

# Planning Commission Staff Report



PLANNING DEPARTMENT

**Application #:** PL-14-02600  
**Subject:** Park City Mountain Resort  
**Author:** Francisco J. Astorga, Planner  
**Date:** March 25, 2015  
**Type of Item:** Administrative – Master Planned Development, Development Agreement, and Mountain Upgrade Plan Amendments & Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission review the submitted Master Planned Development Agreement & Mountain Upgrade Plan amendments, Conditional Use Permit for a ski lift, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

## Description

**Applicant:** VR CPC Holdings, Inc. d/b/a Park City Mountain Resort (PCMR) represented by Tim Beck  
**Property Owner:** TCFC LEASECO LLC and TCFC PROPCO LLC  
**Location:** 1345 Lowell Avenue  
**Zoning District:** Recreation and Open Space (ROS) District  
**Adjacent Land Uses:** Recreation open space  
**Reason for Review:** MPD Amendments/Conditional Use Permits are reviewed and approved by the Planning Commission

## Proposal

On December 23, 2014 the applicant submitted a request to amend the existing Master Planned Development & Development Agreement. The current application is for the following items:

- a. Amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant.
- b. Amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which requires the addition of the upper mountain ski terrain to PCMR's original MPD.

A Ski Lift is listed as a Conditional Use Permit (CUP) in the ROS District. CUPs are reviewed and approved by the Park City Planning Commission.

## **Background**

In June 1997, the Park City Planning Commission approved the Park City Mountain Resort Large Scale Master Plan. The Development Agreement was recorded with the County in July 1998. The approved Master Plan includes development according to the PCMR Concept Master Plan and conditions of approval. The conditions of approval include development of skiing and related facilities identified in the Mountain Upgrade Plan (1998 Development Agreement Exhibit L). See Exhibit A.

In March 2007, additional Park City Mountain Resort ski terrain was annexed into Park City Municipal Corporation known as the Annexation Agreement for the United Park City Mines Company Lands at Park City Mountain Resort. The annexation indicated that the next Development Activity Application or amendment under the PCMR MPD must add the PCMR lease land annexed to the PCMR MPD. In conjunction with the other amendments, identified below, the applicant requests to fulfill the requirements of the annexation by incorporating PCMR's upper terrain into the PCMR Master Planned Development & Development Agreement.

The Mountain Upgrade Plan was recorded with the Development Agreement and identifies the background/methodology, design criteria, existing ski resort facilities, Mountain upgrading plan, future expansion potential, and conclusion. The amendment of the Mountain Upgrade Plan includes the construction of those portions of the interconnect lift with Canyons Resort, and related lift towers, ski trails, terminals, buildings, infrastructure, and related appurtenances located in Park City. While the interconnect gondola is not specifically referenced in the Mountain Upgrade Plan, the terrain in which the lift is proposed is already designated in the Mountain Upgrade Plan for future ski pod development. The proposed interconnect gondola will connect Park City Mountain Resort and Canyons Resort. Zoning at Canyons Resort is regulated by Summit County pursuant to a separate Amended and Restated Development Agreement for The Canyons Specially Planned Area (SPA). A concurrent application to Summit County for a Conditional Use Permit under the terms of the SPA was approved on February 11, 2015.

The amendment of the Mountain Upgrade Plan also includes the expansion of the Snow Hut on-mountain restaurant. The improvement and enlargement of the Snow Hut is to improve mountain guest services.

The applicant has submitted thorough project descriptions of the proposed interconnect gondola and Snow Hut expansion, including building design, and description of operations. See Exhibit B – Project Description.

The Planning Commission held a public hearing and reviewed this request on February 25, 2015. See Exhibit N – 02.25.2015 Planning Commission Minutes and Exhibit O – Public Comments. During this meeting staff requested discussion by the Planning Commission on four items: building height, parking, employee housing, and historic preservation.

The Planning Commission supported staff's findings regarding the building height exception. The Commission agreed that the parking mitigation would be effected by the additional small scale MPD or the base development. The Commission favored staff's recommendation regarding employee housing that before the City accepts a CUP application for Parcels B, C, D and E, the applicant would first have to provide a plan for the required 23 affordable housing units (Parcel A).

Regarding 2007 historic preservation requirement Staff recommended that the inventory be completed to comply with the Annexation and that the Preservation and Restoration Plans are finished and approved by the City. Staff recommended adding a Condition of Approval to this MPD amendment requiring completion of the outstanding inventory and subsequent Preservation and Restoration Plans prior to the City accepting any application for base area development. Staff would discuss that with the Vail team and report back to the Planning Commission on March 25, 2015.

### **Analysis**

The purpose of the Master Planned Development Amendment application public meeting is to have the applicant present their amendments and give the public and Planning Commission an opportunity to evaluate those amendments in accordance with the applicable code criteria. Land Management Code (LMC) § 15-6-5 indicates that all Master Planned Developments are to contain the following minimum requirements:

- 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.*

Not applicable. The proposed amendment to the Development Agreement does not change approved densities. The MPD consists of five (5) areas, identified as "parcels" with allotted density at the base of PCMR. One of these sites was approved in 1998, Marriott's MountainSide, known as "Parcel A". The other four (4) areas are currently being used as parking lots for the resort.

- B. Maximum Allowed Building Footprint for Master Planned Developments within the HR-1 and HR-2 Districts.**

Not applicable. The site is not located in the HR-1 or HR-2 District. The proposed amendments take place with the areas shown in the Mountain Upgrade Plan, located in the Recreation and Open Space District (zone).

- 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).*

Complies. The proposed amendments are not nearby the exterior boundary of the MPD with the exception of the interconnect line. The Snow Hut on-mountain restaurant and the PCMR interconnect line terminal are a minimum of 2,000 feet from PMCR perimeter.

***D. Open Space. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15.***

Complies. Open space is established by the approved MPD. Of the approximately 3,700 acres in the ski resort, nearly 95% of the property is considered recreation/open space (i.e. trails and forested areas). The proposed projects will not materially affect the required open space.

***E. Off-Street Parking. 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.***

When the MPD was approved in 1997 it contained extensive parking analysis based on the relationships between lodging, parking, and mountain capacity, etc., including the Comfortable Carrying Capacity (CCC). The CCC is a measure of the number of visitors that can be effectively served by the mountain facilities while maintaining a comfortable skiing atmosphere. The Mountain Upgrade Plan contains a Parking and Capacity Analysis which indicates that the current parking lots have a capacity of approximately 1,800 cars. This capacity varies with snow removal and control of parking cars by ski area parking lot personnel. The available parking for skiers is 1,700 spaces.

The LMC indicates that the Planning Department shall review the parking analysis and provide a recommendation to the Planning Commission. The Commission is to 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.

As indicated on the Development Agreement Obligations of Development (condition of approval 2.1.13):

*The Developer shall comply with the parking mitigation plan attached hereto as Exhibit K. This plan shall be reviewed and modified, if necessary, as a part of the Small Scale MPD (CUP) for each phase to evaluate transit alternatives and demonstrated parking needs. If, in practice, the parking mitigation plan fails to adequately mitigate peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking.*

Also, section 2.3.6 of the Development Agreement address parking:

At all times Developer shall assure that it has adequate parking or has implemented such other assurances, as provided in the Parking Mitigation Plan, to mitigate the impact of any proposed expansion of lift capacity.

The applicant wrote the following statement regarding parking:

The replacement of the Snow Hut does not affect skier capacity and subsequently does not affect parking requirements. Skiers and riders are already on the mountain during operations, and the replacement Snow Hut Lodge is designed to significantly improve service at a major connection area in a central area of the ski resort.

The Interconnect Gondola functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it. Given it is an access lift only between the two areas there is no skier capacity increase associated with it.

Staff finds that no additional parking is impacted by the Snow Hut on-mountain restaurant expansion. The applicant indicated that in 2014 the Snow Hut has 154 indoor seats and 200 outdoor seats. The Mountain Upgrade Plan called for several items in the conclusion of Section III - Existing Ski Resort Facilities, one of which was to position additional on-mountain seating to accommodate existing and upgrade facilities. The Mountain Upgrade Plan indicated that the Snow Hut needed additional seating based on the seating requirement summary based on logical distribution of the CCC. As indicated in the document in 1997, the Snow Hut had 168 indoor seats available but should have 414 indoor seats. The applicant currently proposes to increase the indoor seating from the 168 indicated in 1997 to approximately 500 and the outdoor seating to stay the same at approximately 250 seats (indicated in 1997). The net increase, from what was

necessary in 1997, is 86 seats, which is 21% above the required number of seats.

Staff does not find the increase of 86 indoor seats (1997) from the identified CCC necessitates parking at the base since the skier capacity is not affected. Skiers are already on the mountain during operations and the CCC remains unchanged. Staff does not find that the proposed Interconnect Gondola needs more parking as it functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it.

The approved and recorded Development Agreement states that parking mitigation is reviewed at each Small Scale Master Planned Development (Conditional Use Permit) approval. The review that occurred for "Parcel A," was satisfied, noting that no additional parking issues would be occurring until later phases were built-out at the base. Staff recommends no change to that direction from the Planning Commission to re-evaluate the parking with the next phase of base area development, which is consistent with the County's determinations on their side of the interconnect application. During the February 25, 2015 Planning Commission meeting, the Commission agreed that the parking mitigation would be effected by the additional small scale MPD (CUP) or the base development.

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

The applicant requests an increase in building height for the Snow Hut expansion. In the ROS District no structure may be erected to a height greater than twenty-eight feet (28') from existing grade. To allow for a pitched roof and to provide usable space within the structure, a gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

The design of the main roof form is a shed going from front (tallest) to back (shortest) with a gable roof towards the rear of the building. The roof also, has two smaller shed roofs on each side with a different roof pitch. The sides of the shed roof form contain a combination ridge/shed roof towards each side. The main roof form, the shed from front to back has a 3:12 roof pitch. The gable roof form towards the back has a 6:12 roof pitch. The two other smaller shed roof forms have a 1:12 roof pitch. And the side roof combination ridge/shed continues the main roof pitch of 3:12. The majority of the building is under the 4:12 roof pitch and the maximum building height is 28 feet.

The majority of the proposed new building does not meet the maximum roof height, according to its corresponding roof pitch, of either 28 or 33 feet. When looking at the building from the front, east elevation, the corner on the left is approximately 52 feet above existing grade. The opposite corner on the right is approximately 68 feet above existing grade. The front elevation has the tallest points found on the proposed snow hut expansion. When viewed from the side, north elevation, about a quarter of the building on the right meets the maximum of height 28/33 feet. When viewed from the other side, south elevation, two thirds (2/3s) of the building from the left on the lowest form and about 1/3 of the ridge towards the left meets the maximum building height. When reviewing the rear of the building, west elevation, the entire wall (rear façade) meets the maximum height. The roof however, as indicated on the other elevations does not meet the height. Staff would estimate that approximately 70% of the overall roof does not meet the maximum corresponding building height.

In order to grant building height in addition to that which is allowed in the ROS District, 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, unless the increased square footage or Building volume is from the Transfer of Development Credits;*

Applicant's findings: The proposed Snow Hut changes the former 2-level building to a single level building accessible without steps from snow level, as well it provides access to bathrooms on the main level where the previous building required patrons to ascend down to the lower level. Increases in building volume and square footage are anticipated in the Mountain Upgrade Plan and with the addition of the new Snow Hut building will improve the overall balance of seating deficits when compared to the mountains skier capacity.

The proposed 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. Even though the building is indeed tall, not just in form but also due to the terrain (height measured from existing grade per Park City codes), the proposed building is a one (1) story building which maximizes sun-light exposure from the windows on the front, east elevation. Regarding façade variation see section 5, below. There is no density increase as the existing support commercial use for the restaurant does not require use of unit equivalents. A different

design with the same capacity at height would result in greater site disturbance, grading and less 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 of air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;*

Applicant's finding: The proposed Snow Hut is remote from any other building. The minimum setback for the building is 2,000 feet. No other structures, except ski lifts are within this area. No impact to view, solar access, shadows, or other criteria will occur.

Staff agrees with these findings and no additional conditions are necessary.

3. *There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;*

Applicant's findings: The site is centralized in the upper mountain of the existing ski resort, and not generally visible from developed off-site locations in Park City. As a ski resort operation, the site will be re-vegetated with a proven seed mix.

Staff agrees with these findings and no additional conditions are necessary.

4. *The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and included Publicly Accessible Open Space;*

Applicant's findings: The adjacent open space is designated ski terrain. With approximately 3,700 acres of ski terrain the proposed projects 17,200 square feet of footprint will have no effect on open space or its usability.

Staff agrees with these findings and no additional conditions are necessary.

5. *The additional Building Height shall be designed in a manner that provides 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;*

Applicant's findings: The proposed height of the building is the result of a combination of the single story accessible design and the roof design which does not shed snow to public areas or decks, and does not require heat taping in roof valleys or edges to prevent large icicle development. The large glazed areas are designed to maximize solar gain in support of the project sustainability goals. Interruptions in the roof plane would interrupt snow shed and possible increase height with no purpose. There are no other buildings within one-half mile to match roof façade or variations.

The proposed roof form maximizes sun-light exposure on the east elevation. The proposed one (1) story structure meets the following Architectural Design Guidelines outlined in LMC § 15-5-5:

- A. Prohibited Architectural Styles and Motifs.** Complies.  
The style is not one prohibited.
- B. Prohibited Siding Material.** Complies.  
The proposed siding is not prohibited.
- C. Design Ornamentation.** Complies as conditioned.  
To add architectural interest to Buildings, special ornamental siding materials may be used, provided that no more than twenty five percent (25%) of any facade of the Building is covered with ornamental siding.
- D. Number of Exterior Wall Materials.** Complies.  
The applicant proposes the following three (3) main exterior wall materials on the front and side elevations: 1. reclaimed board and batten; 2. horizontal chinked trestlewood; and 3. rusted corten ribbed siding. The applicant proposes concrete masonry unit (CMU) on the rear elevation.
- E. Roofing Materials.** Complies.  
Applicant proposes a dark green shingle roof and a metal standing seam for the two smaller shed roofs as seen on the rear, west elevation.
- F. Roof Shapes.** Complies.  
The combination roof shape is not listed under prohibited roof forms.
- G. Solar Panels and Skylights.** Not applicable.
- H. Window Treatments.** Complies.

- I. Lighting.** Complies as conditioned.  
The applicant has not submitted plans regarding this provision. Staff requires that the project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting.
  
- J. Trash and Recycling Enclosures.** Complies as conditioned.  
The applicant has not submitted plans regarding this provision. Staff requires that the project shall fully comply with any provisions indicated in the LMC or approved MPD regarding trash/recycling enclosures.
  
- K. Mechanical Equipment.** Complies as conditioned.  
The applicant has not submitted plans regarding this provision. Staff requires that the project shall fully comply with any provisions indicated in the LMC or approved MPD regarding mechanical equipment.
  
- L. Patios and Driveways.** Not Applicable.
  
- M. Landscaping.** See section H below.

Regarding façade length and variations, LMC § 15-5-8 indicates the following:

Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.

The east elevation, front does not meet this requirement. The façade is 140 feet long and does not provide a prominent shift in the mass of the structure. Both sides, north and south elevations, provide appropriate breaks, both horizontally and vertically (height) where a shift was incorporated in the design. The west elevation, rear, meets the shift in the form of a fifteen foot (15') change in the building height.

LMC § 15-5-7 indicates that in some cases, the Planning Director, may vary from these standards if warranted by unusual or unique circumstances. This may result in variation from the strict interpretation of this section and may be granted by the Planning Director.

The Planning Director has reviewed the submitted plans and finds that the site is unusual and unique due to its remote location. The Snow Hut is located on the mountain, accessible to skiers. The location of the Snow Hut is not in a typical Park City neighborhood. The intent of the façade length and variation criteria is to break up the massing of buildings so that they relate to the pedestrian scale. The amount of glass on the front, east elevation, also helps mitigate the width of the building adding an aesthetically pleasing component.

If and when the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building 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.

Staff, including the Planning Director, finds that the additional height due to the specific site analysis is not detrimental and in compliance with applicable LMC standards regarding the height allowance. During the February 25, 2015 meeting, the Commission supported staff's findings regarding the building height exception.

**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 trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. 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.*

The applicant wrote the following statement regarding site planning:

The Snow Hut Lodge is located on the footprint of the existing building and against an existing hill side to maximize skier circulation in the area. Placing excavated material on site will remove the reverse slope between the King Con run and the building location. Skier circulation down to the King Con lift will be improved by the site grading on Broadway and the new location of the building. The Interconnect Gondola is located not to interfere with skier circulation and provides direct access to the Snow Hut Lodge.

No retaining structures are proposed. Site grading is minimized while providing an on-snow / no stairs access to Snow Hut.

Existing summer biking and hiking trails on the Park City Mountain Resort side of the project are avoided to extent possible. Within the Summit County portion of the site, the evacuation routes may cross existing biking / hiking trails within the terms of the property agreements with trail operators and landowners.

Snow storage is on-site. The building is designed to shed snow away from public areas and service doors.

Refuse and recycling will take place in the building footprint consistent with the sustainability goals of Park City Mountain Resort. Refuse removal will not change from current operations.

Transportation to the site is via lifts, skiing and snowboarding only. No public vehicle access is proposed.

Staff agrees with the applicant's findings above regarding site planning.

- H. Landscape and Street Scape.** *A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5(M) Landscaping.*

Significant vegetation is retained and protected. Vegetation removed for site grading consists mainly of existing ski runs grasses and brush. The lift line corridor will require tree removal but ground disturbance will only occur in lift tower areas, base terminal area and evacuation route construction.

- 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.

The applicant wrote the following statement regarding Sensitive Lands Compliance:

A Visual Simulation has been conducted to comply with the Sensitive Lands compliance for viewshed and ridgeline protection. All other elements of the Sensitive Land analysis for the original MPD remain in effect and unchanged by this project.

The Interconnect lift, by definition, needs to cross a section of the ridge line south of Iron Mountain, above White Pine Canyon and Thaynes Canyon, mainly in Summit County jurisdiction. A previously identified location of the ridge crossing and mid-station was located on the minor summit south of Iron Mountain; a second location was located on the ridgeline south of the proposed location. Both locations were evaluated for visual impacts and operational considerations. The current proposed mid-station location in this application is located in alignment with the existing lift easement through the Colony and below the ridgeline on the west side approximately 400 feet north of the originally identified minor summit. The terminal structure, given its location, minimizes the intrusion on the ridgeline from either east or west sight lines. Glazing on terminal openings will be used only for system maintenance and operation requirements.

The lift alignment is approximately perpendicular to existing main public roads. Linear views of the lift line are not apparent from these roads. Lift line impacts are reduced as it is below the sky line and in many places within a forested area.

The access route and evacuation trails are combined to minimize site disturbance for construction and maintenance. The access route / evacuation trail(s) is located to ensure access to the lift line in the unlikely event of a lift mechanical failure and for lift maintenance access. It is designed to minimize length and take advantage of intervening topography and tree cover to minimize appearance.

A visual analysis from designated viewpoints has been submitted to illustrate the visual effects of the proposed lift system. The viewpoints were selected by City and County staff, to assess potential project impacts from key public areas with views of the project.

The Interconnect Gondola system, towers and terminals, and evacuation route in Thaynes Canyon are shown on the visual simulation from the designated viewpoints. The location of the proposed Snow Hut building is also shown in the simulations.

Visual simulations are included with the application package.

Staff finds that the visual simulations have been conducted properly for review of viewshed and ridgeline protection. The terminal structure minimizes the intrusion on the ridgeline from either east or west sight lines. The lift line impacts are reduced as it is below the sky line and in many places within a forested area. A visual analysis from designated viewpoints has been submitted to illustrate the visual effects of the proposed lift system. See Exhibit C – Visual Simulations & Photographs. The interconnect gondola system, towers and terminals, and evacuation route in Thaynes Canyon are shown on the visual simulation from the designated viewpoints. The location of the proposed Snow Hut building is also shown in the simulations.

All other elements of the Sensitive Land analysis for the original MPD remain in effect and unchanged by this project.

- 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.*

The MPD Development Agreement states the following:

*Developer shall construct or provide deed restricted off-site housing for 80 PCMR employees on or before October 1, 2003. The rental rate (not including utilities) for the employee housing will be determined by the City Council Housing*

*Resolutions Establishing Guidelines and Standards, but will not exceed 1/3 of the employee's base gross wages. The rental rate shall be assured in perpetuity through deed restrictions in form and substance satisfactory to the City.*

*Developer must commence construction or complete the purchase of housing to accommodate 80 employees within 90 days of receiving a Small Scale MPD which, in combination with previously granted Small Scale MPDs, represent approvals for a total of 50% of the total square footage of the Concept Master Plan. Developer must work expeditiously to complete the employee housing project(s). In no case shall Small Scale MPDs, which represent approvals for a total of 60% of the Small Scale MPDs within the PCMR Concept Master Plan, be issued until the required housing is available for occupancy. Park City will provide Developer a letter of compliance when it fulfills this requirement.*

*If there is a downturn in the market, and the Developer fails to obtain approval for 60% of the Small Scale MPDs within the PCMR Concept Master Plan, on or before October 1, 2003, Developer shall, at a minimum acquire, by lease or by purchase its proportionate obligation to produce employee housing, and shall offer such housing to employees at a price at or below Park City's applicable affordable housing rates and standards. For example, if only 40% of the Small Scale MPDs have been approved by October 1, 2003, Developer shall provide housing for 32 PCMR employees at the lesser of the City's Affordable Housing rate or no more than 1/3 of the employee's monthly income. Once Developer ultimately achieves the 60% Small Scale MPD approval, it must provide deed restricted housing for all 80 employees as detailed above.*

The existing MPD contains the requirement for employee housing, this project does not change these requirements. Per extensive Staff review of the approved and recorded Development Agreement, the employee housing is actually triggered ONLY by the receipt and approval of Conditional Use Permits (Small Scale MPD's) of the base area, "Parcels A - E."

As indicated in the Development Agreement, there was a trigger date of October 1, 2003, for 60% of the Small Scale MPDs (CUPs for each parcel), with an exception of a market downturn hit, which did take place. Under this situation, the employee requirement was proportionally based on approved Small Scale MPD's (CUPs for each parcel). The Planning Department calculates, Parcel A, the first and only approved Small Scale MPD/CUP for Marriott Mountainside/Legacy Lodge, accounted for approximately 334,000 total s.f. of the total 1,156,787 s.f. in the Large Scale Master Plan or 28.8% of 80 employee units required. This equates to 23 employee units required after October 1, 2003.

Section 2.2 of the Development Agreement states, "In no case shall Small Scale MPDs...be issued until the required housing is available for occupancy." This indicates that no additional base parcels can be approved until the 23 units are available and in use. This will be important for future base density approvals but

in Staff's opinion, the requirement is not triggered by the requested amendment for on-mountain upgrades, updates, etc. Staff recommends adding the following condition of approval:

***Unless Section 2.2 of the Development Agreement is previously satisfied by the developer in an off-site location which shall include employee housing required by the development of Parcel A (the "Required Employee Housing"), the Developer shall include as part of the next application for a Small Scale MPD approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") an affordable housing plan subject to Park City Housing Authority approval per the Housing Resolution in effect at the time of application for the Required Employee Housing and the employee housing required for the Next Small Scale MPD Application as determined by such resolution. Unless otherwise approved in the housing plan, a completion bond in a form approved by the City Attorney will be required for the Required Housing as a condition of building permit issues for the Next Small Scale MPD. Nothing in this condition shall be deemed to relieve any owner or prior developer of Parcel A from any liability that may exist to the City, the Developer, or any future developers in the MPD for failure to comply with Section 2.2 of the Development Agreement.***

Applicant's comments to Staff's Employee Housing condition of approval:

*Generally, the proposed condition looks okay. The requirement for this property is governed by Section 2.2 of the Development Agreement. Although various ordinances may or may not apply at different times, we believe our purpose here is to ensure the existing requirement in Section 2.2. of the Development Agreement is fulfilled, and have adjusted the text to reference that requirement rather than the ordinance.*

Applicant's proposed condition of approval markup:

Unless Section 2.2 of the Development Agreement is previously satisfied by the developer in an off-site location which shall include employee housing required by the development of Parcel A (the "Required Employee Housing"), the Developer shall include as part of the next application for a Small Scale MPD approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") an affordable housing plan subject to ~~Park City Housing Authority~~applicable City approvals per the ~~Development Agreement Housing Resolution in effect at the time of application~~Development Agreement for the Required Employee Housing and the employee housing required for the Next Small Scale MPD Application as determined by ~~the applicable agreements such resolution~~the applicable agreements. Unless otherwise approved in the housing plan ~~or previously satisfied~~or letter of credit, a completion bond ~~or letter of credit~~ in a form approved by the City Attorney will be required for the Required Housing as a condition of building permit

issues for the Next Small Scale MPD. Nothing in this condition shall be deemed to relieve any owner or prior developer of Parcel A from any liability that may exist to the City, the Developer, or any future developers in the MPD for failure to comply with Section 2.2 of the Development Agreement.

- 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.*

Not applicable. No housing is proposed in this application. The project does not affect possible child care demands.

- L. Mine Hazards.** *All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.*

Complies. The City has received a map and list of known Physical Mine Hazards on the property. A mine hazard mitigation plan has also been submitted to the City with appropriate mitigation. The map and mitigation plan are filed in the office of the City's Environmental Regulatory Program Manager and mitigation is scheduled to be completed by December 1, 2015.

- M. Historic Mine Waste Mitigation.** *For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.*

Proposed development activity is not anticipated to encounter known historic mine waste. Furthermore, the site is not within the soils boundary. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.

### **Additional Annexation Issue- Historic Preservation**

In accordance with LMC §15-8-5 (B)(15) and (C)(9), the prior applicants at the time of the 2007 annexation agreed to update the Preservation Plan submitted in 2000 for the additional annexed area. The 2007 annexation included the following analysis in the February 1, 2007 staff report:

#### **18. Historic and cultural resources**

*This annexation will include historic mining era structures within the Park City limits. The Silver King mine and other mining structures throughout the annexation area are more than 50 years old and would be considered to be historic structures due to the age of construction. No determination of historical significance has been made. Any changes to the historic buildings would require review by the Planning Department for*

*compliance with the LMC preservation ordinance and Historic Design Guidelines. The Flagstaff Historic Preservation Technical Report will necessarily need to be amended to include those resources within the annexed area. The annexation therefore has a significant public benefit in the area of historic or cultural resources, in that several historic structures will be included within the City limits. If the structures are rehabilitated to building code, resort support uses could be permitted subject to a Conditional Use Permit.*

Finding of Fact no. 7, of the 2007 annexation indicated that the proposed annexation protects the general interests and character of Park City including several historic mining era structures within the Park City Boundary. Furthermore, the applicants agreed to update the mitigation as identified in the original Annexation Agreement regarding historic preservation:

*Historic Preservation. The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at Daly West site is historically significant.*

The Annexation Agreement for the United Park City Mines Company Lands at PCMR tied the various agreements together: This Annexation is conditioned upon the Amended and Restated Development Agreement For Flagstaff Mountain, the Talisker Conservation Deed Restriction and the Conservation Easement executed and recorded herewith. (Annexation Agreement paragraph 26).

Staff recommends that the inventory be completed to comply with the 2007 Annexation and that the Preservation and Restoration Plans are finished and approved by the City. Staff recommends adding a Condition of Approval to this MPD amendment requiring completion of the outstanding inventory and subsequent Preservation and Restoration Plans prior to the City accepting any application for base area development (this will match the affordable housing condition). The Preservation and Restoration plans shall also indicate a stabilization timeframe for each site. Staff recommends adding the following condition of approval:

***In furtherance of assisting the Developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, prior to Certificate of Occupancy on Snow Hut expansion approved herein, (a) contribute \$50,000 (in cash payments or consultant work) to complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (including the annexed PCMR property); (b) dedicate and/or secure preservation easements (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with***

**respect to the identified sites within the PCMR Development Agreement Property; and (c) agrees to list the following sites in the Park City Historic Sites Inventory: \_\_\_\_\_ . In addition, the Developer under the PCMR Development Agreement shall contribute or expend a minimum of \$50,000 to the stabilization of the prioritized historically significant structures, as determined by the Developer in consultation with the City Preservation Planner and Park City Museum on the PCMR Development Agreement Property by October 1, 2015, and to assist the Park City Museum with an annual fundraiser event over the next five years, with the fundraiser proceeds to be used for any site on the PCMR priority list, as determined by the Park City Museum. Nothing herein shall release the original Flagstaff Mountain Developer (United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.**

Applicant's comments to Staff's Historic Preservation condition of approval:

- For the \$50k contribution to complete the inventory, we have no issue doing that this summer so your proposal looks good. For dedication of easements, as you know, we are doing our boundary survey work this summer and with that we will have a better understand of which sites lie within the property that we control. As such we would like to suggest a deadline in the Spring of next year for delivery of the easements so we know what is on our property and what is not. As we have discussed, those sites on the south boundary are the ones in question
- The sites we believe that are on the annexed land are as follows: Jupiter Ore Bin, Thaynes Mine Site, Silver King Water tanks, portions of the Silver King Mine Site, and King Con Counterweight. We have added a parenthetical that they are not officially added until they are, in fact, located on our property (either owned or TCFC ground lease).
- Finally, we are planning to make a \$50k contribution towards these projects. We believe it is in the best interests of all of us to complete the inventory this summer first, prioritize the sites for stabilization and then next summer spend the \$50 k. However, we would be willing to make our contribution up to \$50k this summer if, in fact, the City and the Museum determine there is project work to be done this year.

Applicant's proposed condition of approval markup:

| In furtherance of assisting the ~~d~~Developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) prior to Certificate of Occupancy on Snow Hut expansion approved herein, (~~a~~) contribute \$50,000 (in cash payments or consultant work) to complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (including the annexed PCMR property), which inventory shall include the

following sites: Jupiter Ore Bin, Thaynes Mine Site, Silver King Water Tanks, portions of the Silver King Mine Site, and the King Con Counterweight (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC); and (b) no later than March 25, 2016, dedicate and/or secure preservation easements (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property; and (c) agrees to list the following sites in the Park City Historic Sites Inventory: \_\_\_\_\_. In addition, the Developer under the PCMR Development Agreement shall contribute ~~or expend a~~ minimum total of \$50,000 to the stabilization of the prioritized historically significant structures, as determined by the Developer in consultation with the City Preservation Planner and Park City Museum on the PCMR Development Agreement Property by October 1, 2015, ~~and to assist the Park City Museum with an annual fundraiser event over the next five years, with the fundraiser proceeds to be used for any site on the PCMR priority list, as determined by the Park City Museum.~~ Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

#### **Additional Annexation Issue- Trails**

In accordance with LMC §15-8-5(C)(3), the prior applicants at the time of the 2007 annexation acknowledged numerous trails in the annexed area, and their public use through dedication to the Park City Master Trails Map. See exact language below:

##### **5. Trails**

*Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the City either on the Annexation plat or at the time of PCMR MPD amendment.*

Staff recommends adding the following condition of approval:

***Developer hereby consents to the addition of the existing, public trails depicted on Exhibit P to the Park City Trails Master Plan. Developer is still finalizing survey and other closing matters with regards to their acquisition of the property. Unless such trails are previously dedicated by plat/subdivision, prior to the issuance of a Certificate of Occupancy for any new Small Scale MPD/CUP approved after March 25, 2015 under any portion of the Development Agreement, including Parcels A-E, the Developer and any other necessary owner/party shall execute an irrevocable offer of dedication in compliance with the requirements of Section 5 of the Annexation Agreement which remains in full force and effect, and states: Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The***

**existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the city either on the Annexation plat or at the time of PCMR MPD amendment.**

Applicant's comments to Staff's Trails condition of approval:

- We are in agreement with you that we need to make sure this requirement gets fulfilled. However, we also need to make sure that we are not inadvertently changing the condition or requirement.
- It seems that neither the City nor VR at the moment has the appropriate map of trails that were intended to be covered or required by this condition, and as a result, we both need to do some research and locate it. In addition, we need to confirm our property boundaries because we obviously cannot grant easements/dedications for things that are not on our property.
- As a result, we think we need to delete the recent proposed map, and all do our homework to find whatever maps or records applied in 2007 when the requirement was crafted.
- In terms of timing, we had thought your suggestion was to tie this to base area development. The condition you drafted seems to pick up any CUP under the development agreement (and ~~would~~ could be accidentally triggered by our lift projects this summer). As a result, we have two suggested options:
  - We could tie it to the next base area Small Scale MPD (see markup below); OR
  - We would be fine with a hard deadline of March 25, 2016 one year from now which gives us all adequate time to complete our research, confirm the property boundaries, and get you the easements.
- Lastly, we suggest that the grants could be on a plat OR on an easement. I don't think this should make much of a difference to the City, but if we aren't doing a plat, we should be able to satisfy this with an easement. Plus, it will be much more feasible to get easements signed by our landlord than a plat.

Applicant's proposed condition of approval markup:

~~Developer hereby consents to the addition of the existing, public trails depicted on Exhibit \_\_\_ to the Park City Trails Master Plan.~~ Developer is ~~still~~ finalizing survey and other closing matters with regards to their acquisition and ground lease of the PCMR Development Agreement pProperty. Unless such trails are have been previously dedicated by plat/subdivision or easement, prior to [the issuance of a Certificate of Occupancy for any new Small Scale MPD/CUP approved after March 25, 2015 under ~~any portion of~~ the Development Agreement for ~~, including~~ Parcels A-E, the Developer] and any other necessary owner/party shall execute an irrevocable offer of dedication or easement in compliance with the requirements of Section 5 of the Annexation Agreement which remains in full force and effect, and states: Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the city either on the Annexation plat or at the time of PCMR MPD amendment.

### **Conditional Use Permit (CUP)**

LMC § 15-4-18 indicates that the location and use of a passenger tramway, including a ski tow or ski lift, is a Conditional Use. CUPs under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

1. **Ownership of Liftway.** *The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway, which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity, which has jurisdiction over the Street crossed.*

*Any combination of ownership and leasehold interests that gives the Applicant possession and control over the entire course of the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant standing to apply for the Conditional Use.*

Complies.

2. **Width.** *The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.*

Complies as conditioned.

3. **Base or Terminal Facilities.** *The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones. Mid-loading and unloading points are allowed in the HR-1 and HRL zones.*

Not applicable.

4. **Crossing of Public Roads.** *The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and*

*fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions, which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.*

Not applicable.

- 5. Utility Clearance.** *The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.*

Complies as conditioned.

- 6. Parking and Traffic Plans.** *The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic, which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that parking would be provided. The traffic and parking plan may be included in the neighborhood impact analysis. The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties.*

The approved and recorded Park City Mountain Resort Development Agreement states that parking mitigation is reviewed at each Small Scale Master Planned Development (Conditional Use Permit) approval for base development. The review that occurred for "Parcel A," was satisfied, noting that no additional parking issues would be occurring until later phases were built-out at the base. Staff recommends no change to that direction from the Planning Commission to re-evaluate the parking with the next phase of base area development, which is consistent with the County's determinations on their side of the interconnect application. During the February 25, 2015 Planning Commission meeting, the Commission agreed that the parking mitigation would be effected by the additional small scale MPD (CUP) or the base development.

7. **Liftway Setback.** *The minimum Setback between the outermost surface of Structure of the Liftway and any existing dwelling shall be ten feet (10'), in addition to the width of the Liftway itself. This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.*

Complies as conditioned.

8. **State Regulation.** *Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of State requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.*

Complies as conditioned.

9. **Public Purpose Served.** *The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.*

Complies.

### **Construction Access**

Regarding construction staging access see Exhibit Q, which indicates the access and possible schedule. The map attached to this exhibit points out the routes.

### **Summary Recommendations**

Staff recommends that the Planning Commission review the submitted Master Planned Development Agreement & Mountain Upgrade Plan amendments, Conditional Use Permit for a ski lift, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

### **MPD - Findings of Fact:**

1. The site is known as Park City Mountain Resort.
2. The site address is 1345 Lowell Avenue.
3. On December 23, 2014 the applicant submitted a request to amend the existing Master Planned Development & Development Agreement.

4. The current application is an amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant AND an amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which requires the addition of the upper mountain ski terrain to PCMR's original MPD.
5. A Ski Lift is listed as a Conditional Use Permit (CUP) in the ROS District. CUPs are reviewed and approved by the Park City Planning Commission.
6. In June 1997, the Park City Planning Commission approved the Park City Mountain Resort Large Scale Master Plan.
7. The Development Agreement was recorded with the County in July 1998.
8. The approved Master Plan includes development according to the PCMR Concept Master Plan and conditions of approval.
9. The conditions of approval include development of skiing and related facilities identified in the Mountain Upgrade Plan.
10. In March 2007, additional Park City Mountain Resort ski terrain was annexed into Park City Municipal Corporation known as the Annexation Agreement for the United Park City Mines Company Lands at Park City Mountain Resort.
11. The annexation indicated that the next Development Activity Application or amendment under the PCMR MPD must add the PCMR lease land annexed to the PCMR MPD.
12. In conjunction with the other amendments the applicant requests to fulfill the requirements of the annexation by incorporating PCMR's upper terrain into the PCMR Master Planned Development & Development Agreement.
13. The Mountain Upgrade Plan was recorded with the Development Agreement and identifies the background/methodology, design criteria, existing ski resort facilities, Mountain upgrading plan, future expansion potential, and conclusion.
14. The amendment of the Mountain Upgrade Plan includes the construction of those portions of the interconnect lift with Canyons Resort, and related lift towers, ski trails, terminals, buildings, infrastructure, and related appurtenances located in Park City.
15. The interconnect gondola is not specifically referenced in the Mountain Upgrade Plan, the terrain in which the lift is proposed is already designated in the Mountain Upgrade Plan for future ski pod development.
16. The proposed interconnect gondola will connect Park City Mountain Resort and Canyons Resort.
17. The amendment of the Mountain Upgrade Plan also includes the expansion of the Snow Hut on-mountain restaurant.
18. The improvement and enlargement of the Snow Hut is to improve mountain guest services.
19. The Planning Commission held a public hearing and reviewed this request on February 25, 2015.
20. During the February 25, 2015 Planning Commission meeting staff requested discussion by the Planning Commission on four items: building height, parking, employee housing, and historic preservation.
21. The purpose of the Master Planned Development Amendment application public meeting is to have the applicant present their amendments and give the

public and Planning Commission an opportunity to evaluate those amendments in accordance with the applicable code criteria.

22. The proposed amendment to the Development Agreement does not change approved densities.
23. The site is not located in the HR-1 or HR-2 District. The proposed amendments take place with the areas shown in the Mountain Upgrade Plan, located in the Recreation and Open Space District (zone).
24. The proposed amendments are not nearby the exterior boundary of the MPD with the exception of the interconnect line.
25. The Snow Hut on-mountain restaurant and the PCMR interconnect line terminal are a minimum of 2,000 feet from PMCR perimeter.
26. Open space is established by the approved MPD. Of the approximately 3,700 acres in the ski resort, nearly 95% of the property is considered recreation/open space (i.e. trails and forested areas).
27. The proposed projects will not materially affect the required open space.
28. The LMC indicates that the Planning Department shall review the parking analysis and provide a recommendation to the Planning Commission. The Commission is to 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.
29. The Developer shall comply with the parking mitigation plan. This plan shall be reviewed and modified, if necessary, as a part of the Small Scale MPD (CUP) for each phase to evaluate transit alternatives and demonstrated parking needs.
30. If, in practice, the parking mitigation plan fails to adequately mitigate peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking.
31. The replacement of the Snow Hut does not affect skier capacity and subsequently does not affect parking requirements.
32. Skiers and riders are already on the mountain during operations, and the replacement Snow Hut Lodge is designed to significantly improve service at a major connection area in a central area of the ski resort.
33. The Interconnect Gondola functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it. Given it is an access lift only between the two areas there is no skier capacity increase associated with it.
34. No additional parking is impacted by the Snow Hut on-mountain restaurant expansion.
35. The applicant indicated that in 2014 the Snow Hut has 154 indoor seats and 200 outdoor seats.

36. The Mountain Upgrade Plan called for several items in the conclusion of Section III - Existing Ski Resort Facilities, one of which was to position additional on-mountain seating to accommodate existing and upgrade facilities.
37. The Mountain Upgrade Plan indicated that the Snow Hut needed additional seating based on the seating requirement summary based on logical distribution of the CCC. As indicated in the document in 1997, the Snow Hut had 168 indoor seats available but should have 414 indoor seats.
38. The applicant currently proposes to increase the indoor seating from the 168 indicated in 1997 to approximately 500 and the outdoor seating to stay the same at approximately 250 seats (indicated in 1997).
39. The net increase, from what was necessary in 1997, is 86 seats, which is 21% above the required number of seats.
40. The increase of 86 indoor seats (1997) from the identified CCC necessitates parking at the base since the skier capacity is not affected.
41. Skiers are already on the mountain during operations and the CCC remains unchanged.
42. The proposed Interconnect Gondola does not need more parking as it functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it.
43. The approved and recorded Development Agreement states that parking mitigation is reviewed at each Small Scale Master Planned Development (Conditional Use Permit) approval.
44. The review that occurred for "Parcel A," was satisfied, noting that no additional parking issues would be occurring until later phases were built-out at the base.
45. The applicant requests an increase in building height for the Snow Hut expansion.
46. In the ROS District no structure may be erected to a height greater than twenty-eight feet (28') from existing grade.
47. To allow for a pitched roof and to provide usable space within the structure, a gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
48. The majority of the proposed new building does not meet the maximum roof height, according to its corresponding roof pitch, of either 28 or 33 feet.
49. The corner on the left on the front elevation is approximately 52 feet above existing grade.
50. The corner on the right on the front elevation is approximately 68 feet above existing grade.
51. The front elevation has the tallest points found on the proposed snow hut expansion.
52. When viewed from the side elevation, north, about a quarter of the building on the right meets the maximum of height 28/33 feet.
53. When viewed from the other side, south elevation, two thirds (2/3s) of the building from the left on the lowest form and about 1/3 of the ridge towards the left meets the maximum building height.
54. When reviewing the rear of the building, west elevation, the entire wall (rear façade) meets the maximum height.

55. The roof however, as indicated on the other elevations does not meet the height.
56. It is estimated that approximately 70% of the overall roof does not meet the maximum corresponding building height.
57. In order to grant building height in addition to that which is allowed in the ROS District, underlying zone, the Planning Commission is required to make specific findings Outlined in LMC § 15-5-5(F)(1)-(5).
58. The proposed 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.
59. Even though the building is indeed tall, not just in form but also due to the terrain (height measured from existing grade per Park City codes), the proposed building is a one (1) story building which maximizes sun-light exposure from the windows on the front, east elevation.
60. There is no density increase as the existing support commercial use for the restaurant does not require use of unit equivalents. A different design with the same capacity at height would result in greater site disturbance, grading and less architectural variation.
61. The proposed Snow Hut is remote from any other building.
62. The minimum setback for the building is 2,000 feet. No other structures, except ski lifts are within this area. No impact to view, solar access, shadows, or other criteria will occur.
63. The site is centralized in the upper mountain of the existing ski resort, and not generally visible from developed off-site locations in Park City. As a ski resort operation, the site will be re-vegetated with a proven seed mix.
64. The adjacent open space is designated ski terrain. With approximately 3,700 acres of ski terrain the proposed projects 17,200 square feet of footprint will have no effect on open space or its usability.
65. The proposed height of the building is the result of a combination of the single story accessible design and the roof design which does not shed snow to public areas or decks, and does not require heat taping in roof valleys or edges to prevent large icicle development.
66. The large glazed areas are designed to maximize solar gain in support of the project sustainability goals. Interruptions in the roof plane would interrupt snow shed and possible increase height with no purpose.
67. There are no other buildings within one-half mile to match roof façade or variations.
68. The proposed roof form maximizes sun-light exposure on the east elevation.
69. The proposed one (1) story structure meets the following Architectural Design Guidelines outlined in LMC § 15-5-5.
70. The Architectural Style and Motif is not prohibited by the LMC.
71. The proposed siding is not prohibited by the LMC.
72. The applicant proposes the following three (3) main exterior wall materials on the front and side elevations: 1. reclaimed board and batten; 2. horizontal chinked trestlewood; and 3. rusted corten ribbed siding. The applicant proposes concrete masonry unit (CMU) on the bottom half of the rear elevation.

73. Applicant proposes a dark green shingle roof and a metal standing seam for the two smaller shed roofs as seen on the rear, west elevation.
74. The combination roof shape is not listed under prohibited roof forms.
75. Window treatments are not prohibited by the code.
76. The applicant has not submitted plans regarding this provision.
77. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting.
78. The applicant has not submitted plans regarding this provision.
79. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding trash/recycling enclosures.
80. The applicant has not submitted plans regarding this provision.
81. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding mechanical equipment.
82. LMC § 15-5-8 indicates the following regarding façade length and variations, following: Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
83. The east elevation, front does not meet the façade façade length and variations requirement.
84. The façade is 140 feet long and does not provide a prominent shift in the mass of the structure.
85. The north and south elevations provide appropriate breaks, both horizontally and vertically (height) where a shift was incorporated in the design.
86. The west elevation, rear, meets the shift in the form of a fifteen foot (15') change in the building height.
87. LMC § 15-5-7 indicates that in some cases, the Planning Director, may vary from these standards if warranted by unusual or unique circumstances. This may result in variation from the strict interpretation of this section and may be granted by the Planning Director.
88. The Planning Director has reviewed the submitted plans and finds that the site is unusual and unique due to its remote location.
89. The Snow Hut is located on the mountain, accessible to skiers.
90. The location of the Snow Hut is not in a typical Park City neighborhood.
91. The intent of the façade length and variation criteria is to break up the massing of buildings so that they relate to the pedestrian scale.
92. The amount of glass on the front, east elevation, also helps mitigate the width of the building adding an aesthetically pleasing component.
93. When the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building 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.

94. The additional height due to the specific site analysis is not detrimental and in compliance with applicable LMC standards regarding the height allowance.
95. The Snow Hut Lodge is located on the footprint of the existing building and against an existing hill side to maximize skier circulation in the area.
96. Placing excavated material on site will remove the reverse slope between the King Con run and the building location. Skier circulation down to the King Con lift will be improved by the site grading on Broadway and the new location of the building.
97. The Interconnect Gondola is located not to interfere with skier circulation and provides direct access to the Snow Hut Lodge.
98. No retaining structures are proposed. Site grading is minimized while providing an on-snow / no stairs access to Snow Hut.
99. Existing summer biking and hiking trails on the Park City Mountain Resort side of the project are avoided to extent possible. Within the Summit County portion of the site, the evacuation routes may cross existing biking / hiking trails within the terms of the property agreements with trail operators and landowners.
100. Snow storage is on-site. The building is designed to shed snow away from public areas and service doors.
101. Refuse and recycling will take place in the building footprint consistent with the sustainability goals of Park City Mountain Resort. Refuse removal will not change from current operations.
102. Transportation to the site is via lifts, skiing and snowboarding only. No public vehicle access is proposed.
103. Significant vegetation is retained and protected.
104. Vegetation removed for site grading consists mainly of existing ski runs grasses and brush. The lift line corridor will require tree removal but ground disturbance will only occur in lift tower areas, base terminal area and evacuation route construction.
105. The visual simulations have been conducted properly for review of viewshed and ridgeline protection. The terminal structure minimizes the intrusion on the ridgeline from either east or west sight lines.
106. The lift line impacts are reduced as it is below the sky line and in many places within a forested area.
107. A visual analysis from designated viewpoints has been submitted to illustrate the visual effects of the proposed lift system.
108. The interconnect gondola system, towers and terminals, and evacuation route in Thaynes Canyon are shown on the visual simulation from the designated viewpoints.
109. The location of the proposed Snow Hut building is also shown in the simulations.
110. All other elements of the Sensitive Land analysis for the original MPD remain in effect and unchanged by this project.
111. The MPD Development Agreement states the following:

*Developer shall construct or provide deed restricted off-site housing for 80 PCMR employees on or before October 1, 2003. The rental rate (not including utilities) for the employee housing will be determined by the City Council Housing Resolutions Establishing Guidelines and Standards, but will not exceed 1/3 of the employee's base gross wages. The rental rate shall be assured in perpetuity through deed restrictions in form and substance satisfactory to the City. Developer must commence construction or complete the purchase of housing to accommodate 80 employees within 90 days of receiving a Small Scale MPD which, in combination with previously granted Small Scale MPDs, represent approvals for a total of 50% of the total square footage of the Concept Master Plan. Developer must work expeditiously to complete the employee housing project(s). In no case shall Small Scale MPDs, which represent approvals for a total of 60% of the Small Scale MPDs within the PCMR Concept Master Plan, be issued until the required housing is available for occupancy. Park City will provide Developer a letter of compliance when it fulfills this requirement.*

*If there is a downturn in the market, and the Developer fails to obtain approval for 60% of the Small Scale MPDs within the PCMR Concept Master Plan, on or before October 1, 2003, Developer shall, at a minimum acquire, by lease or by purchase its proportionate obligation to produce employee housing, and shall offer such housing to employees at a price at or below Park City's applicable affordable housing rates and standards. For example, if only 40% of the Small Scale MPDs have been approved by October 1, 2003, Developer shall provide housing for 32 PCMR employees at the lesser of the City's Affordable Housing rate or no more than 1/3 of the employee's monthly income. Once Developer ultimately achieves the 60% Small Scale MPD approval, it must provide deed restricted housing for all 80 employees as detailed above.*

112. The existing MPD contains the requirement for employee housing, this project does not change these requirements.
113. Employee housing is actually triggered ONLY by the receipt and approval of Conditional Use Permits (Small Scale MPD's) of the base area, "Parcels A - E."
114. As indicated in the Development Agreement, there was a trigger date of October 1, 2003, for 60% of the Small Scale MPDs (CUPs for each parcel), with an exception of a market downturn hit, which did take place.
115. Under this situation, the employee requirement was proportionally based on approved Small Scale MPD's (CUPs for each parcel).
116. The Planning Department calculates, Parcel A, the first and only approved Small Scale MPD/CUP for Marriott Mountainside/Legacy Lodge, accounted for approximately 334,000 total s.f. of the total 1,156,787 s.f. in the Large Scale Master Plan or 28.8% of 80 employee units required. This equates to 23 employee units required after October 1, 2003.
117. Section 2.2 of the Development Agreement states, "In no case shall Small Scale MPDs...be issued until the required housing is available for occupancy."
118. No additional base parcels can be approved until the 23 units are available and in use.

119. The employee housing requirement is not triggered by the requested amendment for on-mountain upgrades, updates, etc.
120. No child care is proposed in this application.
121. The project does not affect possible child care demands.
122. The City has received a map and list of known Physical Mine Hazards on the property.
123. A mine hazard mitigation plan has also been submitted to the City with appropriate mitigation. The map and mitigation plan are filed in the office of the City's Environmental Regulatory Program Manager and mitigation is scheduled to be completed by December 1, 2015.
124. Proposed development activity is not anticipated to encounter known historic mine waste.
125. The site is not within the soils boundary. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.
126. In accordance with LMC §15-8-5 (B)(15) and (C)(9), the prior applicants at the time of the 2007 annexation agreed to update the Preservation Plan submitted in 2000 for the additional annexed area.
127. The 2007 annexation included the following analysis in the February 1, 2007 staff report:

*18. Historic and cultural resources. This annexation will include historic mining era structures within the Park City limits. The Silver King mine and other mining structures throughout the annexation area are more than 50 years old and would be considered to be historic structures due to the age of construction. No determination of historical significance has been made. Any changes to the historic buildings would require review by the Planning Department for compliance with the LMC preservation ordinance and Historic Design Guidelines. The Flagstaff Historic Preservation Technical Report will necessarily need to be amended to include those resources within the annexed area. The annexation therefore has a significant public benefit in the area of historic or cultural resources, in that several historic structures will be included within the City limits. If the structures are rehabilitated to building code, resort support uses could be permitted subject to a Conditional Use Permit.*
128. Finding of Fact no. 7, of the 2007 annexation indicated that the proposed annexation protects the general interests and character of Park City including several historic mining era structures within the Park City Boundary.
129. The applicants agreed to update the mitigation as identified in the original Annexation Agreement regarding historic preservation:

*Historic Preservation. The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at Daly West site is historically significant.*
130. The Annexation Agreement for the United Park City Mines Company Lands at PCMR tied the various agreements together.

131. This 2007 Annexation is conditioned upon the Amended and Restated Development Agreement For Flagstaff Mountain, the Talisker Conservation Deed Restriction and the Conservation Easement executed and recorded herewith. (Annexation Agreement paragraph 26).
132. The inventory is to be completed to comply with the 2007 Annexation and the Preservation and Restoration Plans are finished and approved by the City.
133. A Condition of Approval to this MPD amendment requiring completion of the outstanding inventory and subsequent Preservation and Restoration Plans prior to the City accepting any application for base area development is to be added.
134. The Preservation and Restoration plans shall also indicate a stabilization timeframe for each site.
135. In accordance with LMC §15-8-5(C)(3), the prior applicants at the time of the 2007 annexation acknowledged numerous trails in the annexed area, and their public use through dedication to the Park City Master Trails Map. See exact language below:  
*5. Trails. Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the City either on the Annexation plat or at the time of PCMR MPD amendment.*
136. A Condition of Approval to this MPD amendment requiring trails language needs to be added to this approval.
137. The proposed Interconnect Gondola and Snow Hut on-mountain restaurant are not detrimental impacts of the Mountain Upgrade Plan.
138. The Interconnect increases accessible terrain as it connects PCMR with the Canyons Resort.
139. The Snow Hut expansion reduces the resort's restaurant seating deficiencies.

**MPD - Conclusions of Law:**

- A. The MPD Amendment, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD Amendment, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD Amendment, as conditioned, is consistent with the Park City General Plan;
- D. The MPD Amendment, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- E. The MPD Amendment, as conditioned, strengthens and enhances the resort character of Park City;
- F. The MPD Amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- G. The MPD Amendment, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

- H. The MPD Amendment, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- I. The MPD Amendment, 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 Amendment, 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 Amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- L. The MPD Amendment has been noticed and public hearing held in accordance with this Code.
- M. The MPD Amendment, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and 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 the Application.
- N. The MPD Amendment, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- O. The MPD Amendment, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

**MPD - Conditions of Approval:**

1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
2. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.
3. Employee Housing: Unless Section 2.2 of the Development Agreement is previously satisfied by the developer in an off-site location which shall include employee housing required by the development of Parcel A (the "Required Employee Housing"), the Developer shall include as part of the next application for a Small Scale MPD approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") an affordable housing plan subject to Park City Housing Authority approval per the Housing Resolution in effect at the time of application for the Required Employee Housing and the employee housing required for the Next Small Scale MPD Application as determined by such resolution. Unless otherwise approved in the housing plan, a completion bond in a form approved by the City Attorney will be required for the Required Housing as a condition of building permit issues for the Next Small Scale MPD. Nothing in this condition shall be deemed to relieve any owner or prior developer of Parcel A from any liability that may exist to the City, the Developer, or any future developers in the MPD for failure to comply with Section 2.2 of the Development Agreement.

4. Historic Preservation: In furtherance of assisting the Developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, prior to Certificate of Occupancy on Snow Hut expansion approved herein, (a) contribute \$50,000 (in cash payments or consultant work) to complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (including the annexed PCMR property); (b) dedicate and/or secure preservation easements (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property; and (c) agrees to list the following sites in the Park City Historic Sites Inventory: \_\_\_\_\_. In addition, the Developer under the PCMR Development Agreement shall contribute or expend a minimum of \$50,000 to the stabilization of the prioritized historically significant structures, as determined by the Developer in consultation with the City Preservation Planner and Park City Museum on the PCMR Development Agreement Property by October 1, 2015, and to assist the Park City Museum with an annual fundraiser event over the next five years, with the fundraiser proceeds to be used for any site on the PCMR priority list, as determined by the Park City Museum. Nothing herein shall release the original Flagstaff Mountain Developer (United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.
5. Trails: Developer hereby consents to the addition of the existing, public trails depicted on Exhibit P to the Park City Trails Master Plan. Developer is still finalizing survey and other closing matters with regards to their acquisition of the property. Unless such trails are previously dedicated by plat/subdivision, prior to the issuance of a Certificate of Occupancy for any new Small Scale MPD/CUP approved after March 25, 2015 under any portion of the Development Agreement, including Parcels A-E, the Developer and any other necessary owner/party shall execute an irrevocable offer of dedication in compliance with the requirements of Section 5 of the Annexation Agreement which remains in full force and effect, and states: Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the city either on the Annexation plat or at the time of PCMR MPD amendment.

#### **CUP - Findings of Fact**

1. LMC § 15-4-18 indicates that the location and use of a passenger tramway, including a ski tow or ski lift, is a Conditional Use.

2. CUPs under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met.
3. The interconnect complies with the Ownership of Liftway and Public Purpose criteria.
4. The interconnect complies with the Width, Utility Clearance, Liftway Setback, State Regulation, criteria, as conditioned.

**CUP Conclusions of Law:**

1. The application complies with all requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

**CUP - Conditions of Approval:**

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
7. This Conditional Use Permit approval will expire on March 25, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.

**Exhibits**

Exhibit A – Park City Ski Area Mountain Upgrade Plan

Exhibit B – Project Description

Exhibit C – Visual Simulations & Photographs

Exhibit D – Snow Hut Topographic Survey

Exhibit E – Interconnect Lift Overall Plan

Exhibit F – New Gondola & Snow Hut Overall Site Plan + Site Grading & Utility Plan +

Updated Grading Supplemental  
Exhibit G – Snow Hut Site Plan  
Exhibit H – Snow Hut Floor & Roof Plan  
Exhibit I – Snow Hut Elevations  
Exhibit J – Snow Hut Sections  
Exhibit K – Snow Hut Visuals  
Exhibit L – Park City Lift Finishes  
Exhibit M – Operator House  
Exhibit N – 02.25.2015 Planning Commission Minutes  
Exhibit O – Public Comments  
Exhibit P – Park City 2014 Trails Map  
Exhibit Q – Construction Staging Access