neighborhoods. Staff received an email from a resident in Solamere indicating that he had no objections to the annexation however, requests assurance that there will "never be direct access from this or any other development through the Oaks and thus Solamere." At the time of writing this report, no public input has been received regarding the pre-MPD application.

#### **Recommendation**

Staff recommends the Planning Commission discuss the findings, amend them as necessary, and approve the findings for the pre- Master Planned Development application for Park City Heights.

#### **Findings of Fact**

1. The 239 acre Park City Heights Master Planned Development property is located within the Community Transition (CT) zoning district.
2. This property is subject to the Park City Heights Annexation plat and Annexation Agreement, including the Water Agreement, as approved by the Park City Council on May 27, 2010.

3. On April 9, 2008, the Planning Commission voted to forward a positive recommendation to the City Council on the 286.64 acre Park City Heights Annexation that included the 239 acre MPD property. A pre-MPD application was submitted with the revised annexation application on July 5, 2007 and reviewed by the Planning Commission and City Council as part of the annexation review.
4. The Planning Commission found the proposed annexation in compliance with the General Plan, with the caveat that the final MPD application addresses several areas of concern. Those areas of concern include 1) overall density (reduction of market units and limit on total units, including affordable units), 2) location of units on the site in consideration of sensitive lands, 3) better integration of the affordable units within the overall project, 4) enhanced entry area to better identify a neighborhood gathering area and sense of arrival, 5) sustainability and water conservation requirements, and 6) a greater overall design/appearance as a residential community that relates to Park City's resort identity rather than as a "cookie cutter" suburban subdivision.
5. On November 12, 2009, Council approved a land purchase agreement to acquire a 50% interest in approximately 200 acres of the 239 acre annexation property.
6. On May 27, 2010, City Council voted to adopt an ordinance approving the Park City Heights Annexation approving an annexation agreement and water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.
7. On June 17, 2010, the applicant provided an updated pre- MPD submittal, revising the July 5, 2007 application submitted with the revised annexation application. The revised application included a revised conceptual site plan, for a mixed residential development consisting of 239 dwelling units on 239 acres.
8. The pre-MPD application consists of 1) 160 market rate units in a mix of cottage units on smaller (6,000 to 8,000 sf lots) and single family detached units on 9,000 to 10,000 sf lots, 2) .44.78 Affordable Unit Equivalents configured in approximately 28 units to satisfy the IHC MPD affordable housing requirement, 3) 32 Affordable Unit Equivalents configured as approximately 16 units to meet the CT zone affordable housing requirement for Park City Heights, and 4) approximately 35 affordable units the City proposes to construct consistent with the stated public purposes in the acquisition of an ownership interest in the land.
9. Affordable housing units are proposed as a mix of stacked condominiums, townhouses and cottage style units. The final configuration and mix will be determined prior to submittal of the MPD application.
10. The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including an extension to the Rail Trail.
11. The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including an extension to the Rail Trail.
12. Setbacks within the CT zone are twenty five feet (25') from the perimeter of the MPD property. The conceptual plan complies with these setback requirements.
13. The Planning Commission may approve decreased setbacks for individual lots within the MPD at the time of MPD and subdivision plat approval.
14. Approval of a final subdivision plat is a condition precedent to issuance of building permits.

15. A phasing plan and overall construction mitigation plan will be reviewed as part of the final MPD review.
16. Trails and linkages to trails shown on the City's Master Trail Plan will be reviewed as part of the final MPD review.
17. Residential development requires a Conditional Use permit in the CT zone to be reviewed concurrently with the final MPD review.
18. Intermountain Health Care's affordable housing units were transferred to the Park City Heights property per the Park City Heights Annexation Agreement and the Intermountain Health Care/USSA/Burbidge Annexation Agreement.
19. Utilities, such as water, sewer, electricity, phone, and cable will need to be extended to the site and a utility phasing plan will be reviewed as part of the final MPD review.
20. Access to the property is from Richardson's Flat Road, a public road and the two upper estate lots have access from Sunridge Cove within the Hidden Oaks at Deer Valley Subdivision.
21. The pre-MPD application complies with the Quinn's Junction Joint Planning Principles in that the proposal results in significant public benefits due to the inclusion of a significant amount of affordable housing in a residential community with a range of housing types, and the proposed affordable housing relates to Park City's recreation and tourism industry.
22. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit.
23. Compliance with applicable criteria outlined in the Land Management Code, including the CT zone (Section 15-2.23) and MPD (Section 15-6) is required as part of the final MPD review.
24. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
25. The discussion in the Analysis section is incorporated herein.

#### Conclusions of Law

1. The pre-MPD application complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed pre-MPD application initially complies with the Park City General Plan, as conditioned.

#### Conditions of Approval

1. The following items shall be submitted with the MPD/CUP application, in addition to all required MPD submittal information:
  - a detailed site plan (lot layouts for development areas and phases, setbacks for individual lots and multi-family buildings, demonstration of the integration of affordable and market units) consistent with the General Plan Elements;
  - preliminary subdivision plat;
  - statement of architectural objectives and character, including architectural elevations, exterior materials/colors/details, and building height;
  - statement of green building objectives and compliance with annexation agreement requirements, including landscaping and water conservation objectives;
  - consideration of additional land uses, such as allowed support uses and amenities;

- parking and circulation objectives and plans (vehicular-street widths, pedestrian, trails, emergency vehicles, public transit, bike lockers, bus stops, etc.);
  - visual analysis from identified vantage points (revised to reflect proposed site plan);
  - phasing plan for development and extension of utilities and trails;
  - existing and final grading plan identifying cut and fill areas, grade retaining structures, storm water detention areas, etc;
  - an affordable housing plan consistent with the Annexation Agreement describing unit sizes, configurations, rental and sale restrictions, occupancy requirements, etc
  - wildlife corridors and proposed mitigation for impacts to these corridors and additional information regarding mitigation for sage grouse habitat losses.
2. All conditions of the Park City Heights Annexation Agreement, including the Water Agreement shall be complied with.

**Exhibits**

Exhibit A- Minutes of the April 2009 Planning Commission meeting

Exhibit B- Annexation Agreement (includes the annexation plat and Water Agreement)

Exhibit C- Conceptual site plan

Exhibit D- Conceptual phasing plan

Exhibit E- Visual Analysis from previous conceptual plan

Exhibit F- Sensitive lands analysis

# Park City Heights

Conceptual Master Plan  
February 2009

## Proposed Development

|                     |  |
|---------------------|--|
| <b>239.56 Acres</b> | <b>Total Project Area:</b>               |
| <b>99</b>           | <b>Single Family Estate Residential</b>  |
| <b>87</b>           | <b>Single Family Cottage Residential</b> |
| <b>63</b>           | <b>Multi-Family Affordable Housing</b>   |
| <b>173.41 Acres</b> | <b>Total Project Open Spaces:</b>        |
| <b>72.38%</b>       |  |

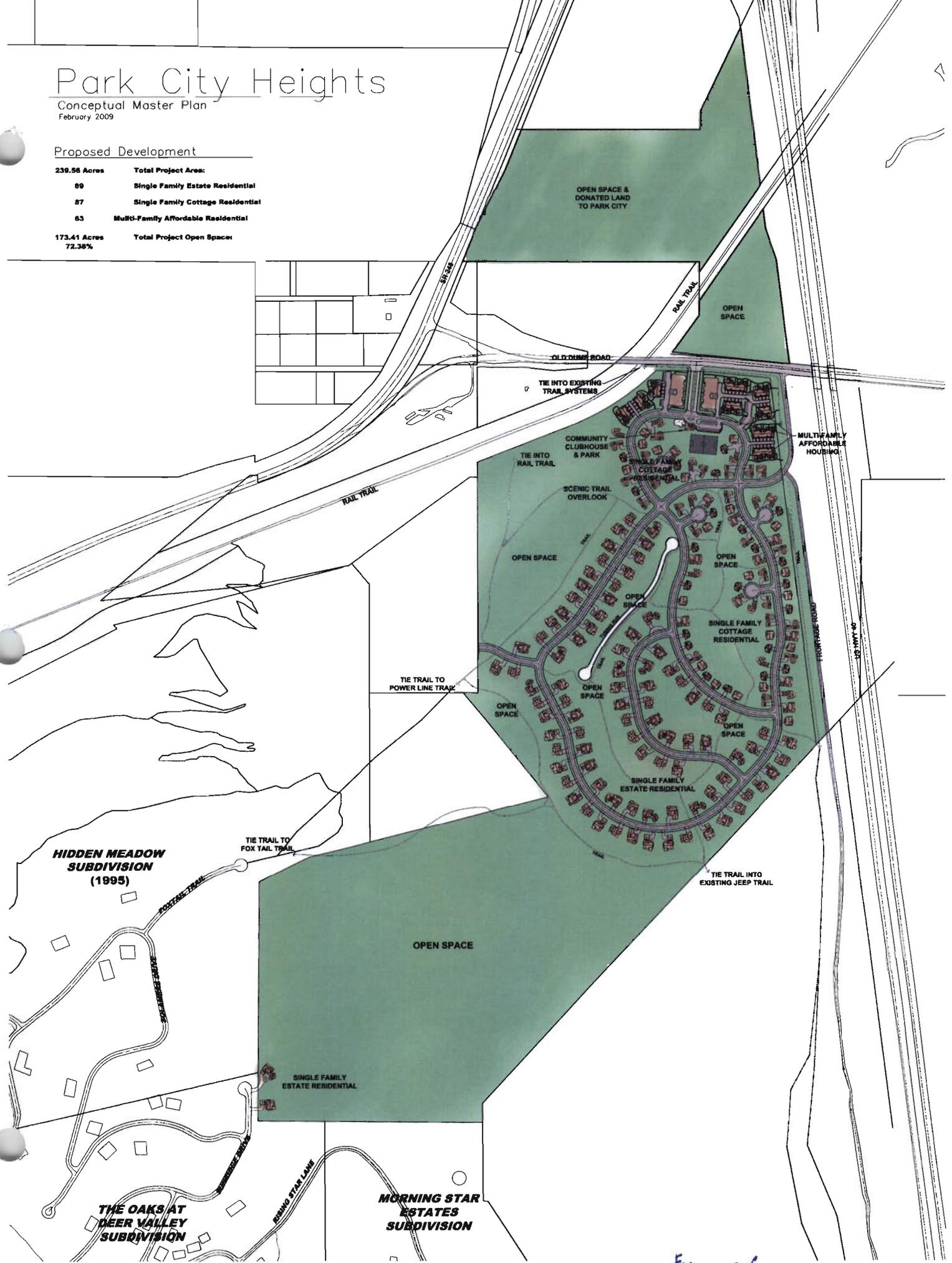
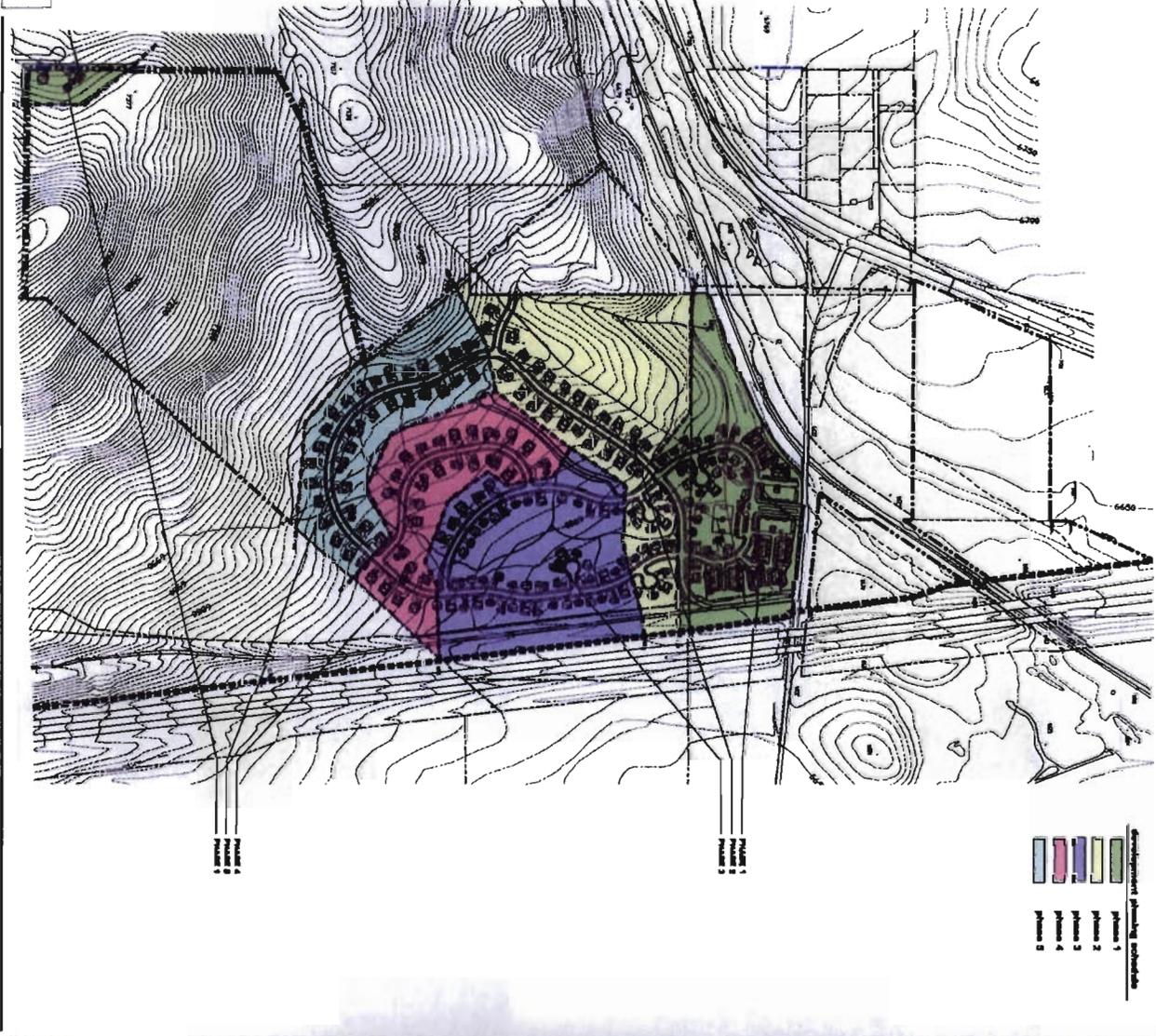


EXHIBIT C

EXHIBIT D



**park city heights**  
park city, utah & recreational county, utah

**phasing plan**

Jan 2010

Planning Commission - July 14, 2010

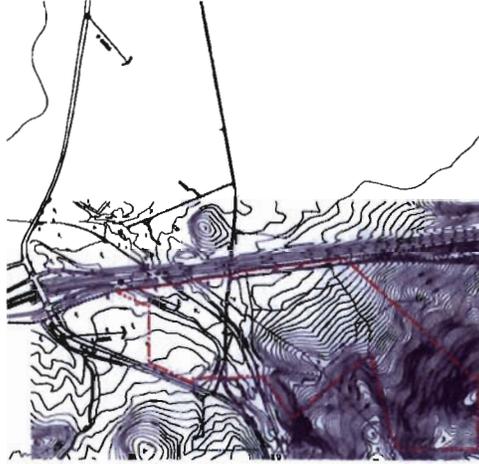
Page 256 of 269

**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**

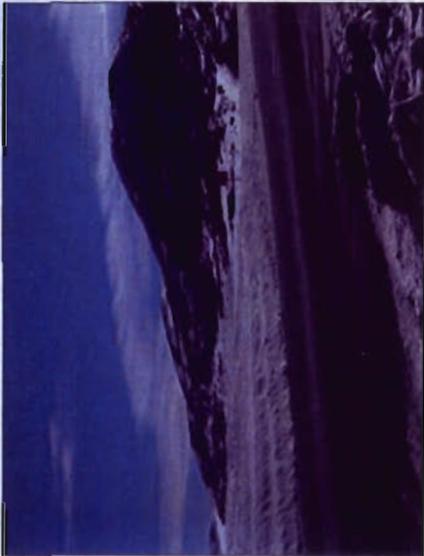
- VIEW 2
- UTAH HIGHWAY 248 AT THE TURN-OUT TO OLD DUMP ROAD
- VIEW 3
- U.S. HIGHWAY 40 SOUTHWARD AT TOP OF ON-RAMP FROM UTAH HIGHWAY 248
- VIEW 4
- UTAH HIGHWAY 248 WESTWARD AT BASE OF ROAD FROM KANAB



before development - view 1



after development - view 1



before development - view 2



after development - view 2

## PARK CITY HEIGHTS

### Sensitive Land Overlay Summary

#### 1. Slope/Topographic Map

|              |                      |
|--------------|----------------------|
| 0-15% Slope  | = 132.86 Acres       |
| 15-30% Slope | = 52.39 Acres        |
| 30-40% Slope | = 25.48 Acres        |
| 40+% Slope   | = <u>28.83 Acres</u> |

Total = 239.56 Acres (Total acreage within the MPD)

Development is proposed primarily in areas of 0-15% slope. With approximately 36 units proposed within the 15-30% slope areas. No development is located on slope areas of 30-40% or within 50' of the very steep slope area (greater than 40%). At least 75% of the steep slope areas (15% to 40%) remain undeveloped.

#### 2. Ridge Line Areas

The property within the Annexation area has three prominent ridge line areas (fourth ridge line area is shown as being a secondary ridge behind the northern most ridge line). Development is not located within 100' of the prominent ridge line areas. Three units are proposed within 100' of the secondary ridge.

#### 3. Vegetative Cover

The property is mostly covered with sage and grasslands as well as gamble and scrub oak. There are areas with coniferous trees at the higher elevations. There are no agricultural crops on the property. Development is proposed primarily in areas currently vegetated with sage and grasses.

#### 4. Designated Entry Corridor and Vantage Points

The designated vantage point for this property is from Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40. Before and after photos depict how development might look as viewed from this vantage point. A visual assessment was also done from three other vantage points as directed by the Planning Commission. The study will need to be revised to reflect the revised site plan.

## 5. Wetlands

Wetland delineation has been done. No development is proposed on or within 50' of any wetland area.

## 6. Stream Corridors, Canals, and Irrigation Ditches

The Silver Creek drainage is the only significant stream corridor near the property. A flood plain analysis was also completed to show the 100 year flood plain area. No development is proposed on or within 50' of the ordinary high water mark or flood plain area.

## 7. Wildlife Habitat Areas

A study was done at time of application that included maps provided by the Utah Division of Wildlife Resources, which show the species, type of habitat, and value rating of those animals that may have the potential to occur on the project area. Of the Federal and State listed wildlife species, none of those species make substantive use of the proposed development area. The upland and heavily vegetated areas will remain available to wildlife making use this area. Wildlife corridors should be identified and mitigation measures proposed. Additional information regarding mitigation for sage grouse habitat will need to be provided with the MPD.

## 8. Density

Proposed density of 239 units on 239 acres (including the affordable housing units) complies with the maximum allowed units in the CT zone of 1 unit per acre.

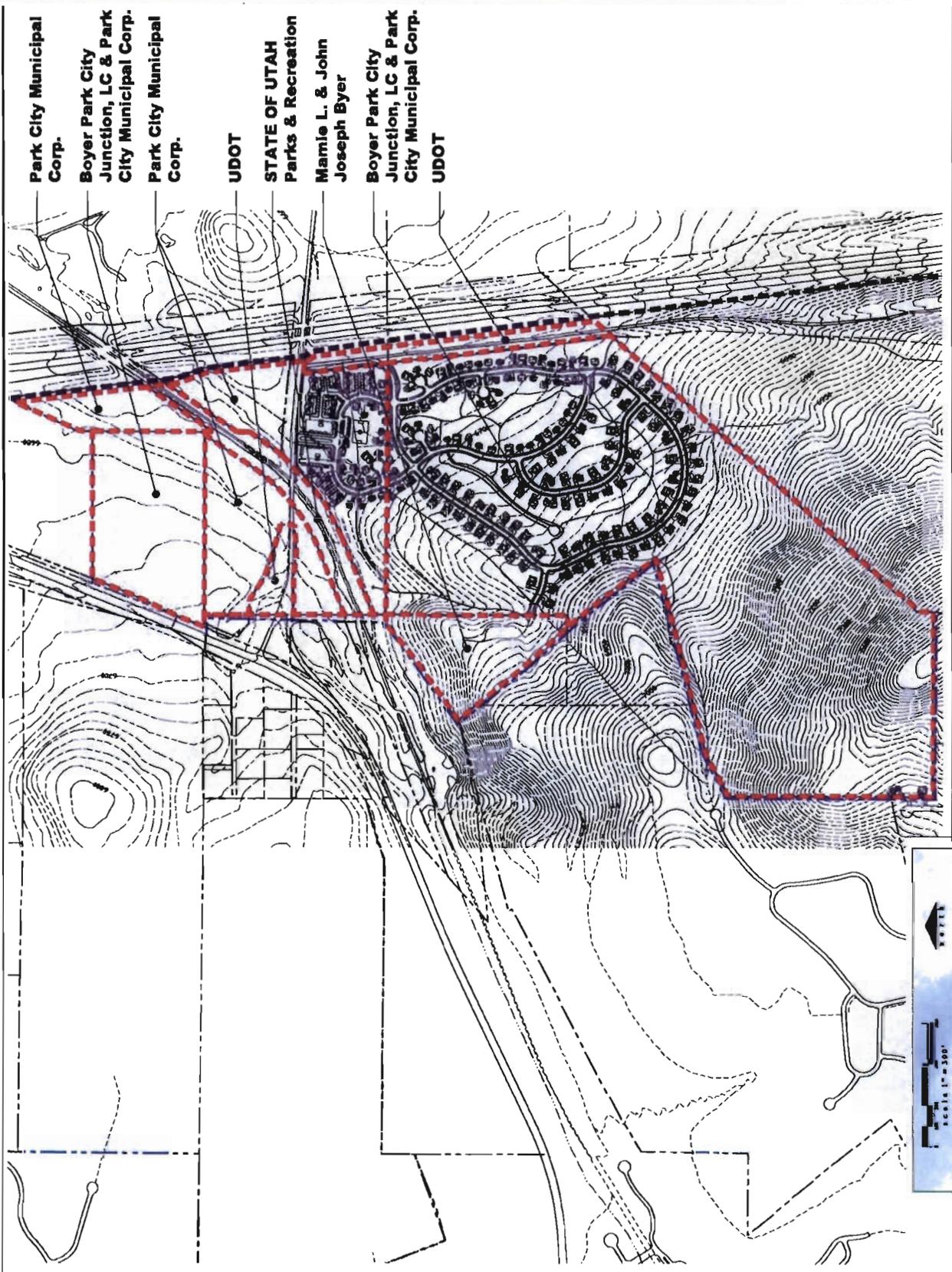
Additional information has been submitted as part of the annexation review, visual analysis, soils investigation report and geotechnical report.

- EXISTING CONDITIONS LEGEND**
- 10' - 100' WIDE
  - 100' - 200' WIDE
  - 200' - 300' WIDE
  - 300' - 400' WIDE
  - 400' - 500' WIDE
  - 500' - 600' WIDE
  - 600' - 700' WIDE
  - 700' - 800' WIDE
  - 800' - 900' WIDE
  - 900' - 1000' WIDE
  - 1000' - 1100' WIDE
  - 1100' - 1200' WIDE
  - 1200' - 1300' WIDE
  - 1300' - 1400' WIDE
  - 1400' - 1500' WIDE
  - 1500' - 1600' WIDE
  - 1600' - 1700' WIDE
  - 1700' - 1800' WIDE
  - 1800' - 1900' WIDE
  - 1900' - 2000' WIDE
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  - 2100' - 2200' WIDE
  - 2200' - 2300' WIDE
  - 2300' - 2400' WIDE
  - 2400' - 2500' WIDE
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  - 9700' - 9800' WIDE
  - 9800' - 9900' WIDE
  - 9900' - 10000' WIDE



Scale: 1" = 660'

North Arrow



Park City Municipal Corp.

Boyer Park City Junction, LC & Park City Municipal Corp.

Park City Municipal Corp.

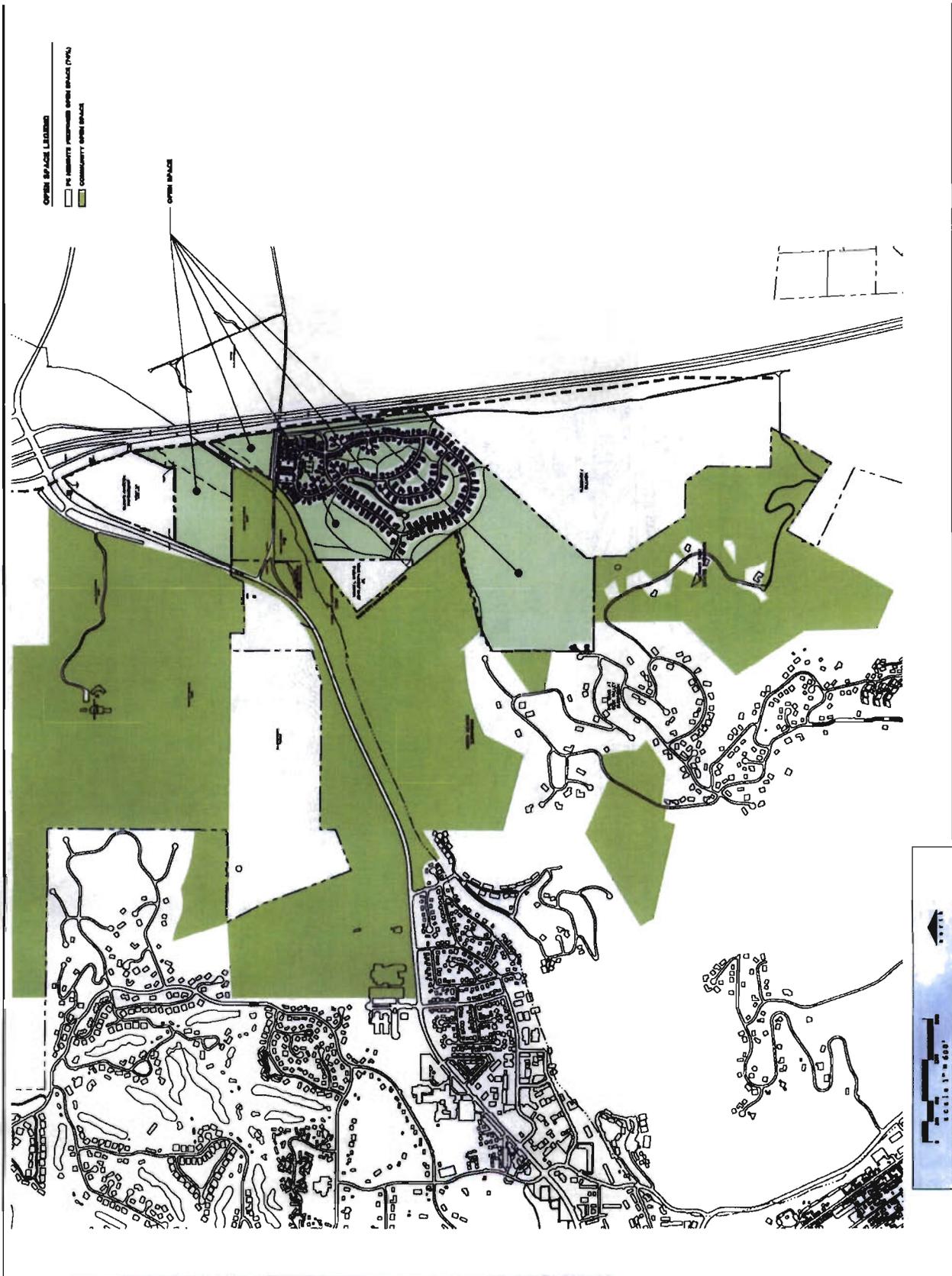
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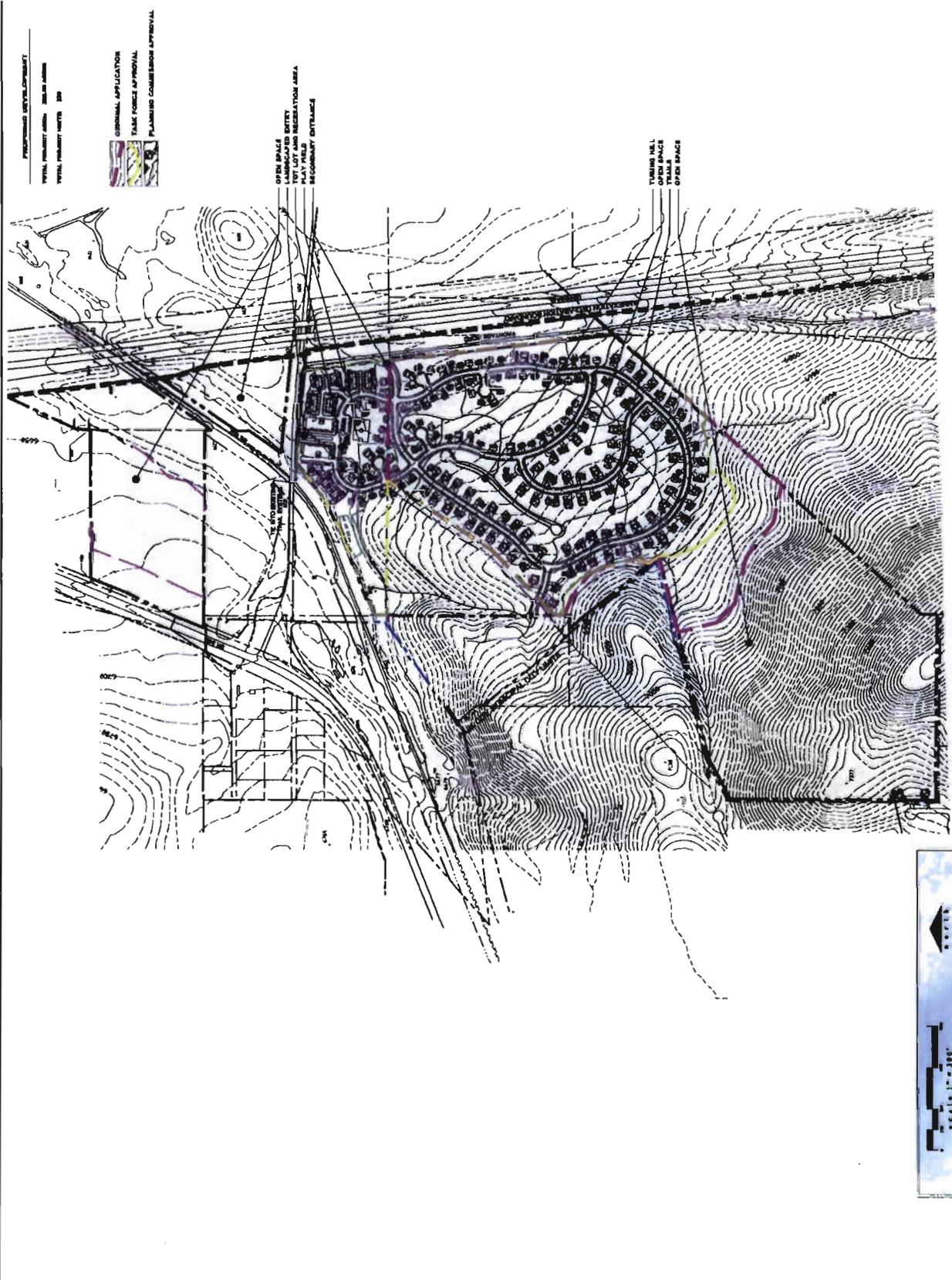
STATE OF UTAH Parks & Recreation

Mamie L. & John Joseph Byer

Boyer Park City Junction, LC & Park City Municipal Corp.

UDOT

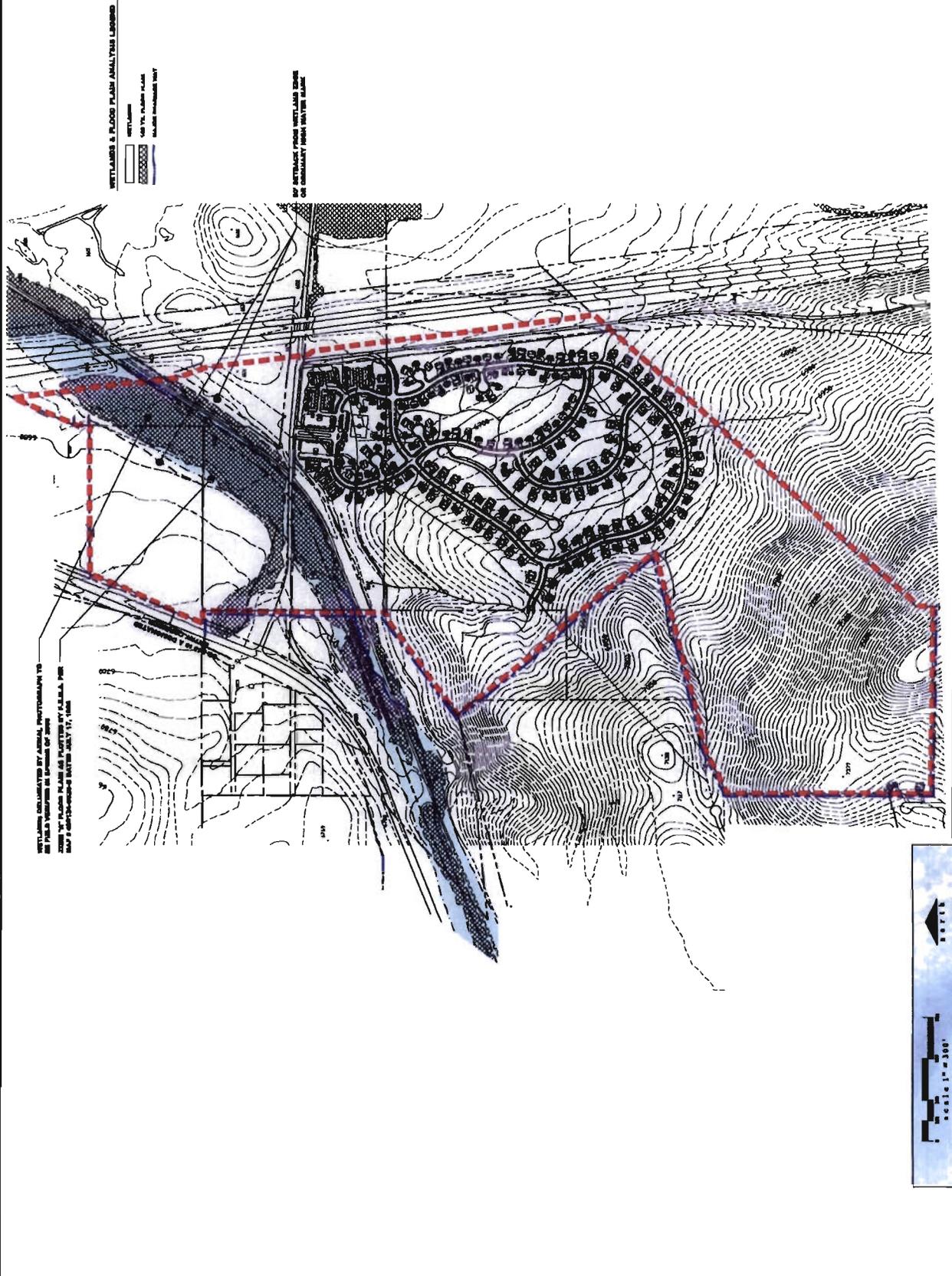




# sensitive lands wetlands & flood plain analysis

**park city heights**  
park city, utah &  
mccook company, llc

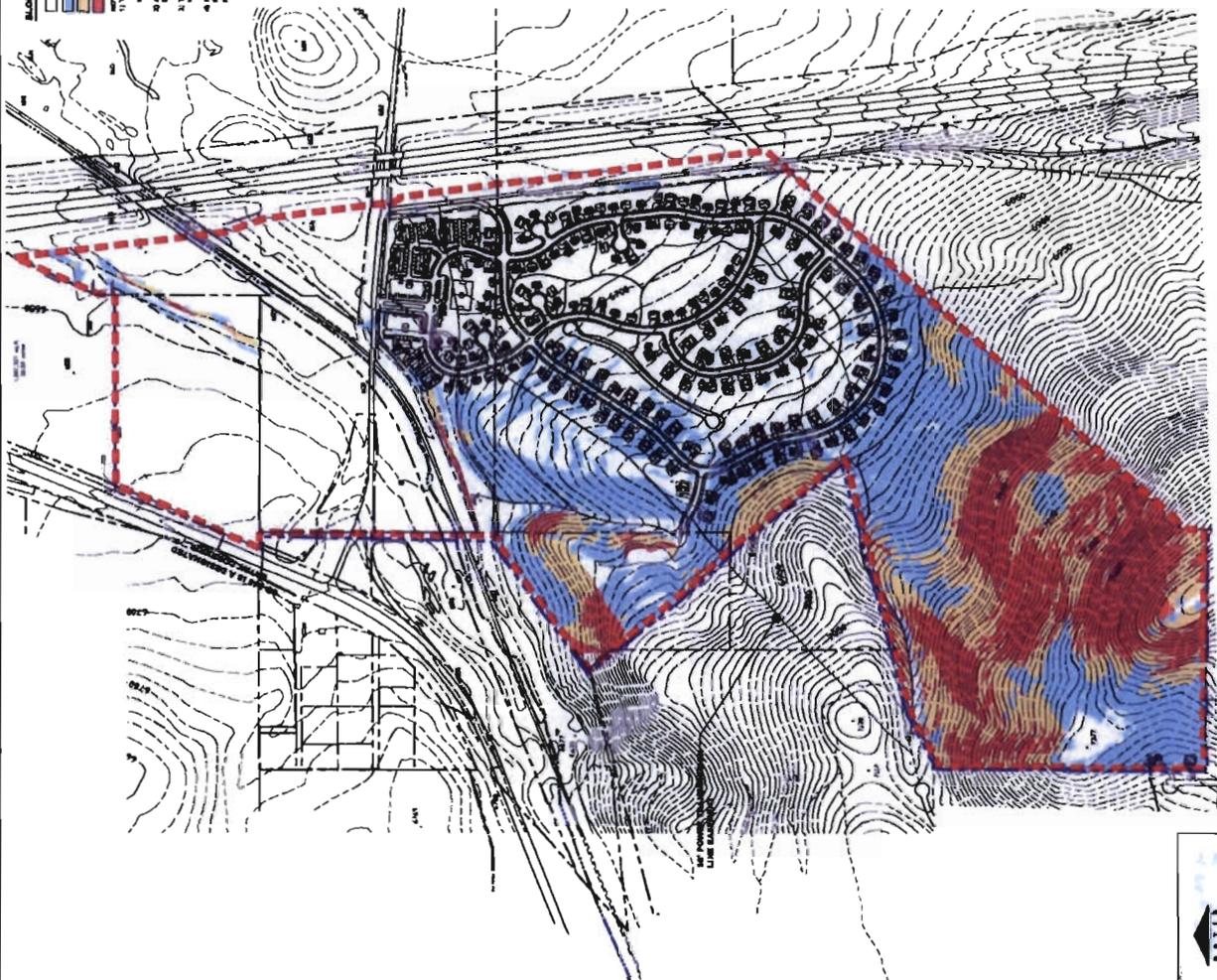
June 2010



SLOPE ANALYSIS LEGEND

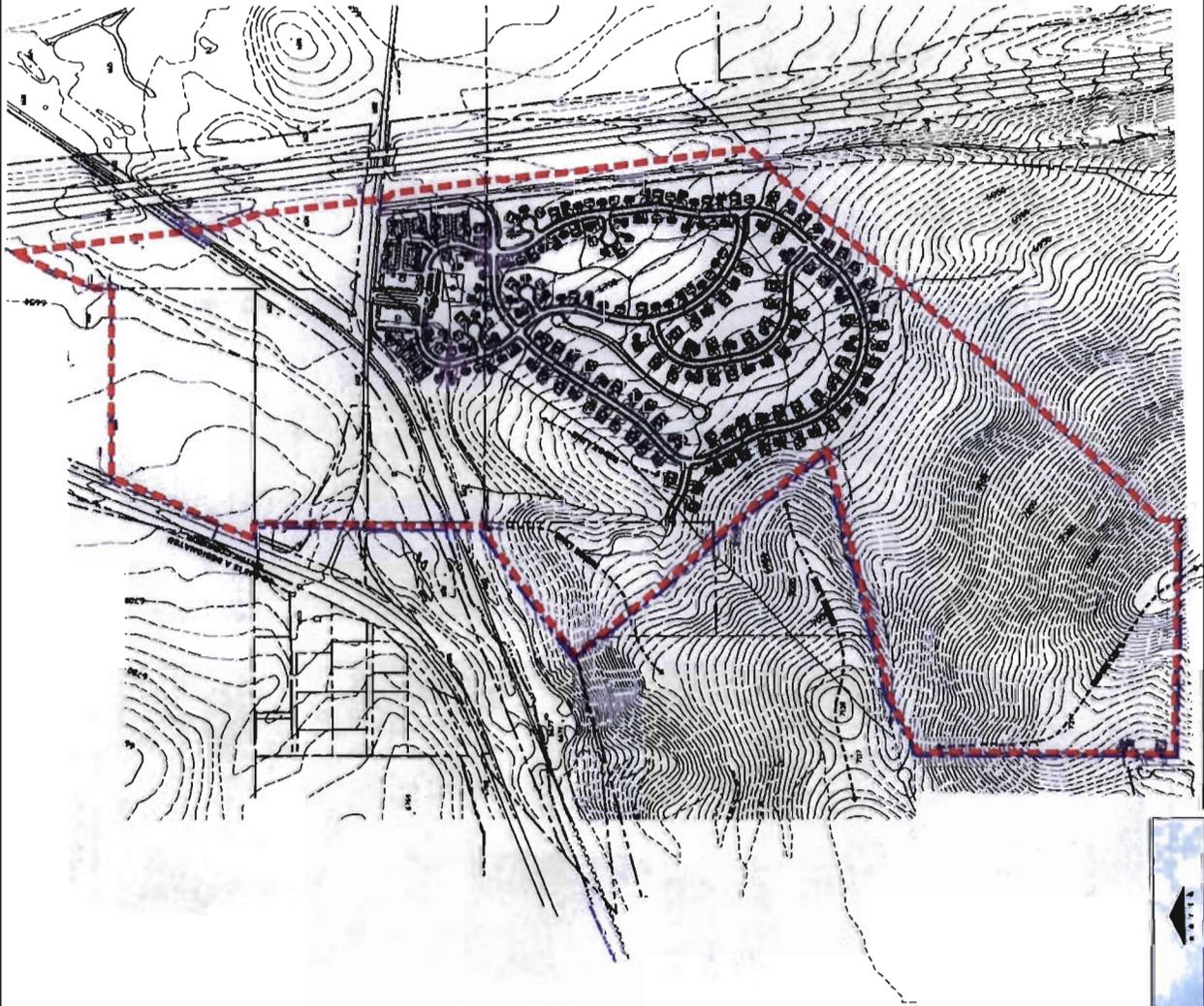
- 10-15% Slope
- 15-20% Slope
- 20-25% Slope
- 25-30% Slope
- 30-35% Slope
- 35-40% Slope
- 40-45% Slope
- 45-50% Slope
- 50-55% Slope
- 55-60% Slope
- 60-65% Slope
- 65-70% Slope
- 70-75% Slope
- 75-80% Slope
- 80-85% Slope
- 85-90% Slope
- 90-95% Slope
- 95-100% Slope

NOTE: THIS ANALYSIS WAS CONDUCTED USING A 3-D SURFACE MODEL DERIVED FROM A DIGITAL ELEVATION MODEL (DEM) OF THE AREA. THE DEM WAS DERIVED FROM AERIAL PHOTOGRAMMETRY AND IS SUBJECT TO THE ACCURACY OF THE PHOTOGRAMMETRY. THE DEM WAS REPROJECTED TO THE NAD 83 DATUM AND IS IN THE UTM PROJECTION. THE DEM WAS REPROJECTED TO THE NAD 83 DATUM AND IS IN THE UTM PROJECTION. THE DEM WAS REPROJECTED TO THE NAD 83 DATUM AND IS IN THE UTM PROJECTION.



Scale 1" = 300'

North Arrow





**Mule Deer Habitat Winter Range**



**Moose Habitat Winter Range**



**Sage Grouse Winter Habitat Range**



**Elk Habitat Winter Range**



**Sage Grouse Brooding Habitat Range**



**Blue Grouse Habitat**



**Ruffed Grouse Year Long Habitat Range**



**UTILITY CONNECTION NOTES**

**WATER** There is an existing water service to the site. Per the 1900 construction schedule, Park City Council has authorized a 12" water line to be installed along the site boundary. The water line shall be installed along the site boundary. The water line shall be installed along the site boundary. The water line shall be installed along the site boundary.

**SEWER** There is an existing sewer service to the site. Per the 1900 construction schedule, Park City Council has authorized a 12" sewer line to be installed along the site boundary. The sewer line shall be installed along the site boundary. The sewer line shall be installed along the site boundary.

**STORM WATER** There is an existing storm water service to the site. Per the 1900 construction schedule, Park City Council has authorized a 12" storm water line to be installed along the site boundary. The storm water line shall be installed along the site boundary. The storm water line shall be installed along the site boundary.

**TELEPHONE** There is an existing telephone service to the site. Per the 1900 construction schedule, Park City Council has authorized a 12" telephone line to be installed along the site boundary. The telephone line shall be installed along the site boundary. The telephone line shall be installed along the site boundary.

**POWER** There is an existing power service to the site. Per the 1900 construction schedule, Park City Council has authorized a 12" power line to be installed along the site boundary. The power line shall be installed along the site boundary. The power line shall be installed along the site boundary.

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PROPOSED TELEPHONE & LIGHTING SERVICE FROM COMMERCIAL LINE TO ADJACENT PARCELS. EXISTING TELEPHONE & LIGHTING SERVICE FROM COMMERCIAL LINE TO ADJACENT PARCELS. EXISTING TELEPHONE & LIGHTING SERVICE FROM COMMERCIAL LINE TO ADJACENT PARCELS. EXISTING TELEPHONE & LIGHTING SERVICE FROM COMMERCIAL LINE TO ADJACENT PARCELS.

PHASE 1 WATER CONNECTION  
FUTURE PHASE WATER CONNECTION  
PROPOSED FUTURE PHASE WATER TAKE

### TRAIL LEGEND

-  EXISTING TRAILS
-  PROPOSED SOFT SURFACE TRAILS
-  PROPOSED PAVED TRAIL

- PAVED TRAIL TO CITY FIELDS COMPLEX
- RAIL TRAIL
- CONNECT TRAIL TO RAIL TRAIL
- PROVIDE IMPROVED RAIL TRAIL CROSSING

- PUBLIC COMMUNITY TRAILS
- HERE PAVED TRAIL ALONG FRONTAGE WITH CONNECTION TO RAIL TRAIL

FUTURE TRAIL CONNECTIONS



- RAIL TRAIL
- SOFT SOFT TRAIL
- POWDERLINE TRAIL
- TRAIL INTO PACE TAIL TRAIL



IMPROVE EXISTING TRAIL  
 EXISTING RAIL TRAIL  
 TIE INTO RAIL TRAIL  
 "LIVING ROOM"  
 PLAY FIELD  
 COMMUNITY GARDEN  
 50' UTILITY EASEMENT

EXISTING RAIL TRAIL  
 TIE INTO RAIL TRAIL  
 IMPROVE RAIL TRAIL CROSSING  
 PROPOSED BUS STOPS  
 TOT LOT  
 SPLASH PARK  
 ENTRANCE ROAD

CLUBHOUSE  
 ROUND-ABOUT  
 MAIN ARTERIAL TRAILS  
 ALLEY  
 TIE INTO EXISTING  
 JEEP TRAIL

**LEGEND**

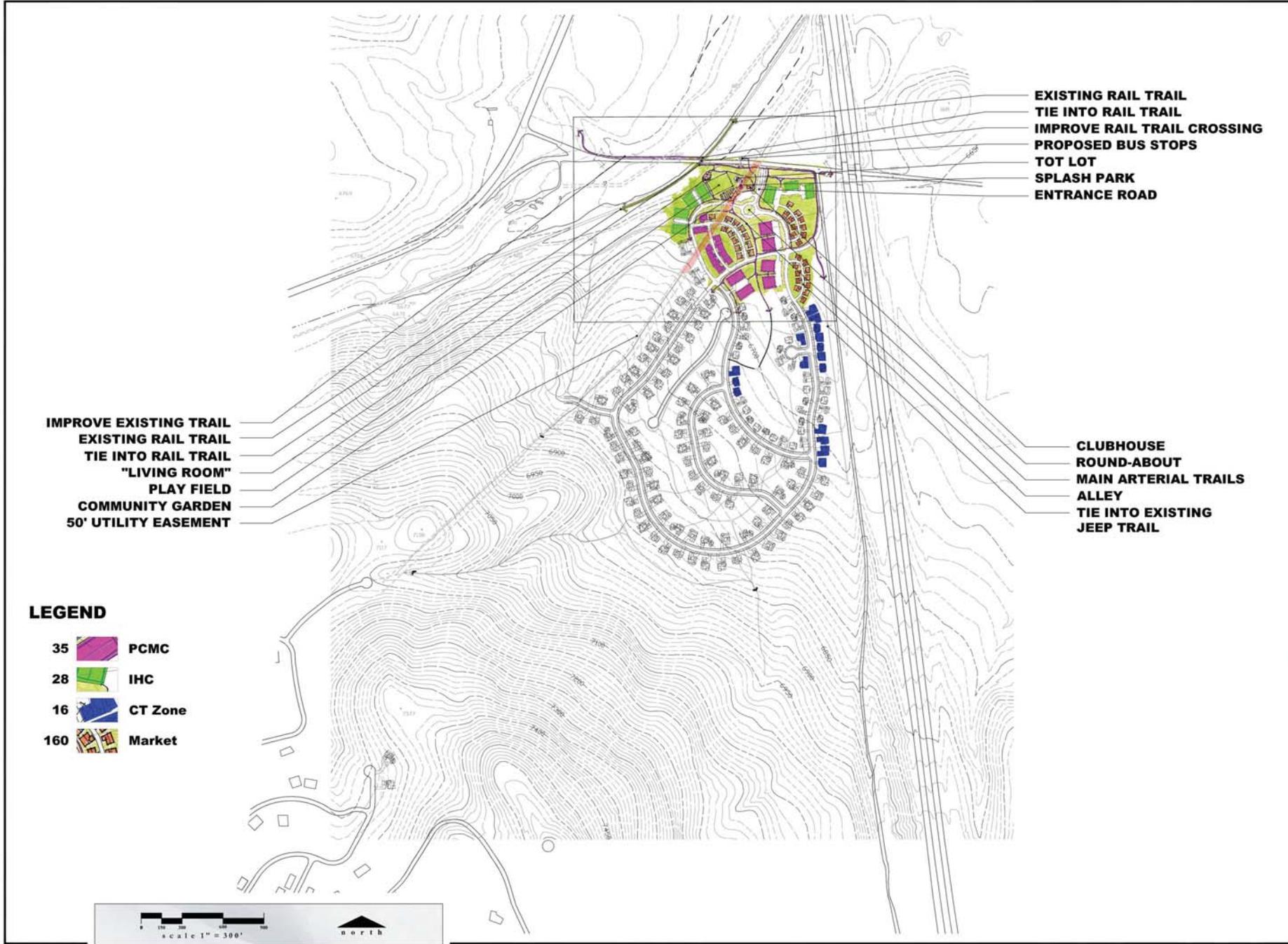
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|-----|--|---------|
| 35  |  | PCMC    |
| 28  |  | IHC     |
| 16  |  | CT Zone |
| 160 |  | Market  |



park city heights

park city, utah & summit county, utah

september 2010



EXISTING RAIL TRAIL  
 TIE INTO RAIL TRAIL  
 IMPROVE RAIL TRAIL CROSSING  
 PROPOSED BUS STOPS  
 TOT LOT  
 SPLASH PARK  
 ENTRANCE ROAD

IMPROVE EXISTING TRAIL  
 EXISTING RAIL TRAIL  
 TIE INTO RAIL TRAIL  
 "LIVING ROOM"  
 PLAY FIELD  
 COMMUNITY GARDEN  
 50' UTILITY EASEMENT

CLUBHOUSE  
 ROUND-ABOUT  
 MAIN ARTERIAL TRAILS  
 ALLEY  
 TIE INTO EXISTING  
 JEEP TRAIL

**LEGEND**

|     |  |         |
|-----|--|---------|
| 35  |  | PCMC    |
| 28  |  | IHC     |
| 16  |  | CT Zone |
| 160 |  | Market  |



**park city heights**

park city, utah & summit county, utah

september 2010