



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

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

2002 Euston Drive – Zone Change Request

PL-11-01174

5

ROLL CALL

ADOPTION OF MINUTES OF MARCH 9, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONSENT AGENDA – *Public hearing and possible action as outlined below*

335 Woodside Avenue – Plat Amendment

PL-11-01201

67

Public hearing and possible recommendation to City Council

109 Woodside Avenue – Plat Amendment

PL-11-01190

77

Public hearing and possible recommendation to City Council

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

Deer Valley – 11th Amended Master Planned Development

PL-11-01150

89

Public hearing and possible action

2800 Deer Valley Drive, Silver Baron Lodge – Amendment to Record of Survey

PL-11-01151

103

Public hearing and possible recommendation to City Council

Modification to Emergency Plan for Empire Pass – Amendment to Technical Report

131

Public hearing and possible action

Park City Heights – Master Planned Development

PL-10-01028

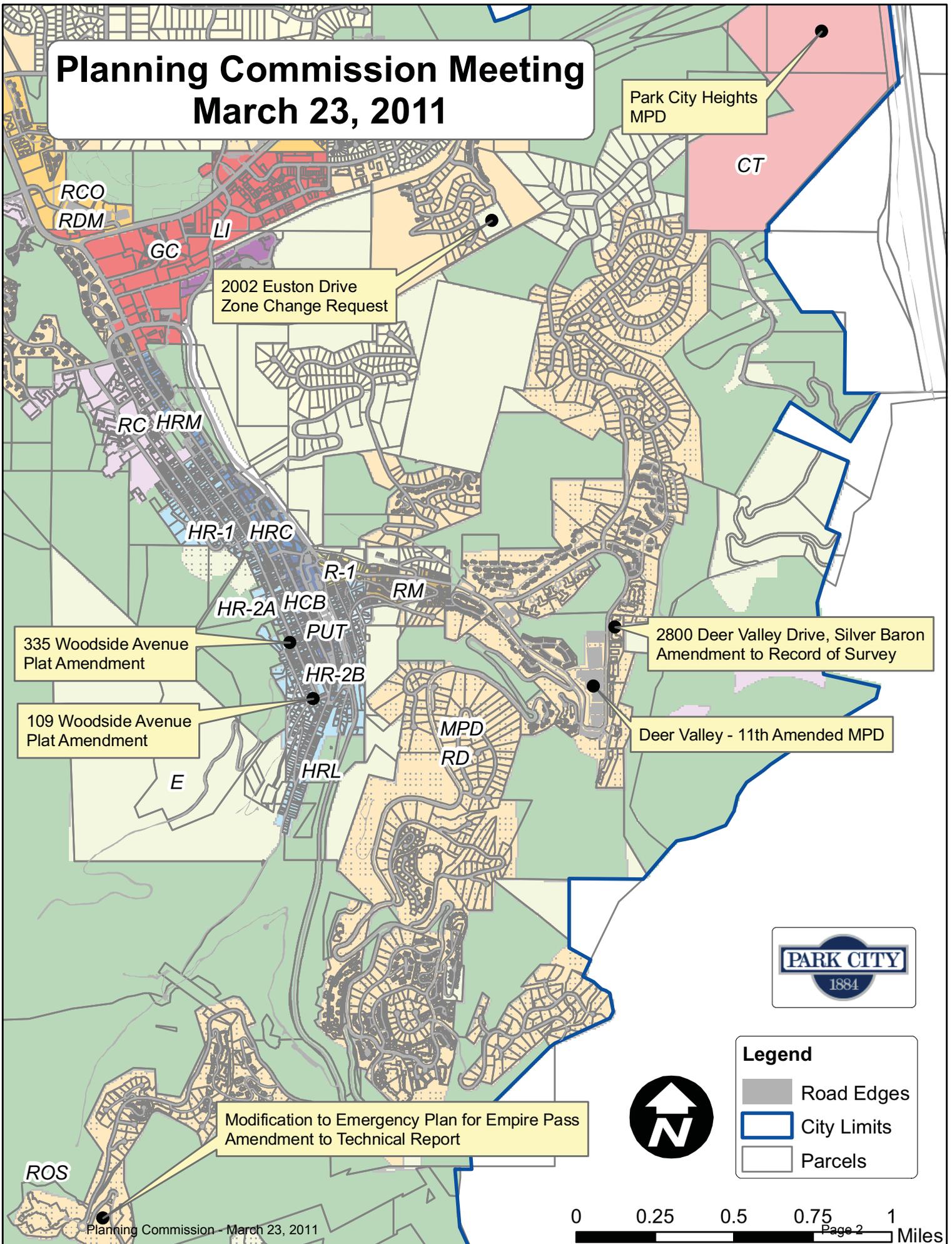
155

Public hearing and discussion

ADJOURN

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

Planning Commission Meeting March 23, 2011



Park City Heights
MPD

CT

2002 Euston Drive
Zone Change Request

RC HRM

HR-1 HRC

R-1

RM

HR-2A HCB

PUT

HR-2B

2800 Deer Valley Drive, Silver Baron
Amendment to Record of Survey

335 Woodside Avenue
Plat Amendment

109 Woodside Avenue
Plat Amendment

Deer Valley - 11th Amended MPD

E

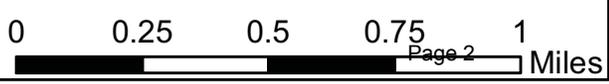
HRL

MPD
RD



Legend

- Road Edges
- City Limits
- Parcels



ROS

Modification to Emergency Plan for Empire Pass
Amendment to Technical Report

WORK SESSION

Planning Commission Staff Report



Application No: PL-11-01174
Subject: Patterson Zone Change
Author: Francisco Astorga
Date: March 23, 2011
Type of Item: Legislative – Zone Change Request
Work Session Discussion

Summary Recommendations

Staff recommends the Planning Commission review the Zone Change request from Estate (E) to Residential Development (RD) District for a vacant parcel located at 2002 Euston Drive, south of the Chatham Crossing Subdivision and direct staff and the applicant as to whether or not the proposed Zone Change is compatible with the surrounding area.

Description

Applicant: Robin Patterson
Location: 2002 Euston Drive
Zoning: Estate (E) District within the Sensitive Land Overlay (SLO)
Adjacent Land Uses: Residential and open space
Reason for Review: Zone Changes require Planning Commission review and City Council action

Proposal

This is a Zone Change request to amend the zoning on a parcel (PCA-120-M) from the Estate (E) District to the Residential Development (RD) District. The five (5) acre parcel is currently vacant. The applicant has indicated that she desires to build more than one (1) structure on their property. The current Estate designation permits one (1) dwelling unit per three (3) acres.

Background

The parcel is located directly south (uphill) of the Chatham Crossing Subdivision (RD District) and west of the open space area of the Canyon Crossing Condominiums (also within the RD District). See Exhibit A – Zoning Map and Exhibit B – Subdivision Map). This parcel is not part of any subdivision as it is not a lot of record. The subject property is surrounded on four sides by RD District. The property owner requests to change the zoning from Estate (E) District to Residential Development (RD) District. The site contains a twelve foot (12') wide road, a fourteen inch (14") City water transmission line, and a fifteen foot (15') wide easement traversing the site from north to south (centerline of the water line).

Due to lack of records from over thirty (30) years ago it is unknown why the subject property remained in the Estate (E) District while the surrounding developments were

changed to the RD District. The Chatham Crossing Subdivision was platted in 1981. Due to the platted density shown on this plat it can be assumed that this subdivision has had the RD District zoning designation since at least 1981. The Canyon Crossing Condominiums was platted in 1998. However, the Canyon Crossing Condominiums was originally re-platted from areas within the Chatham Crossing Subdivision.

The subject property is not a part of any other subdivision nor is it part of a Master Planned Development (MPD). The nearby subdivisions do not have any plat notes concerning this parcel with the exception that the boundary of this parcel was drawn on the Chatham Crossing Subdivision (1981).

In 2001 the Planning Commission reviewed a MPD Pre-Application for Mountainlands Community Housing Trust. The applicant requested a determination from the Commission whether or not a proposal for fifteen (15) affordable housing units and two (2) market rate single family homes were in compliance with the City's General Plan. The Commission reviewed the General Plan analysis prepared by Staff, and determined that the pre-application request was in general compliance with the General Plan.

In 2002 the Planning Commission reviewed a Zone Change also for Mountainlands Community Housing Trust. The applicant requested to change the zoning designation, as requested today, from Estate (E) District to RD District.

In July 2002 the Planning Commission reviewed the application and requested that Staff prepare analysis whether or not a zone change from Estate (E) to Residential Development (RD) is appropriate. The Commission directed Staff to review the purpose statement of the Estate zone to determine whether or not current character and development of the surrounding area were best maintained and enhanced by the existing Estate (E) District or better protected by a zone change to Residential Development (RD) District. Staff identified that the Estate District is intended to provide low density development, protect ridge lines, meadows, sensitive hillsides, and drainage channels. Given the site characteristics, steep slopes, single access subdivision, fire safety and utility concerns, Staff was not able to make findings or a good cause to support a rezone for the five (5) acre lot. See Exhibit C – August 28, 2002 Planning Commission Staff Report.

On August 28, 2002 the Planning Commission, in a 3-2 vote, directed staff to prepare findings for denial of the Zone Change. According to the Planning Commission minutes (See Exhibit D – Planning Commission Minutes dated August 28, 2002), the Commission had the following concerns with the site:

- The site was identified as topographically challenged.
- Some resources would be better protected by the Estate District due to the potential of increased density that could occur.
- Based on the sensitivity of the site, the proposal appeared to be an overuse.
- Access to the project is very limited.

- Restricting the site to one unit instead of three, under base zoning, is appropriate.

On August 29, 20002 the application was withdrawn. No recommendation was made by the Planning Commission and no action was made by the City Council. No other applications have been submitted for review.

Analysis

The current property owner seeks to rezone the parcel from Estate (E) to Residential Development (RD). Whether the requested zone change is approved, denied, or withdrawn the applicant will have to submit a Subdivision application before submitting a building permit application.

Character of Land

The subject property is not part of the Chatham Crossing Subdivision and is a privately owned parcel consisting of five (5) acres. The lot is within the Sensitive Lands Overlay Zone and the terrain is relatively steep in some areas. The general vicinity is occupied by many forms of wildlife and is a recreational area used by many residents utilizing the trailhead.

Access

All approved development that has occurred within the Chatham Crossing Subdivision is accessed off Wyatt Earp Way. The entire subdivision is accommodated by a single access. In the 2002 the Chief Building Official stated his concerns that the Chatham Crossing Subdivision is deficient due the existence of a single access point for emergency access. Typically, subdivision developments should have a minimum of two (2) accesses for ingress/egress in case one means is blocked during an emergency. Because the Chatham Crossing Subdivision was approved in 1981 with a single access point, it was vested with density that allowed single family dwellings and condominiums. The parcel currently has access of Euston Drive on the north and Victoria Circle on the northwest corner. However, there is only one access point out of the entire area.

District Purposes

The purpose of the Estate (E) District is to:

- A. allow very low density, environmentally sensitive residential Development which:
 1. preserves ridge tops, meadows, and visible hillsides,
 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 4. mitigates geologic and flood hazards,
 5. protects views along the City's entry corridors, and
 6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- B. incorporate pedestrian trail linkages between and through neighborhoods; and

- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

The purpose of the Residential Development (RD) District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Sensitive Lands Overlay

The parcel is also within the Sensitive Land Overlay (SLO). The purpose of the SLO is to:

- A. require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- B. encourage preservation of large expanses of Open Space and wildlife habitat;
- C. cluster Development while allowing a reasonable use of Property;
- D. prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- E. protect and preserve environmentally sensitive land.

The LMC indicates that applicants for development within the SLO must identify the property's sensitive environmental and aesthetic Areas such as steep slopes, ridge line Areas, wetlands, stream corridors, wildland interface, and wildlife habitat Areas and provide at time of application a Sensitive Land Analysis.

LMC § 15-2.21-3(A) indicates that any applicant for development must produce a Sensitive Land Analysis performed by a qualified professional that identifies and delineates all the following features and conditions:

1. Slope/topographic Map. A slope and topographic map based on a certified survey depicting contours at an interval of five feet (5') or less.
2. Ridge line areas. Map depicting all crests of hills and ridge line areas.
3. Vegetative cover. A detailed map of vegetative cover, depicting deciduous trees; coniferous trees; gamble oak or high shrub; and sage, grassland, and agricultural crops.
4. Designated entry corridors and vantage points. Designated entry corridors and vantage points present within or adjacent to the site.

5. Wetlands. A map delineating all wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.
6. Stream corridors, canals and irrigation ditches. A map delineating all stream corridors, canals, and irrigation ditches, defined by the ordinary high-water mark.
7. Wildlife habitat areas. A map depicting all wildlife habitat Areas, as defined by the wildlife habitat report shall be provided by the Applicant. The wildlife habitat report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines

Density

The subject property is currently zoned Estate (E) and is approximately 5 acres in size. The minimum lot size for all uses within the Estate District is three (3) acres, except a duplex, which requires a minimum lot size of six (6) acres. Within the Estate District the Planning Commission may reduce the minimum lot size during review of an MPD or subdivision plat to encourage clustering of density. The maximum density is one (1) unit per three (3) acres.

The RD District allows a maximum density of three (3) units per acre. Developments within the RD District reviewed and approved as a MPD may approach a maximum density of five (5) units per acre. Development must be clustered to preserve common open space, and shall protect sensitive lands, view corridors, and prominent Ridge Line Areas.

The parcel is also within the Sensitive Lands Overlay Zone (SLO). Recreation Open Space-zoned property though not adjacent to the subject property, is located nearby to the south and northeast. The City's 14-inch high-pressure Chatham Pump water line runs through the middle of the parcel. There is a fifteen foot (15') wide easement for that water line.

At this time the applicant has submitted a slope analysis map (Exhibit E) of the parcel completed by Alliance Engineering based on a certified boundary survey. Slopes were mapped according to the following categories:

- 0-15% Gentle slopes suitable for development.
- 15-40% Moderate/steeper slopes with limited development restrictions
- Over 40% Prohibited to development.

The following is a breakdown of the acreage and calculation of the base density permitted under the SLO in terms of potential density for the Estate (E) District and the RD District. This density is permitted only pursuant to the visual and environmental analysis as described in the SLO and findings that development at this density will not have a significant adverse visual or environmental affect on the community.

Base Density:

Slope	Acres (Percent of 5 acre parcel)	Percent of acres allowed to be developed	Acres allowed to be developed
0-15%	1.05 acres (21.1%)	100%	1.05 acres
15%-40%	3.15 acres (63.0%)	25%*	0.79 acres*
Over 40%	0.80 acres (15.9%)	0%	0
Total	5.0 acres (100%)	N/A	1.84 acres

*The right to develop up to 25% of the steep slope area is still subject to the requirements of § 15-2.21-4(H)(2) of the SLO regulations. In addition to the base density, the SLO allows for density transfers off areas determined to be sensitive, subject to a “suitability determination”.

The current Estate (E) District allows one (1) unit per three (3) acres. Staff has determined that the Base Density at one (1) unit per five (5) acres is one (1) unit.

The RD District allows three (3) dwelling units per acre. Staff has determined that the Base Density at three (3) units per acre is (1.05 x 3) 3.15 units. Developments within the RD District reviewed and approved as a MPD may approach a maximum density of five (5) units per acre (1.05 x 5) is 5.25 units.

	E District (current zoning)	RD District (proposed zoning)
Minimum lot size	3 acres	N/A
Maximum density	1 unit (1 unit per 3 acres)	15 units (3 units per acre)
Maximum density with MPD approval	1 unit (Likely just 1 unit based on current acreage)	25 units (Up to 5 units per acre)
Approximate density with SLO overlay applied – based on limited materials submitted	1 unit (Likely just 1 unit based on current acreage)	3.15 units (Base density at 3 units per acre) 5.25 units (Base density with an approved MPD at 5 units per acre)

At this point other maps/studies required for SLO analysis (LMC § 15-2.21-3(A)) have not been submitted to the City for review. Staff has notified the property owner that all of this information listed in the LMC needs to be submitted to Staff in order to make a recommendation of compliance with the SLO to the Planning Commission.

Discussion requested, SLO materials

- **Does the Commission concur with Staff's determination that all of the maps/studies outlined in LMC § 15-2.21-3(A) need to be submitted at this point (Zone Change request) in order for Staff to review the Sensitive Land Analysis and apply the applicable Sensitive Land overlay regulations?**
- **Are there any other studies and additional information (at this time) that the Commission find that would have to be completed for SLO review? These studies may include a visual assessment, soil investigation report, geotechnical report, fire protection report, hydrological report.**

Discussion requested, direction

At this point staff has studied the Zone Change request and has compared it to the 2002 request. Since 2002 there has not been any substantial change in the character of the land nor has there been any major change to the Estate (E) District and RD District standards for development. Staff finds that the current Estate (E) zoning (and one single family dwelling on 5 acres) is still appropriate for the subject property.

Although a zone change to the RD District may be consistent with adjacent neighborhood zoning, the site's unique attributes which include steep slopes, wooded hillsides, proximity to private and public open space, limited access, and character of the land, would be better preserved by allowing the Estate (E) District to remain and not be changed to Residential Development (RD) District.

- **Based on the submitted information, previous findings and 2002 Planning Commission direction, does the Planning Commission concurred with Staff's determination above? Is the proposed Zone Change compatible with the surrounding area?**

Recommendation

Staff recommends the Planning Commission review the Zone Change from Estate (E) to Residential Development (RD) District for a vacant parcel located at 2002 Euston Drive, south of the Chatham Crossing Subdivision and direct staff and the applicant as to whether or not the proposed Zone Change is compatible with the surrounding area.

Exhibits

Exhibit A – Zoning Map

Exhibit B – Vicinity Map

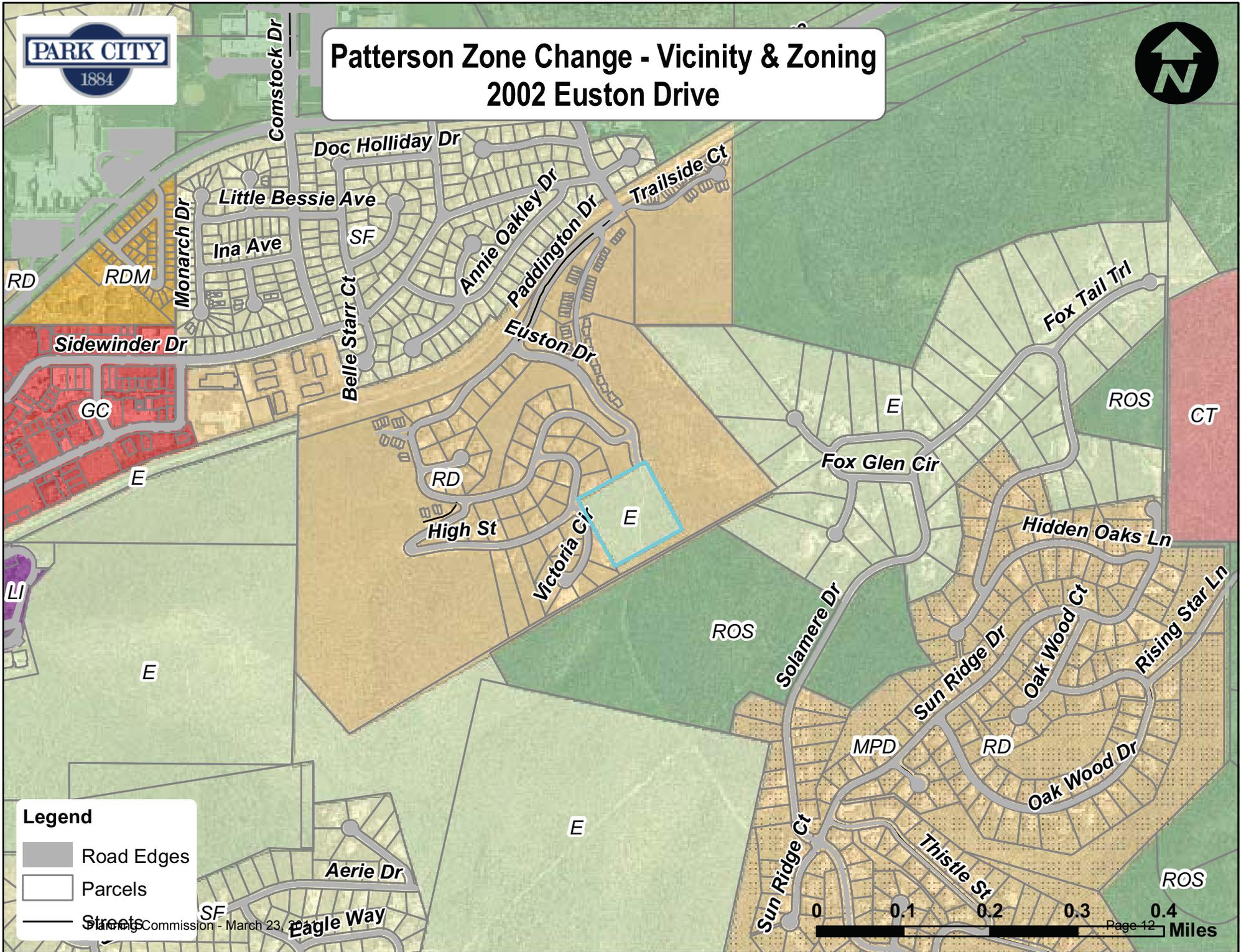
Exhibit C – August 28, 2002 Planning Commission Staff Report

Exhibit D – Planning Commission Minutes dated August 28, 2002

Exhibit E – Slope Analysis Map



Patterson Zone Change - Vicinity & Zoning 2002 Euston Drive



Legend

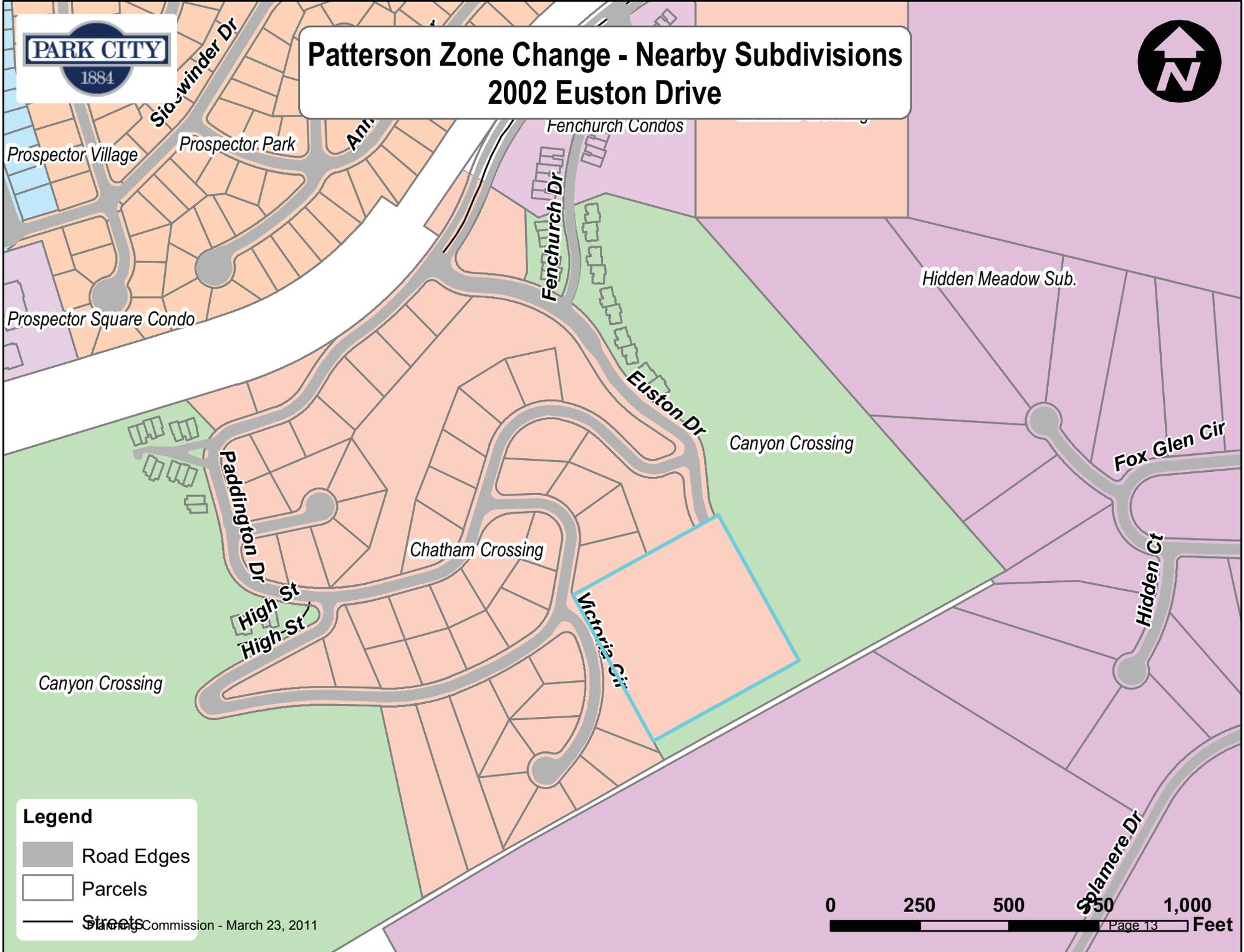
- Road Edges
- Parcels
- Streets

City Council Commission - March 23, 2011





Patterson Zone Change - Nearby Subdivisions 2002 Euston Drive



Legend

-  Road Edges
-  Parcels
-  Streets



PLANNING COMMISSION STAFF REPORT

Date: August 28, 2002
Department: Planning Department
Title: Mountainlands Chatham Crossing Affordable Housing rezone from Estate(E) to Residential Development (RD)
Type of Item: Legislative

A. Topic

Applicant: Cunningham/Mountainlands Community Housing Trust
Location: South of Chatham Crossing Subdivision
Proposal: Zone Change from Estate (E) to Residential Development (RD)
Zoning: Estate (E)
Adjacent Land Uses: Single Family Dwellings, Condominiums & Open Space
Project Planner: Kevin LoPiccolo
Date of Application: May 21, 2002

B. Project Location and Zoning

The project site is located directly south (uphill) of the Chatham Crossing Subdivision (RD zone). The subject property is currently zoned Estate (E) and is approximately five (5) acres in size. The site is surrounded by Residential Development (RD) zoned property. (Exhibit A)

Recreation Open Space-zoned property though, not adjacent to the subject property, is located nearby to the south and northeast. The Lost Prospector Trail is south and uphill of the project site. The City's 14-inch high-pressure Chatham Pump water line runs in an easement through the middle of the project site. The waterline is Deer Valley's primary source of water for fire protection and is located within an easement dedicated to the City.

Slope Analysis

A slope analysis of the property was completed by the applicant using topographic mapping prepared by the Jack Johnson Company based on a certified boundary survey. Slopes were mapped according to the following categories: (Exhibit B)

0-15%	Gentle slopes suitable for development
15-30%	Moderate slopes with limited development restrictions
30-40%	Steeper slopes with development and road construction restrictions
over 40%	Prohibited to development

The following is a breakdown of the acreage and calculation of the base density permitted under the SLO in terms of a potential density for the RD zone and Estate zone. This density is permitted only pursuant to the visual and environmental analysis as described in the SLO and a finding that development at this density will not have a significant adverse visual or environmental effect on the community.

Base Density

Percent Slope	Acres	Percent of Acres allowed to be developed (base Calculation)	Acres allowed to be developed (and to be used in density calculations)
0-15%	.996	100%	.996
15-40%	2.59	25%	0.6475*
Greater than 40%	1.412	0%	0
	Total = 4.998 Acres		Total = 1.6 Acres

The current Estate zone allows one (1) unit per three (3) acres. Staff has determined that the Base Density at one (1) unit per five (5) acres is one unit or one (1) duplex dwelling. Under a Conditional Use Permit, the applicant may elect a Master Planned Development with moderate income housing density bonus.

The RD District allows three (3) dwelling units per acre. Staff has determined that the Base Density at 3 units per acre would be (.996 x 3) 2.98 units. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development Permit. (.996 x 5) 4.98 units.

* The right to develop up to 25% of the steep slope area is still subject to the requirements of Section 15-2.21-4(H)(2) of the SLO regulations. In addition to the base density, the SLO allows for density transfers off areas determined to be sensitive, subject to a "suitability determination."

Site Conditions

Character of Land: The subject property is not part of the Chatham Crossing Subdivision and is a privately owned parcel consisting of approximately five (5) acres. The lot is in the Sensitive Lands Overlay Area and the terrain is relatively steep in some areas as described above. The land is occupied by many forms of wildlife, such as mule deer, moose, fox, and is a recreational area used by many residents utilizing the trailhead to Gambel Oak, Lost Prospector, Rail Trail, Solamere and Hidden Oaks.

Access: All approved development that has occurred within the Chatham Crossing Subdivision is accessed off Wyatt Earp Way. The entire subdivision is accommodated by a single access. The Building Official has stated his concerns that the Chatham Crossing Subdivision is deficient due the existence of a single access point. Typically, subdivision developments should have a minimum of two accesses for ingress/egress, but since Chatham Crossing Subdivision was approved in 1981, and was vested with

density that allowed single-family dwellings and condominiums as part of the approval, access to the Chatham Crossing Subdivision Plat was approved with a single access point.

Utilities: Water service is problematic since the water line that runs through the site is at too high of a pressure to serve as a supply source. Sewer, gas, power, phone, and cable TV would all need to be extended to the site at considerable inconvenience to the Chatham Crossing lot owners and others, and at considerable cost to the applicant.

C. Application History:

November 28, 2001 Planning Commission Public Pre-Application Meeting:

The Planning Commission reviewed the applicant's MPD pre-application at the November 28, 2001 meeting. Public Comment was taken. The majority of the comments were from neighboring residents in opposition to the project. The concerns expressed by the neighborhood residents included adverse impacts from the proposed increased density, access, traffic, loss of open space, access to trails, development on sensitive hillsides, impact on wildlife, and the concentration of affordable housing projects in the Prospector Square area.

December 12, 2001 Planning Commission Public Hearing Meeting:

The Commission at their December 12, 2001 meeting ratified the findings prepared by Staff that the pre-application was in compliance with Park City's General Plan.

July 31, 2002 Planning Commission Public Hearing Meeting:

The Commission at their July 31, 2002 meeting reviewed the application request for a zone change from Estate (E) to Residential Medium Development (RD). The comments from the neighboring residents were that they did not feel that a zone change should be approved due to the concerns of compatibility, traffic, and the potential increase of density. After hearing public testimony from the area residents and the applicant, the Commission directed Staff to prepare findings to determine whether or not the site was suitable for a zone change, or make a determination why the zone should remain Estate.

D. Analysis

The applicant seeks to rezone the property from Estate (E) to Residential Development (RD), and provided that the zone change is approved by the City Council, the applicant will submit a Master Planned Development application for two (2) market-rate single family dwellings (previously 3 single-family dwellings) and 15 (previously 25) moderate income for-sale housing units on the property. However, if a zone change is denied by the Council, the applicant has the ability to pursue a Conditional Use Permit for Moderate Income Housing for affordable housing units, minus the two (2) market rate lots.

The Chatham Subdivision is substandard in terms of only providing a single access to

the proposed site. Any increase in development beyond a single family dwelling would further impact the existing roads on regards to public safety. The Building Official and City Engineer have expressed concerns regarding potential problems with increased density in an area with limited access.

A change of zone to Residential Development would potentially be inconsistent with the purpose statement in that the intent of the Estate zone is to allow low density development in an environmentally sensitive area. Residential Development zoning permits up to five (5) units per acre.

The following is a response to why the Estate zone should remain under its current zoning designation:

- A zone change would alter the existing characteristics of the site by allowing additional density to the site. The base density under the Residential Development zone is three units (3) units per acre and up to five (5) units per acre is possible with an MPD. Given the site characteristics in terms of topography, access, a change of zone that would increase the base density would create additional impacts.
- The subject property is in a wildlife interface zone area. An increase in density in an area with limited access poses possible public safety and fire problems.
- The current zoning designation allows for one single dwelling or a duplex dwelling under permitted uses found in Section 15-2.10-2 (Allowed Uses), subject to Sensitive Lands review. All development would require review of Sensitive Lands Ordinance.
- Maintaining the Estate zoning does not preclude an MPD application for an affordable housing proposal.

Sensitive Lands Overlay

The subject property is located in the Sensitive Area Overlay Zone. The purpose of the SLO is to: (Section 15-2.21-1)

- require dedicated Open Space in aesthetically and environmentally sensitive areas;
- encourage preservation of large expanses of Open Space and wildlife habitat;
- cluster developments while allowing a reasonable use of property;
- prohibit development on ridge line areas, steep slopes, and wetlands; and
- protect and preserve environmentally sensitive areas.

E. Planning Commission Direction From July 31, 220 Meeting

The Planning Commission reviewed this application at their July 31, 2002 meeting. The Commission requested that Staff prepare analysis whether or not a zone change from Estate to Residential Development is appropriate. The Commission directed staff to review the purpose statement of the Estate zone to determine whether or not the current character and development of the surrounding area were best maintained and enhanced by the existing Estate Zoning District or better protected by a zone change to Residential Development zone.

The Estate zone is intended to provide low density development, protect ridge lines, meadows, sensitive hillsides, and drainage channels, as found in Section 15-2.10-1 of the Land Management Code. Given the site characteristics, steep slopes, single access subdivision, fire safety and utility concerns, Staff cannot make findings or a good cause to support a zone change for the five (5) acre lot located at 2002 Euston Drive.

Staff Review Committee

The Staff Review Committee reviewed this application request at their June 18, 2002 meeting. Chief Building Official was concerned with the proposed project using a deficient street system that currently handles the existing approved uses. The Building Official has stated that the Subdivision is deficient due to a single access for the entire subdivision.

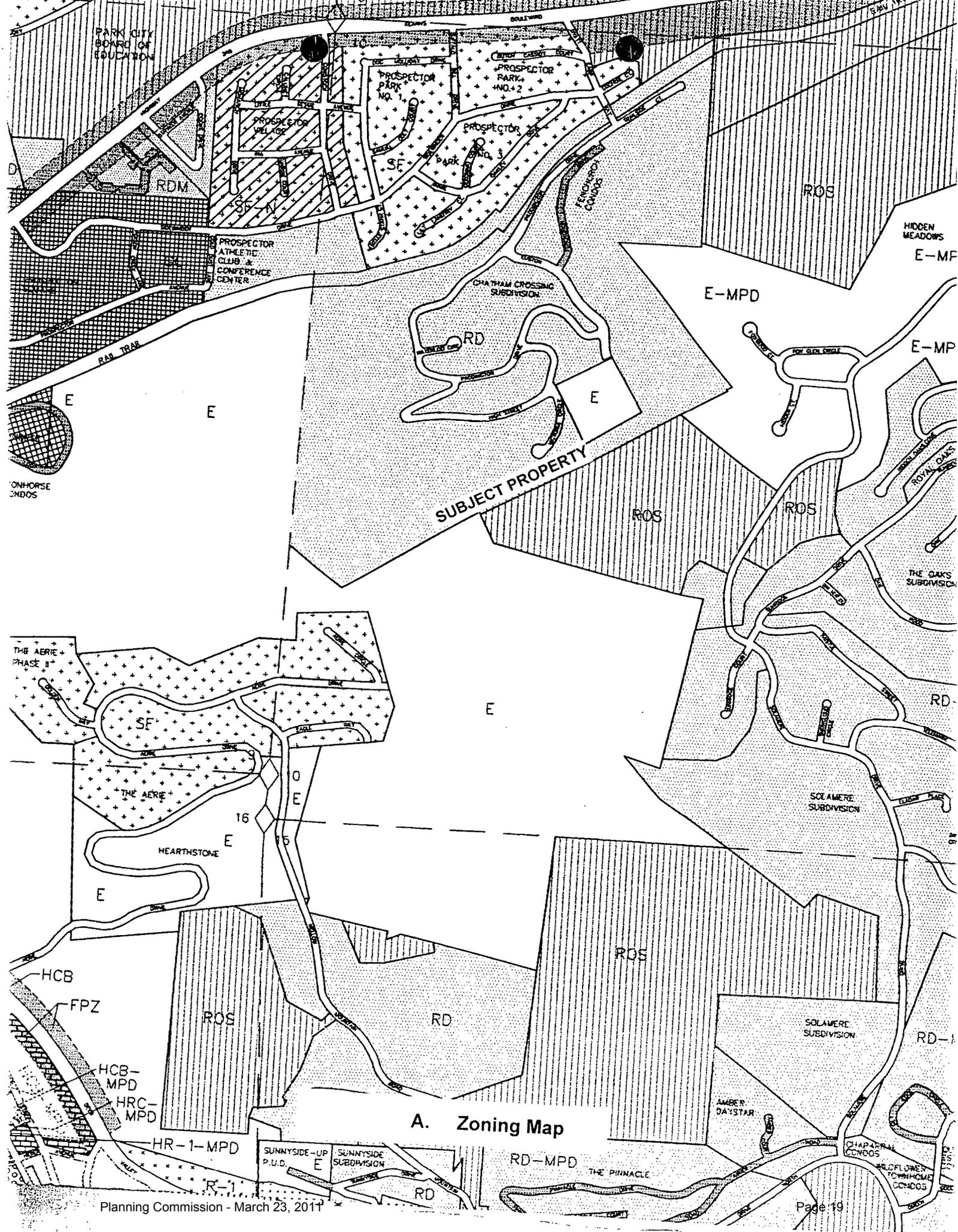
F. Staff Recommendation:

Staff finds that the current Estate zoning (and one single family dwelling on 5 acres) is appropriate for the subject property. Staff bases this determination on the adjacent private/platted open space and the City's 14" high pressure waterline. Although a zone change to RD may be consistent with adjacent neighborhood zoning, the site's unique attributes which include steep, wooded hillsides and proximity to private and public open space would be better preserved by allowing the Estate zone to remain and not be changed to Residential Development. Maintaining the Estate zoning will preclude the creation of the two (2) market rate lots; however, it will not preclude an MPD application for an affordable housing proposal. The density and design of such a proposal will be reviewed for compliance with the necessary MPD, CUP and SLO criteria. Compliance with these sections of the LMC will probably result in a decrease in the project density sought by the applicant.

Staff recommends the Planning Commission discuss the analysis provided by staff, take applicant and public input and give direction to prepare a recommendation to Council.

G. Exhibits

- A. Zoning Map
 - B. Planning Commission Minutes from July 31, 2002
- M:\CDD\KL\PC2002\MPD'S\chathamzcph5.5wpd.wpd



A. Zoning Map

3. 2002 Euston Drive, Chatham Crossing - Rezone /Affordable Housing

Commissioner Volkman disclosed that Mountain Lands Community Housing Trust is a client of the bank where he works, and the president of the bank serves on the Trust's board. The City legal staff did not find this to be a conflict, and he stated that he would not recuse himself from this matter.

Commissioner Zimney disclosed that she received an E-mail alleging that she had done title work on this project through her business. She stated that she is not involved in any way with this

applicant and does not know who the developer of this project is. She clarified that she did do title work on the Chatham Hills Subdivision lots.

Planner Kevin LoPiccolo reviewed the application request from Mountain Lands Community Housing Trust to rezone a parcel of land from Estate to Residential Development. In November last year, the Planning Commission reviewed a pre-application for General Plan compliance. At that meeting, the Planning Commission took public comment, and there was considerable discussion on whether this proposed project complied with the General Plan. The Planning Commission determined that it met the criteria, and at the December meeting, they ratified findings supporting this project in relationship to the General Plan. The applicant is requesting a zone change, and depending on the outcome, ultimately a Master Planned Development. The requested zone change is for the two market-rate dwellings, which are a component of the affordable housing project. The Code allows affordable housing through a CUP in the Estate Zone. Since this project is not defined as 100% affordable, the zone change was triggered due to the market-rate homes. Planner LoPiccolo noted that the zone change is limited by criteria in the LMC. He explained that the staff report contains a summary of the Sensitive Lands Ordinance and a breakdown of the existing slopes. This information has no relationship to a master plan and only addresses the zone change. If the Planning Commission chooses to forward a positive recommendation to the City Council, this will ultimately go to an MPD. Planner LoPiccolo asked that discussion this evening concentrate on the location of the requested zone change. The area surrounded by residential development is consistent with Chatham Crossing, Canyon Crossing, and Fenchurch. North of the property but not adjacent to it is recreation open space. To the east and northwest is Estate zoning. Planner LoPiccolo reviewed the purpose statement for both zones, the SLO criteria, and the slope analysis contained in the staff report. He distributed a packet containing 75 public input letters and asked that they be included with the previous letters provided to the Planning Commission.

Chair Larson explained that the application this evening is a request for a rezone from Estate to RD. The surrounding zone is RD, and the Estate zone has traditionally been used as a holding zone. He noted that most of the surrounding area was Estate zoned at one point and was rezoned RD as part of an MPD. He requested that comments this evening address the rezone process, not the MPD. Whether the Planning Commission votes to rezone to RD has little bearing on whether the associated MPD will be approved.

Administrator Patrick Putt stated that, in addition to the packet distributed by Planner LoPiccolo, three letters were submitted this evening from Prospector Park residents opposing this project. He read a brief note from Rita and Al Nobel who were in attendance earlier but had to leave. They felt their neighborhood had already had its share of the burden of development and the problems it causes. They had spent a considerable amount of money on landscaping and revegetation and were planning to renovate their front yard landscaping but questioned how much money to sink into their home after finding that the value is about to drop.

Chair Larson opened the public hearing.

Erica Igo, a resident at Chatham Hills, thanked the Planning Commission for their efforts and expressed appreciation for the opportunity to express their concerns in these meetings and in

letters. She stated that in previous meetings she had heard that further development of Chatham Hills might be an issue because Chatham Hills had not been grandfathered, development would not proceed because of the steep slopes, north facing lots, etc. If that was true, she asked why more building was being considered in an area that has already been questioned. She noted that members of the Planning Commission have stated that the parcel was considered for open space acquisition at some point, but because it was an Estate parcel which would not be built out for anything more than a single-family home, it was not given priority. She saw this parcel as being surrounded by open space, because the Oaks has open space and Chatham Hills has some, so there is a contiguous stretch. She stated that the biggest issue is safety. Safety of people using the trail is a primary concern, as well as access for emergency personnel and equipment. She believed rezoning would create disruption in the neighborhood and safety issues. She asked the Planning Commission to carefully consider the impacts.

Sandy Kroger, a resident at Chatham Hills, commented that this rezoning should be compatible with the surrounding area. Webster's Dictionary defines compatible as "capable of existing together in harmony." Ms. Kroger felt that it was evident, based on the letters submitted to the Planning Commission, that the neighbors are not in harmony with this request. Four houses in the Chatham Hills subdivision are for sale, and the flyers for these homes indicate that the selling price is not compatible with what the affordable units will sell for. She referred to the two market houses on Victoria which is driving this rezone and felt they would have to sell those homes in order to build the 15 units of affordable housing. Those homes would have to access the streets which are currently private. Lot 53 in Chatham Hills has a long finger that goes across the property of the two market homes, and an easement would be required. The owner of Lot 53 had told her that he would never agree to an easement, which means those two homes could not be built. Ms. Kroger stated that there are 53 single-family lots in Chatham Hills and, of those, 12 homes are completed and six are under construction, which means that Chatham Hills is not even 50% built out. Ms. Kroger stated that she briefly looked at the traffic study earlier today and noticed a photograph of Highway 248 from the Jack Johnson Company with no cars on it. She submitted two photos taken during the school season showing bumper to bumper traffic each way. School lasts nearly 10 months, and that is a lot of traffic for the whole year. She noticed that the traffic report indicates 63 units in Prospector, but there are actually 169 homes in Prospector this side of Comstock, and the other side is nightly rentals.

Don Bloxom stated that he designed some of the homes in the Chatham area. He disputed the Planning Commission's decision that this complies with the General Plan and stated that he pointed out four reasons at the last meeting why it does not comply. The RD zone states that a minimum of 50% of the site planned area qualifies for rezoning to RD because of its grade and explained why he believed this lot did not comply. He noted that the word affordable is used over and over, and he recalled a discussion that moderate income housing was the best they could come up with. He requested that the word "affordable" be struck from the text. This will not be affordable housing, and the best they could pull off dollar for dollar was moderate. He also requested a financial analysis. He could see no compelling reason for a rezone and could not see any value to the community. According to the sensitive lands overlay, reasonable use of the Estate zoned property would be a house, and he believed that was still a reasonable use. He commented on the steep slopes and felt the lot did not meet the grade criteria for a rezone. He asked the Planning Commission to show him exactly how this meets compliance with the General Plan.

Henry Sigg, a property owner at Canyon Crossing, stated that, having been through this process, it is important to realize that the constituency counts. In this case he believed the cart was leading the horse. It is easy to say that they are only looking at zoning, but the staff report contains site plans, slopes analysis, and traffic reports. He did not think the applicant would be here this evening if he did not have the ability to proceed with the project. He referred to the comment that this property is surrounded by RD and encouraged the Planning Commission to look at the MPD's within the RD zone for Chatham Hills, Canyon Crossing, Hidden Meadows, and surrounding neighborhoods to see that the open space component of those MPD's is immediately adjacent to this property. He pointed out that everything surrounding this property is currently open space, not housing.

Ian Culligan stated that two other lots in Victoria Circle need rezoning, not just the ones for this project. An application has been before the Planning Commission to rezone Lots 1 and 2 in this development, and it was rejected because of its proximity to the trails system. He noted that this one is also in close proximity to the trails. He asked if Park City had a price range for affordable housing. This project is tagged as affordable housing to be politically correct, but the price tag is not affordable.

Sharaf Broadhead, a homeowner in Chatham Crossing, stated that he read a copy of the traffic analysis, and with his background as a structural engineer, he believed the traffic report had been more than skewed. He opposed the request for a rezone because of safety issues and explained current traffic problems that will worsened. He commented on safety hazards with the traffic crossing rail trail and the impacts of adding more traffic.

Jim Clayton, a Chatham Crossing resident, challenged the use of the word compatible. He agreed with Mr. Sigg's comment that even though the land surrounding the five acres in question is zone RD, the component parts immediately adjacent to that five acres is dedicated open space. Mr. Clayton felt that the potential development of multi-family is hardly compatible with open space.

Chair Larson closed the public hearing.

In response to the question as to why the Planning Commission would consider the rezone, Chair Larson explained that the Planning Commission is responding to an application that has been submitted. In response to the question about access to single family, Chair Larson remarked that, as part of the MPD, an agreement would have to be reached for the single-family lots to use whatever road system is required. Without that agreement they would not be able to gain access. He explained that the Planning Commission takes sensitive lands very seriously, and whatever goes on that lot will comply with the SLO in every way. He noted that the Planning Commission has already determined General Plan compliance and is past the point of interpretation. He referred to comments about the surrounding property being zoned RD and governed by an associated MPD. This is true of all developments and would be true of anything that happens on the site. A certain number of units trigger a master plan, and master plans have requirements that will be addressed later in the process. He noted that the Planning Commission will be looking at a traffic study very closely. The Planning Commission will be determining compatibility this evening.

Chair Larson explained that the definition of affordable housing is very technical, and he asked Scott Loomis with Mountain Lands Trust to comment. Mr. Loomis noted that a number of the letters submitted imply that Estate Zoning prohibits moderate income housing development. He believed it was clear in the General Plan and LMC that this was the type of use needed under a CUP. The two market-rate lots are the reason for the rezone request instead of a CUP request. Mr. Loomis stated that there are several definitions for affordable housing, but in the guidelines developed by the City, it is basically that a person pays no more than 30% of their income. In Park City, affordable housing applies to a number of different uses, primarily seasonal employees and the transient population. In this situation, a moderate income housing development will target people with an income of approximately \$40,000-\$60,000. The units will be for purchase with a mortgage of \$1,000 to \$1,200 per month. The housing will be restricted, and only people who qualify within the affordable guidelines will be eligible to own those units. Chair Larson clarified that the numbers presented by Mr. Loomis are tied to a percentage of the median income for the community. The units will range in cost from \$100-\$110 per square foot and will range in price from \$80,000-\$130,000.

Commissioner Erickson referred to Mr. Bloxom's comment that 50% of the ground must qualify as suitable for development and asked if the Staff could make that finding. Planner LoPiccolo replied that they could, because the revised Land Management Code no longer requires 50%.

Commissioner Volkman asked what would happen if the zone were changed to RD and the applicant chooses not to move forward with moderate income housing. He asked if the rezone could be tied to this particular development. Chair Larson replied that, once they do a rezone, it stands. He spoke with the City Attorney prior to the meeting, and Mr. Harrington made it clear that there was no linkage.

Commissioner O'Hara stated that he was not present for the vote on General Plan compliance, but he would have voted against it. He stated that he would continue to vote against any increase in density or underlying density in the area as long as there is only one access point. The Estate Zone has an underlying density of one, but if the zoning is changed to RD, the underlying density can be up to 25 units in an MPD.

Commissioner Volkman stated that he was troubled by a zone change in advance of development. Commissioner Erickson stated his intent was to review the zone change on face value, and he expected to make a recommendation in favor or in denial on that basis. The case as to whether affordable housing will be constructed in the RD zone is effectively moot because the units could be constructed in the Estate Zone. Chair Larson explained that whenever the Planning Commission considers a rezone, they have some notion of what could happen on the site.

Commissioner Zimney felt that valid points had been made on either side and she needed more time to think about it before making comment.

MOTION: Commissioner O'Hara moved to direct the Staff to prepare findings for denial of the requested rezone. The motion died for lack of a second.

Commissioner Erickson was prepared to direct Staff to prepare findings based on Section 15-2.10-1 related to the purpose of the Estate Zone. He believed the findings would be that keeping the property in Estate Zone does not perform those particular tasks. If the Planning Commission directs the Staff to prepare findings either way, they will be found with respect to the Estate District meeting these tests.

MOTION: Commissioner Erickson moved to direct the Staff to prepare an analysis as to the compliance of the rezone with the criteria of the Estate District under Section 15-2.10-1. Should the Staff be unable to make the findings that the Estate Zone protects one of those assets, the Planning Commission would have to deny the rezone. Should the Staff make the finding that rezoning to RD does not violate any of the tests of the Estate Zone, the Planning Commission would have to approve the rezone. Commissioner Volkman seconded the motion.

VOTE: The motion passed 5 to 1, with Commissioners Barth, Erickson, Powers, Volkman, and Zimney voting in favor of the motion and Commissioner O'Hara voting against the motion.

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Commissioner Zimney referred to the tentative agenda for September 11 and asked about the appeal that was mentioned. Administrator Putt explained that the agenda item deals with the appeal of a Community Development Department building permit issued for a house in The Aerie Subdivision. The specific issue is accuracy of the survey provided by the property owner on which the building height and building permit were approved. There are competing and slightly conflicting surveys that determine whether the house is within the City LMC height limits. The decision to issue the permit is being appealed to the Planning Commission, and the Staff recommendation and analysis will be included in the September 11 staff report.

Commissioner Barth provided a brief update from the Quinn's Junction subcommittee. He and Commissioner O'Hara met the previous Monday to begin the discussion on Quinn's Junction in conjunction with the Snyderville Basin Planning Commission. The first meeting was definitional, and certain aspects of the area were discussed. Commissioner Barth suggested devoting some work session time with the entire Planning Commission to learning their viewpoints related to the joint study. Chair Larson suggested that this be tied to the LMC special work session discussed at the last meeting. Community Development Director Rick Lewis stated that they had hoped to hold the first meeting of the joint committee by now, but with the loss of the County's Director, it may be a few weeks before that occurs. The meeting held on Monday involved the subcommittee from this Planning Commission. Director Lewis offered to work with Administrator Putt to schedule a special work session.

V. REGULAR AGENDA

1. 2002 Euston Drive, Chatham Crossing - Rezone/Affordable Housing

Planner Kevin LoPiccolo reviewed the application request for a zone change from the existing Estate Zone to Residential Development at 2002 Euston Drive. He recalled that the Planning Commission reviewed this application on July 31 and requested that the Staff prepare an analysis on whether a zone change from Estate to Residential would be reasonable. The Planning Commission directed Staff to review the purpose statement of the Estate zone to determine whether the current character and development of the surrounding area would be best maintained and enhanced by the existing Estate Zoning District or by a zone change to Residential Development. The Estate zone is intended to provide low density development and protect ridgelines, meadows, sensitive hillside, and drainage channels. Given the site characteristics of steep slopes, single access, fire safety, and utility concerns, the Staff could not make findings or a good cause to support a zone change for the five-acre lot. The Staff found that the current Estate zone is reasonable for the subject property based on an existing 14" high-pressure water line and private/platted open space. The site's unique attributes, which include steep, wooded hillsides and proximity to private and public open space, would be better preserved by

allowing the Estate zone to remain. Planner LoPiccolo outlined why the Estate zone should remain. The Staff recommended that the Planning Commission take comment from the applicant and conduct a public hearing.

Scott Loomis, representing Mountain Lands Housing Trust, stated that he was surprised by the staff report. He recalled the request from Commissioner Erickson was for the Staff to evaluate whether the criteria for Estate zoning would change if it were rezoned RD. The criteria for Estate zoning in the Land Management Code are to preserve ridge tops, meadows, visible hillsides, large cohesive unbroken areas of open space, and undeveloped land. It preserves and incorporates wetlands, drainage ways, intermediate streams, and amenities of development, mitigates geological and flood hazards, protects the use along the City entry corridor, and decreases fire risk by keeping development out of sensitive wild land interface areas. He did not think changing from Estate to RD would affect any of those criteria and noted that the Staff report deals with a lot of elements that normally come up during an MPD review. Mr. Loomis believed the conclusions were erroneous. Based on the staff report, if the property is rezoned, the net affect would be a base density of one unit to three units. The Staff suggested that, even if they do not obtain RD zoning, they would still have the Estate zone. Mr. Loomis noted that under the Estate zone, they can have a moderate income housing development with the density yet to be determined. With five acres it could be 15, 40, or 100 units. If they chose a single family residence under Estate zoning plus whatever density is allowed under the CUP, it would be one single-family residence plus 15 units, and that is what they are asking for. Under the RD zone and the MPD request, they are asking for two single-family residence lots and 15 affordable housing units. That is a difference of one unit, which is very insignificant. Mr. Loomis commented on the argument that the RD zone permits a higher density, but if an MPD is filed, the Planning Commission has control over that and can restrict it to the base density of three units.

Mr. Loomis stated that there are no criteria in the LMC to determine what to look at for a rezone. The staff report sets forth concerns of the Fire Marshall and the City Engineer regarding water line easements, single point entry, and sensitive lands overlays, but those are addressed in the MPD process. Mr. Loomis felt it was unreasonable to recommend that the property not be rezoned from Estate to RD, because the net effect would be one unit. He commented on the number of Planning Commission meetings he had attended and stated that he had always been impressed by the way the Planning Commission stays within the box of the Land Management Code and the General Plan when making their decisions, which upholds the integrity of the General Plan and LMC. He commented on remarks from people opposing this project that the Planning Commission has not listened to their concerns. He felt it was fortunate that the system allows for input from people who oppose this project and that the General Plan and LMC prevent the same people from talking about the wildlife that will be displaced when they displaced the same wildlife with their development.

Mr. Loomis noted that the LMC and General Plan deal with many specifics, one of which is the need to recognize the value of the working class people. There is a need for diversity and the economic base that makes Park City a community. Mr. Loomis pointed out that the General Plan makes reference to this type of project as a priority and specifically mentions Mountain Lands Community Housing Trust and the employees who should live there. By Mountain Lands moving forward with this project and accepting City money, they are required to recognize this list of priorities. Mr. Loomis stated that there is no land in Park City affordable enough to build affordable housing. Affordable housing can only be accomplished by being creative, and Mountain Lands has tried to be creative by proposing two lots that will be sold at market rate to pay for the land. The only other way to obtain land for affordable housing in the Park City limits is if it is donated or sold at substantially less than market value. Another alternative would be for the Planning Commission to require developers to provide affordable housing in their developments.

Mr. Loomis stated that the Land Management Code recognizes the need for affordable housing and increased densities, because higher density is needed to reduce the cost of infrastructure and the land. When the Planning Commission makes its decision, they have to weigh whether it is more beneficial to have affordable housing as provided in the LMC or whether having a few more cars is a bigger concern. Mr. Loomis stated that the Commission can always find reasons to deny affordable housing based on traffic, access, and other impacts, but he believed that was contrary to the Land Management Code and General Plan. The proposal of two lots is sensitive to the existing subdivision of single-family homes on Victoria Circle. The need for the zoning request is tied to the two lots they hope to sell at market rates to lower the cost of affordable housing, and without that, this project will not work. Mr. Loomis believes the density of 15 units for five acres was reasonable under the circumstances, and reducing the density would defeat the purpose of affordable housing. He noted that the Rosenthal & Associates report commissioned by the City Council each year recognizes a shortage of 800 affordable units in Park City. This Planning Commission should balance the goals of the LMC and General Plan. He urged the Planning Commission to approve this request.

Chair Larson stated that when the Planning Commission does rezones, they always do them with an eye toward the proposed use. While the Staff report contains criteria that is more appropriate for the MPD process, it is something the Planning Commission needs to consider in looking at the ramifications of a rezone. He stated that he had been on the fence with respect to the rezone. He believed there was sufficient rationale to rezone to RD, and there was also sufficient rationale to keep the Estate zone. However, if they do a rezone, it must be done on the merits of the rezone, not for the application proposed. In light of the staff report, he concurred with Staff recommendation to not move forward with the rezone because the site is topographically challenged. If the Staff's analysis had not been so strong, he would probably lean toward rezoning this parcel. Chair Larson

stated that his initial analysis of this site led him to the conclusion that some type of subsidized housing was appropriate for the site, and not doing the rezone would not preclude a subsidized housing project. At this point, he was not inclined to move forward with the rezone.

Commissioner Erickson concurred with Chair Larson's conclusions. He clarified that his direction to that Staff at the last meeting was to determine whether any resources are protected under the Estate zone that would not be protected under the RD zone. The Staff concluded that some resources would be better protected by the Estate zone due to the potential of increased density that could occur on the site, irrespective of a future MPD. For the reason that they cannot come to a conclusion on the appropriateness of the rezone beyond the need for employee housing, Commissioner Erickson was inclined to agree with the Staff.

Commissioner Volkman stated that he was struggling with the issue. He did not disagree with the staff report, but the issues raised were more appropriate to the MPD application. Knowing the concerns and reservations about moving forward with an MPD approval, the applicant still wanted to process the rezone application, and Commissioner Volkman wondered if he should be allowed to do that.

Commissioner Barth felt this was an act of balancing the needs of the community for affordable housing with the sensitivity of the site. He stated that he supported what Mountain Lands was doing and their good work toward affordable and employee housing to benefit the community. However, based on the sensitivity of the site, this proposal appeared to be an overuse of the site, and he did not favor the rezone.

Commissioner Zimney agreed with Commissioner Barth. She did not favor the rezone at this time because access to the project is very limited. She did not believe all the employee housing should be concentrated in one area, although she agreed that Park City needs affordable housing. She could not find the conclusions that would justify this rezone. The high pressure water line, the single point of access, and the emergency access were all issues for her, and she would like the Staff to do more analysis of the issues discussed this evening.

Commissioner Powers stated that he supports affordable housing, and he believed the propaganda put forth relative to the type of affordable housing was misleading and a little repugnant. He had respect for and faith in the City Engineer and City Building Official, and based on the staff report, he did not think another house should be built anywhere in Chatham Crossing. However, he did think Mountain Lands Trust should have an opportunity to move forward with an MPD, and the only way they could move forward would be through a zone change. Commissioner Powers stated that he favored the zone change.

Commissioner Erickson expressed appreciation for Commissioner Powers' comments, especially in light of the misinformation that misconstrued certain issues. Commissioner Erickson felt the water line was an overreach knowing the skill of the engineers in town in dealing with the water line. He understood the problem the City Engineer had with this and the effect of losing the line. Commissioner Erickson questioned the comments made by the Chief Building Official and Fire Marshall in determining that this is in a wild fire hazard interface zone with housing above and housing below. He agreed that there were inconsistencies in the staff report. It was his position that the Staff made a determination that leaving the zone in its current location does not preclude employee housing on the site. It only precludes the financial model to produce employee housing under the current application. The Staff further concluded that the site was sensitive, and in lieu of an employee housing application, restricting the site to one unit instead of three, under base zoning, is probably appropriate. For that reason, he was prepared to support the Staff's position.

Chair Larson commented that he has always feared that, once they look at SLO and traffic circulation, they would mold this project into a form that no longer pencils. He was willing to go along with the rezone in spite of public opposition because of the general principles involved, but with the Staff's analysis, he was moved toward opposing the rezone. He corrected a misrepresentation presented by the media regarding "done deals." He understood that the Planning Commission might be hard to read, but there is never a done deal. The Commission is divided and undecided, and he resented being accused of done deals. Although they approved the General Plan compliance, they may or may not move forward with the rezone. In each step of the process they look at different criteria, and tonight they are looking at a rezone.

Chair Larson opened the public hearing.

Sally Elliott stated that she came this evening to say she was proud of the Planning Staff for making a difficult call with strong points on both sides. She stated that she came to Park City when Estate zoning was new and much discussed. A number of years later, when she was on the City Council, she was able to participate in producing the Sensitive Lands Overlay. These things protect the values that Estate zoning is supposed to protect. She mentioned the King Road issue and the project down the Rail Trail and encouraged the Planning Commission to continue to uphold the Estate zone, because it is important to maintain the values embodied in the LMC.

Chuck Hollinshead, representing Citizens Allied for Responsible Growth, stated that CARG strongly supports affordable housing for the people who keep this resort town running well. He stated that he represents the CARG board of directors, and none of them live in the Chatham Crossing or Prospector area, so they do not suffer from "not in my backyard" syndrome. He stated that CARG opposes the proposed rezone request from Estate to

Residential Development, and one or more CARG board members have attended all the meetings on this issue, starting with the pre-application meeting in November. He stated that increasing density so affordable housing can be built in this area raises difficult questions. The law prohibits rezoning for a specific project, and he wondered if they would be discussing this rezone if it were not for affordable housing. If they approved the density increase and the developer found the next part of the process too onerous and dropped the plan, the rezoning would be a done deal, and Park City would be stuck with the increased density that few residents and City officials felt was a good thing. As a citizen, he had to believe what the Fire Marshall, City Engineer, and Building Official had to say. He stated that he had read the staff report and generally agreed with it. He submitted a letter to Administrator Putt outlining CARG's concerns and he urged the Planning Commission to deny the rezone. Mr. Hollinshead stated that CARG looks forward to supporting public housing in other available areas.

Joe Kernan stated that he was happy to hear that the Planning Commission had been on the fence with this rezone and are leaning in one direction. He believes everyone could make a mistake, including someone on the Planning Staff. He asked that the Planning Commission not let this year-long campaign of misinformation persuade them to deny this project. The fear expressed by people at Chatham Hills concerning a drop in property values and incompatible people was unwarranted. He commented that Mountain Lands builds quality housing, and moderate-income people are good neighbors. He submitted a letter containing responses to the misinformation that had been circulated. He agreed that an Estate zone would have less impact on the community, but that was not the question. Pages 6 and 7 of the housing element expressly state that the City will continually examine zoning policies to insure that the creation of housing opportunities are permitted, and more specifically, "to amend the Land Management Code to eliminate zoning restraints and the provision of affordable housing." Mr. Kernan believed this was strong language than what exists elsewhere in the plan for any other type of rezoning for economic development. As far as a disproportionate burden, he asked the Commissioners not to be convinced that Chatham Hills is part of an overburdened sector. It is not located in the commercial sector where most affordable housing exists between the west end of Prospector and Albertsons. Page 12 states that neighborhoods should include a mix with affordable housing, and he believed this project was ideal because it is an affordable housing development inside a neighborhood on the same streets without any segregation. Pages 3 and 6 state that "for sale" houses are preferred, and pages 5 and 8 foresee small infill affordable housing in existing developments. Mr. Kernan noted that the proposed project is a small infill with 15 units, much smaller than the 49 units in his affordable housing neighborhood or the larger 80-90 units. It is 1/10 the size of the built-out Chatham neighborhood. This project would have less impact on adjacent properties in Chatham than the impacts experienced by the affordable housing everywhere else in the community. Mr. Kernan stated that many families who would benefit from this project over the years are not here to speak, but the General Plan speaks loudly for them. He asked the Planning

Commission to take advantage of this opportunity to build what could be the nicest affordable housing development in the state.

Roger Stephens, representing the property owners, stated that he understood the question before the Planning Commission was very emotional. He stated that the Cunningham family asked him to pass along the following information. The Cunninghams have owned this property and paid taxes on it for over 50 years. Robert Cunningham and his family have been associated with Park City for years and love the town. Long ago, all the property surrounding this parcel was rezoned to RD, but this parcel was left as an Estate zoned island, which occurred only because the Cunninghams did not ask to have it changed. Mr. Stephens stated that this error should be changed to conform with the surrounding property. The Staff cited the high pressure water line easement as a reason not to rezone the parcel. Mr. Stephens noted that the City did not buy that easement. The line exists today because of the generous gift of the Cunningham family in 1987. They donated it to the City, and now the City is talking about penalizing them in terms of development because they gave it to the City. Mr. Stephens remarked that the access issue in Chatham Hills exists today because of past mistakes by the City and others. A possible connection from Chatham Hills Drive to Solamere Drive is feasible, and there was talk about a connection into Prospector Village, but the City does not want to make those connections. This property should not bear the burden of those past mistakes. Solutions are available if the City wants to pursue them. In the past, the Cunningham family offered to sell this property to the City, but the City was not interested. They also offered this property to the open space task force, but they were not interested. The Cunningham family believed that by allowing Mountain Lands Community Housing to develop the site, they would be contributing to enhancement of the City. Mr. Stephens felt the Planning Commission should consider what the Cunningham's have done with their property and the fact that Park City has benefitted from what they have done. A zone change would allow the property to continue public access and help fulfill the public need for affordable housing. If the property is developed as an Estate parcel, it could easily be fenced, and the community could be locked out. A mixed use allowed by the RD zone is in the best interest of the community rather than allowing another big expensive home. If the zoning remains Estate, Mountain Lands Community Housing or another developer could build affordable housing units on both parcels, but this may not be financially feasible. The Cunninghams believe a mixed use is better for the neighborhood and the City. Mr. Stephens was offended that the neighbors in the area wanted to deprive his clients of the right to develop their property. This is a not for profit development that has significant public benefit. He noted that Robert Cunningham died, and the property is now in his estate. It will be sold. It is not open space and is private property. Mr. Stephens believed a primary goal of the comprehensive plan was to guide development in a manner that enhances the town's appeal to visitors and residents. This property would serve the needs of the community much better if the zoning were changed. Mr. Stephens believed a rezone was the fair and right thing to do.

Henry Sigg, a resident in the neighborhood, stated that he respected the Planning Commission's attempt to bifurcate these arguments into a zoning and potential MPD argument. He believed they had to look at the MPD, because that is driving the zoning. He reminded the Planning Commission that the streets in Chatham Hills have not been turned over and are privately held by a third party. Whether there is even access to those potential lots is still a question. Mr. Sigg stated that he appreciated the Staff's recognition of the sensitive lands and site constraints of what is drainage and a unique canyon, and he supported discussion of a potential proposed open space bond that could allow the Cunningham family to potentially sell this property to a constituency that is interested in preserving this as open space. He agreed that there was a need in town for firemen, teachers, and service workers and suggested that the affordable housing system be looked at. Perhaps developers should not be allowed to transfer their affordable housing requirements, because nearly every developer is willing to buy it out and put it somewhere else because their land is too valuable. He expressed concern about the statements regarding cost made by the applicant. His comments raised a red flag, because Mr. Sigg stated that he deals with that every day of his life, and he knew that the costs stated were not within the reality of what is going on in construction.

Diane Mellon stated that she respected the Building Department and City Engineer's recommendations and urged the Planning Commission to deny the rezone and continue to provide low density in this area.

Chair Larson closed the public hearing.

Mr. Loomis reiterated his disagreement with the Staff's conclusion, particularly related to density. He stated that they have fought the battle for affordable housing, and if the Planning Commission were to approve this recommendation, he was sure they would have to fight again at the City Council level and then deal with the MPD issues. He stated again that, without the density of 15 units, this project would not work, even with the rezone. If this project is going to be denied, he believed this would be the best time to do it.

Chair Larson felt it was clear that the direction to the Staff was to prepare findings for a negative recommendation to the City Council.

Commissioner Erickson stated that, if the Planning Commission elects to move forward with a negative recommendation for the zone change, he would like to see the findings strengthened with respect to certain technical issues that may or may not be resolved in an MPD. He would also like the Planning Commission recommendation to reiterate support for employee housing for this property in some form and that the General Plan findings are restated that it is appropriate for this type of land use in this location.

MOTION: Commissioner Erickson moved to CONTINUE this item to September 11 with direction to the Staff to prepare findings for denial of the zone change and support of the General Plan finding with respect to the site. Commissioner Barth seconded the motion.

VOTE: The motion passed 3 to 2, with Commissioners Barth, Erickson, and Zimney voting in favor of the motion and Commissioners Powers and Volkman voting against the motion.

2. 199 Daly Avenue - Plat amendment

Planner Kevin LoPiccolo reviewed the request for a plat amendment to combine Lot 33, and part of Lots 32 and 34 into one lot of record. The property is located at 199 Daly Avenue within the Historic Residential Zone. Currently, an existing historic structure crosses several lot lines. The applicant is requesting the plat amendment to erase the lot lines and bring the lot into compliance with the Uniform Building Code. In the future, the applicant plans an addition to the existing structure. There are existing encroachments, and the Staff has received letters from adjacent property owners acknowledging those encroachments without objection. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council.

Chair Larson opened the public hearing.

There was no comment.

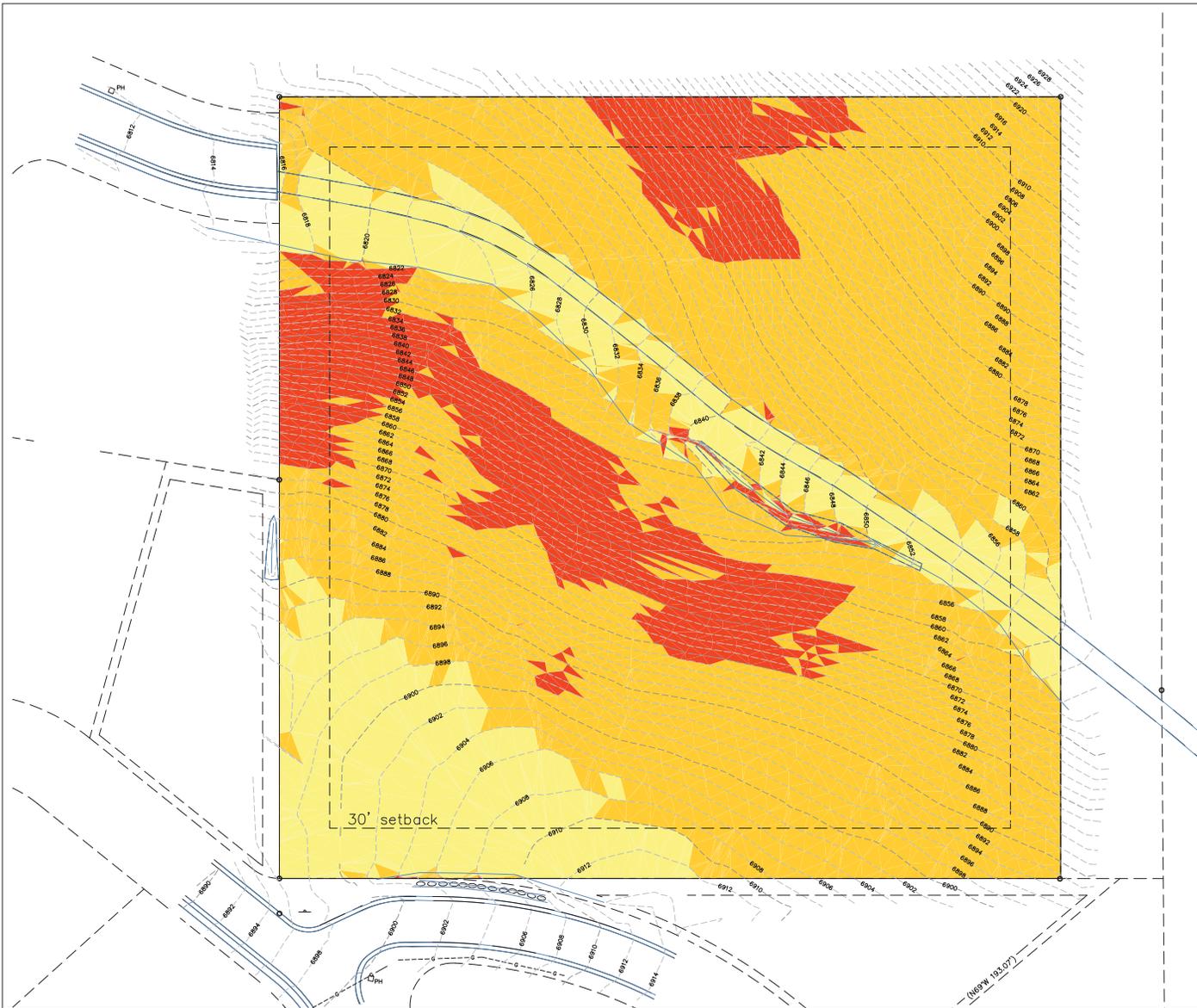
Chair Larson closed the public hearing.

MOTION: Commissioner Erickson moved to forward a POSITIVE recommendation to amend the plat to combine all of Lot 33 and part of Lots 32 and 34 of Block 73, Millsite Reservation to the Park City Survey, in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

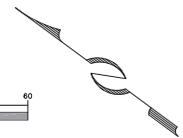
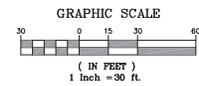
Findings of Fact - 199 Daly Avenue

1. The property is located at 199 Daly Avenue in the Historic Residential zone (HR-1).
2. The proposed plat creates a 5,750 square foot lot.
3. The minimum lot size allowed for a single family dwelling is 1,875 square feet.



Slope Analysis

Color	Layer	Percent	Area (SF)
Yellow	0-15%	21.1	45912.51
Orange	15-40%	63.0	137166.73
Red	40+%	15.9	34634.96



(435) 648-9487

STAFF:
STEVE SCHUELER

DATE: 10/12/10

SLOPE ANALYSIS
ROBIN PATTERSON PARCEL
PROSPECTOR SQUARE

FOR: ROBIN PATTERSON

JOB NO.:

FILE: X:\Prospector\dwg\robin\slope_base.dwg

SHEET
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OF
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WORK SESSION NOTES – MARCH 9, 2011

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

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

WORK SESSION ITEMS

Park City Heights - Information Update

Planner Kirsten Whetstone reported that the objective this evening was to discuss a number of concerns the Planning Commission raised at the last meeting, including the cul-de-sac cross section study and the wildlife study.

Planner Whetstone handed out copies of the cul-de-sac study. For the benefit of the Commissioners, Chair Wintzer explained the grids and how they worked. He pointed out that the horizontal is 20 feet and the vertical is 10 feet. Planner Whetstone noted that the Planning Staff and the City Engineer had received the street cross sections. City Engineer, Matt Cassel wanted to make sure the Planning Commission understood the treatment of the cuts and fills, and that any proposed retaining walls are placed in areas that can be vegetated. Planner Whetstone reported that the site grading plan was done to be in compliance with a 2:1 slope and to balance the cut and fill. Therefore, the location of the roads should balance the cut and fill and minimize the need for a retaining wall, per the MPD and subdivision requirements of the Land Management Code.

Planner Whetstone requested discussion from the Planning Commission on the cross-section study to make sure they understood the visual impacts of the disturbed slopes, and the Staff recommendation for a lower retaining wall and additional vegetation to mitigate the visual impacts of the cut and fill slopes.

Planner Whetstone reviewed a slide of the subdivision plat to show that the two lots on the upper cul-de-sac were still within the subdivision plat.

Commissioner Peek noted that the maximum cut is 10.4 feet in cross section 2. He believed the back of sidewalk or the curb elevation to top of cut is the dimension they should be talking about. The total exposed cut as viewed in elevation is the appropriate measurement, as opposed to calculating the cubic yards. Chair Wintzer agreed. He pointed out that the cut is closer to 12 feet rather than five feet. Spencer White stated that the biggest cut is 20 feet. Commissioner Peek stated that if the intent is to mitigate the visual impacts, they need to look at the height in elevation.

Spencer White, representing the applicant, introduced Jarrod Ford with Ensign Engineering, who did the study. Mr. White noted that the applicant hired Ensign Engineering to do the engineering work on the project. Ensign Engineering tried to mitigate cuts and fills and tried to balance cuts and fills. Roads were placed in locations to meet grade and nothing is over a 10% grade. The roads flatten out at intersections to allow cars to slow down during bad weather, and it allows for queuing. In addition, the placement of homes will screen most of the cuts and fills.

Mr. White wanted to know if the primary concern is what is viewed from within the project or what is

viewed from outside the project. He pointed out that the project falls within the engineering standards of Park City Municipal.

Chair Wintzer stated that his concern is the visual impact from Highway 40 and 248, and whether the view would be looking at cuts and fills. He understood that houses would screen some of the cuts, but it could be several years before those houses are built. He wanted to know how it would look without houses. Chair Wintzer was concerned about the entry statement coming into Park City. Commissioner Strachan concurred.

Mr. White stated that they have looked at a number of images on Google Earth Imaging that was done with the massing. It is difficult to put the view into a visual to know what it would look like from Highway 248. Mr. White stated that once they begin the grading, if there are areas they think will be visible from Highway 248, they would not be opposed to retaining walls if it made sense. Mr. White reviewed the cul-se-sacs as viewed from Highway 248. He referred to cross-section 4, which was the lowest cul-de-sac closest to the cottage homes. He noted that the section would be filled and lifted up. Therefore, if anything is visible from Highway 248, it would be filled slope. Mr. White pointed out that it is 1200 lineal feet from Highway 248. He noted that cross section 3 would be the next closest that could possibly be visible. Mr. White remarked that cross sections 1, 2 and 3 are over the ridge that has the power line.

Chair Wintzer clarified that his concern was mitigating the visual impacts if they exist. Mr. White suggested natural rock retaining as a possible mitigation. Instead of having a horizontal cut of 40 feet, it could be brought back to a horizontal cut of 15 feet. Planner Whetstone stated that the Staff would like to discuss acceptable retaining with the Planning Commission to make sure the design, slope, style and character of the retaining walls would be included in the design guidelines and consistent with the design of the homes.

In response to questions regarding the cul-de-sac, Mr. White presented a large map to explain how the cul-de-sac is situated on the site.

Chair Wintzer pointed out that the design of the cul-de-sacs have not been finalized. If the Planning Commission moves to approve the MPD, he wanted to know how they could be assured of what the final design would look like as it moves through the development process.

Director Eddington understood that the Planning Commission wanted the Staff to work with Mr. White and come back with a prototype concept of what the retaining walls might look like. Mr. White recommended doing a prototype at final plat approval on each subdivision phase. Chair Wintzer preferred to approve the design guidelines so there would be parameters to guide the development. Mr. White remarked that some of the cuts would come from pulling driveways into lots, and that will change. He was hesitant to set specifics at this point, but he was not opposed to using examples.

Chair Wintzer stated that it would be like having two sets of design guidelines. One would be for the structures and the other would be for construction. He wanted to know how they could manage the disturbance outside of the right-of-way without some type of design guideline. Mr. White noted that bonds are placed to address those issues. Chair Wintzer understood the bonds, but he wanted

to make sure the Planning Commission understands the final project before they approve it.

Planner Whetstone believed the concerns could be addressed with the design guidelines, conditions of approval, and a separate review for each plat. She noted that the Staff report for the March 23rd meeting would include the conditions. Chair Wintzer also noted that the re-vegetation plans should also be in the design guidelines. Mr. White shared their concerns and wanted to make sure they mitigate all the issues.

Director Eddington reiterated that a prototype would be available for the next meeting. Commissioner Peek stated that in addition to showing the cuts and fills and the topo with the street layout, and would like it to integrate all other aspects of the design such as trails, and how they would interact with the cuts and fills. Chair Wintzer wanted something that talks about materials for retaining walls to help them understand which materials are appropriate and which are not. He favored natural materials. Mr. White clarified that the developer wanted to set that standard as well.

Commissioner Savage asked Mr. White if the update this evening was a higher resolution of what was previously seen, or if anything had changed based on comments at the last meeting regarding cut and fill. Mr. White replied that nothing was changed. He noted that everything in the plan complies with Code, which is why he asked for their specific concerns this evening. If the only concern is the view from Highway 249 and 40, he believed that concern could be mitigated.

Mr. White summarized from the discussion this evening that the developer should only allow cuts and fills within a certain distance outside of the right-of-way. If retaining walls are used, they need to show materials and how the trails would tie in. From that direction, they would update the sections to show how that can be accomplished. Chair Wintzer pointed out that if they have the parameters of what they want to do, it may not be necessary to re-draw every section.

Commissioner Strachan noted that the LMC requirement for an MPD is to minimize the grading. He wanted to know what was done to meet that requirement. Mr. Ford stated that the main goal was to follow the contours of the site as close as possible and to keep the roads parallel to the contours so they were not climbing up the slope and having to cut. This was done to minimize the slopes of the road as they went up in order to meet the Code and to keep safe intersection landings.

Mr. White stated that a problem area was the road that connected the whole area near the 60 foot trail easement. They were having problems with the cut and fill because of the landing area at intersections. It must be less than 5% slope according to ASTO Regulations. Because they knew that cut would probably be visible, they opted to remove the street through that area, but leave the open space corridor for the trail to meander back and forth. Mr. White noted that in other circumstances, for example the cul-de-sac on Section 5, they ended up moving that cul-de-sac to a less steep area and to balance the cut and fill. Mr. White commented on other changes that were made when they went back and looked at specific areas. The cul-de-sac closest to Highway 40 was also moved back. Mr. White recalled making an adjustment on the road at the bubble.

Mr. White explained that Ensign Engineering had used his concept plan, identified the areas of concern and made the necessary adjustments.

Commissioner Strachan asked if they ever considered a design without cul-de-sacs. Mr. White replied that some of the earlier concepts had less cul-de-sacs, but the development was higher up on the road. Chair Wintzer clarified that in the beginning, the Planning Commission pushed the developer in the current direction and into cul-de-sacs. The original concept had more looped roads. Chair Wintzer personally believed this concept was a much better design.

Commissioner Hontz referred to the road that continues on from the cul-de-sac and asked if that was a required easement. Mr. White replied that it is a required easement. They would stub the utilities to there and whatever the buyer's intention is for their property. Mr. White explained that there is an easement across the property and the developer is letting them know that they will have access. They were looking at the best location for that access, which is why that particular road ended up where it is.

Chair Wintzer asked if there was room in the design to absorb density if someone wanted to do that. Mr. White answered yes. If it becomes necessary, that could be an easy amendment to the MPD.

Commissioner Strachan felt the southwestern most cul-de-sac was the most troubling in terms of the number of cuts. Mr. White asked if the concern was the cul-de-sac itself or the road getting to the cul-de-sac? Commissioner Strachan replied that it was everything. He was concerned about the amount of cut and fill to make the length of the road and the cul-de-sac. Mr. Ford clarified that he was referring to the area of disturbance outside of the road. Commissioner Strachan replied that this was correct.

Chair Wintzer asked if it was possible to turn the road downhill a little more. Commissioner Hontz noted that if the developer is required to provide easement access, they need to get to that point. Mr. Ford stated that they need to keep the connecting road as close to grade as possible. He explained that if they have the road stub into property, they cannot have a six foot cut where the road would enter without requiring retaining walls. They tried to get the road up and close to grade to provide the point of connection needed to access the property and still meet the Code requirements for slope on the road.

Mr. White believed they would see a marked improvement on what it would look like once they make the decision on how far out to go.

Commissioner Strachan did not believe that using the homes as a mitigator would work. It is inappropriate to mitigate the impacts by building homes. Mr. White clarified that his example was mainly to show what it would look like with a home. He did not intend to make homes the mitigator. He understood from the direction this evening that the Planning Commission wanted to see how it would look as it stands alone.

The Planning Commission discussed the Wildlife study.

Planner Whetstone noted that the revised wildlife study, dated March 2, 2011, was included in the Staff report. She handed out an email from Patrick Moffatt, which included a supplement to Table 1 that addressed, elk, moose and mule deer. These are species that have community interest. The

previous table only addressed species of Federal, Regional and State Wildlife interest. Planner Whetstone also handed out the mapping from the Division of Wildlife site that was provided at the time of the annexation agreement.

Chair Wintzer assumed the blue on the map was the habitat area and the non-checked area was non-habitat. Mr. White stated that he had put that information together from the Division of Wildlife when it was required at the application stage.

Mr. White introduced Gary Reese from Logan Simpson Design, who had prepared the biological resources overview. Mr. Reese stated that the source for the map was referenced on page 121 of the Staff report. It was done by the Utah Geological Survey and Utah State University as part of the Utah GAFF analysis. It was intended for broad, possible habitat at a scale of 1:1 million. It was reproduced here at a scale of 1 to 10,000, which is significantly beyond the intended resolution. He noted that elk habitats are shown in Park City but not in Richardson Flats. He found it to be illogical that elk would be in Park City but not in open land. Mr. Reese pointed out that sage grouse are shown as impossible winter habitat because sage grouse do not occur on northeast facing slopes. Mr. White clarified that the map was used for the application process. Planner Whetstone believed the map was provided in May 2006. Mr. White stated that it was actually provided in the original application in January 2005. Planner Whetstone explained that during the MPD process a specific wildlife study is required for the areas to be developed. The study report must be prepared by a professional qualified in the areas of ecology wildlife biology and include a map depicting all wildlife habitat areas defined in the report.

Planner Whetstone reviewed the requirements for the Wildlife Study and Map specified in Land Management Code, Section 15-2.21-3, and included on page 101 of the Staff report. She noted that definition language in the Code talks about specially valued species for this community, as defined by the General Plan. Planner Whetstone clarified that she read through the General Plan but never found that reference. She suggested that the Planning Commission should have that discussion when revising the General Plan. Planner Whetstone believed that moose are clearly a special species of the community. Deer and elk could also be considered a community species.

Commissioner Hontz commented on the importance of defining specially valued species in the Code, because it is a defined term that does not have a definition. In her experience with wildlife reports, they are typically called species of high public interest. In Utah it has always been mule deer, elk and moose.

Planner Whetstone reviewed additional requirements of the Code related to the protection of the habitat and the ecological character of the site.

Planner Whetstone presented an aerial that was part of the wildlife study report and included on page 108 of the Staff report. She also presented a vegetation map.

Commissioner Hontz was unable to find the quaking aspen shrubland. Mr. Reese stated that it was a line of single saplings that were too small to map.

Planner Whetstone reviewed a list of suggested wildlife enhancements. She noted that the Wildlife

Study also mentioned some of the areas in open space that would remain undisturbed.

Commissioner Hontz asked if the vegetation/habitat map on page 110 of the Staff report could be sent as a PDF file or enhanced in some way to make it easier to read and to identify the colors and the topo. She also suggested that the map be included in the design guidelines. Commissioner Hontz requested that the vegetation map be replicated with the development layer on top to show where development is located in relation to the vegetation and habitat types. Commissioner Hontz understood that the Army Corp delineation had been done and she would like to see the actual wetlands delineation lines included on the same map that has development, habitat, and vegetation types.

Mr. White asked if Commissioner Hontz had seen the Sensitive Land Overlay map. Commissioner Hontz replied that she had looked at the wetland delineation map, which was a reproduction of someone else's wetland delineation. She wanted to see the delineation layer added to this map. Planner Whetstone noted that wetlands are not present within the development, but it is within the MPD.

Commissioner Hontz noted that the report indicates that the habitat is not a Class A standard because it is fragmented. She did not disagree, however, in looking at Figure 2, it was easy to see how Highway 40 and 248 have impacted wildlife on this site. Commissioner Hontz referred to page 124 of the Staff report, the Wildlife Study, and how it talks about existing connections for wildlife to go on and off this site from adjacent properties, which have conservation easements. She pointed out that from Highway 248 south down to the first road is an expansive area, contextually and regionally, of where they live. She believed it rivaled Round Valley in terms of what is currently on the ground, which is nothing from Highway 248 down. The undeveloped land continues all the way to Heber, which provides a big swath of land. She was certain that there are corridors wildlife are currently enjoying.

Commissioner Hontz reiterated that there was fragmentation, but the study also acknowledged connections. She would like to see another study done in the summer and fall, when the wildlife move differently than they do in the winter and without snow on the ground. That study would help to further verify the threatened and endangered consensus, and to clearly understand what exists on this particular site. Commissioner Hontz felt it was more appropriate to have a summer/fall study and to possibly enhance the connections section of the report to know what they can and cannot do. Commissioner Hontz clarified that she was not proposing to move the development at all. She only wanted to better understand what could be done with plantings and other mitigation within the design guidelines to possibly make this better than currently proposed. That may not be the case, but another study would show that.

Commissioner Hontz felt the recommendations as written were a first step, however, recommendations she has seen in other reports typically help the Staff write conditions of approval. She was unsure if the applicant wanted the Staff or the Planning Commission to write their conditions of approval. Commissioner Hontz thought the applicant needed to provide better information on what a good condition of approval might be to make the recommendations valuable and really work. She wanted the conditions to be substantial. As an example, Commissioner Hontz referred to the third bullet point of the recommendations on page 124, which states that, "Vegetation

clearing and grubbing would still be minimized from April through July.” That is the Park City building season, but it could be important, depending upon the number of bird nesting species that can be found. In her opinion, “minimizing” was very vague and made the recommendation unclear. Commissioner Hontz preferred to have the recommendations enhanced to achieve a more meaningful and better condition of approval or a CC&R finding.

Mr. Reese stated that all of Commissioner Hontz’s requests could be addressed at this meeting. He had a PDF file of the overlay of the development on to the vegetation map available on his computer. Commissioner Hontz clarified that the information requested needs to be provided in a format that allows the Planning Commission time to review it and to have it for the record.

Mr. White explained that Mr. Reese was asked to attend the meeting this evening to answer their questions. Mr. Reese was available to answer specific questions or to provide an overview of what he personally found when he was on the site and what it means. Mr. White thought the Planning Commission could benefit from Mr. Reese’s expertise.

Commissioner Savage asked if it was possible for the Planning Commission to get clarity on what a summer/fall study would show that would add additional information. Mr. Reese stated that the report cites two Silver Creek studies that establish the fact that wildlife large mammals migrate from north south across SR248, specifically in this area. Those studies were done in 1989 by Rory Weston. A 2002 study referenced Dynamax Corporation.

Chair Wintzer asked where the wildlife specifically cross on SR248. Mr. Reese stated that the locations are shown in the mortality data from car strikes. Chair Wintzer clarified that he was asking for the crossing locations Mr. Reese had referenced. Mr. Reese clarified that two reports said SR248, but neither specified specific locations. Mr. Reese stated that mortality data is kept on mammal/vehicle impacts by mile posts for State and US Highways. He noted that there is a dip in the number of mortalities occurring at SR248 immediately north of the project area. Those dips indicate that this area is not an important migratory corridor.

Commissioner Luskin asked if studies are done on the impact that subdivisions and developments have on the animal mortality rate. He wanted to know if development increases the mortality rate because it potentially changes migratory patterns and forces wildlife across the roads. Mr. Reese stated that they do have mortality rates for the mileposts within the city limits of Park City, and those are higher than the project area. Commissioner Luskin pointed out that currently the project area does not have development. His question was whether development changes migratory patterns, which in turn causes higher mortality. Mr. Reese stated that the mortality doubles at Richardson Flat, east of US40, as opposed to the project area. He reiterated that the study suggests a low habitat level in the project area because it is not suitable habitat for the species, particularly moose and elk. He noted that according to State regulations, a moose in that area would be air lifted out and put in a moose management area. The Planning Commission did not agree with that assessment, because moose are seen all the time. Mr. White clarified that Mr. Reese was talking about the Park City Heights site and not Park City in general. He requested that the discussion focus on the project.

Commissioner Hontz asked if the other Commissioners were interested in seeing a spring/summer

study. She personally believed it would be of great value and would prove whether there is or is not wildlife habitat in the development area.

Mr. White expressed a willingness to do another study. He clarified that the objective this evening was to see if the development is placed on the site in a way that is least impactful to existing vegetation and to wildlife, if any exist. He noted that there is more than 70% open space on the site, which calculates to 171.5 acres of open space. That number does not include any land within lots and roads or any disturbed land. In addition to the Sensitive Lands Overlays with the steep slopes, ridgelines, wetlands and flood plains, they tried to put the development in what they believe is the least impactful location. Mr. White wanted Mr. Reese to verify; 1) what is being impacted, if anything; and 2) conditions of what could be mitigated if there are impacts.

Chair Wintzer referred to the topography and noted that the only water in the area was right on the corner of the project. He pointed out that it is the only water between there and the Deer Valley Gondola. Chair Wintzer wanted to know how this subdivision would affect the animals trying to get to water. Mr. Reese replied that the animals would be coming out of the oak shrubland, which is continuous open space across SR248 with more oak shrubland. He pointed out that the animals would be crossing water in the course of that route. Mr. White referred to the vegetation map and noted that everything in yellow is oak shrubland, which is where the wildlife gets cover and food. Mr. Reese remarked that this was their migration path. Everything in blue was sage brush with an invasive understory of cheat grass.

Chair Wintzer reiterated that his question was whether or not the animals would have a way to get to the water source. Mr. Reese answered yes.

Planner Whetstone stated that if there is consensus among the Planning Commission for another study, it could be required as a condition of approval. Mr. Reese pointed out that the wildlife go to higher elevations during the summer. Food is limited in the winter, which is why they come lower down out of harsh conditions. Mr. White was not opposed to a condition of approval requiring a summer study. Chair Wintzer was more comfortable requiring it as a condition of approval. Commissioner Savage was not opposed to a study, but he wanted to clearly define the questions they were trying to answer through an additional study. Chair Wintzer felt the questions were unknown until the study is done. Commissioner Savage asked how they would know what to study if they do not know the questions. Chair Wintzer clarified that it would be the same study, but done at a different time of year. In his experience, at least two studies are done at different times of the year for most projects.

Commissioner Hontz asked if there was consensus on enhancing the recommendations and having additional recommendations on how they could do better in terms of wildlife protection enhancement. Chair Wintzer supported Commissioner Hontz's request based on her experience. Commissioner Pettit concurred.

Commissioner Luskin asked about the 2002 study. He noted that it was a nine year old study and the area has changed significantly since that time. Mr. Reese replied that the study was funded by the EPA and the BLM, and it was on the wildlife resources as impacted by the toxicity of Silver Creek. He believed the 2002 study also provided the wetland delineation. Commissioner Luskin

was concerned about the number of things that have changed in nine years that could cause the conclusion of the study to be re-evaluated. Mr. Reese stated that the primary change in Silver Creek would be the soils that are now on top of the ridgeline. He noted that the increase in beaver activity has reduced the cover along the creek, which makes it even less suitable for large mammals.

Mr. Reese stated that the sage brush, in its current condition with cheat grass, provides very little quality wildlife habitat.

Commissioner Strachan asked if the study identifies any impact to wildlife at all with this development. Mr. Reese did not believe that any species under the Sensitive Lands Ordinance would be impacted. He noted that the study shows three pages of species that are known from Summit County, and the project area is not suitable habitat for any of those identified.

Commissioner Peek commented on large mammals migrating in the north/south corridor and the Richardson Flat underpass crossing Highway 40. He wanted to know how that rates as a migratory gateway. Mr. Reese stated that all they have is the mortality rate to determine important migratory crossings on the highways. Since there is no data on the underpasses, they would be unable to make that determination at this point. Commissioner Peek recalled that in the past, UDOT did a wildlife study which included the crossings. He asked if the mammals tend to migrate along the large fences and then find the under crossings. His concern was whether the area of the project adjacent to Highway 40 should to be enhanced if it remains a natural migratory path once development occurs. Mr. White stated that the area Commissioner Peek was indicating is where they plan to do the storm detention and leave that area open. Mr. Reese stated that he drove around the area looking for hoof prints. Since the last snow, there is no evidence to indicate that deer or other mammals are coming north along the embankment of US40 and trying to cross under the Richardson Flats Road underpass.

Mr. Savage asked if Mr. Reese found hoof prints further west of Highway 40. He believed the concern was with animals moving from the south to the north. With the development in place, the wildlife would have to make a decision to go left or right. If they go to the right, they would come down Highway 40, which could cause congestion at some level and animal death. Mr. White understood from Mr. Reese that the natural habitat is the Gamble Oak shrubland, which is higher and away from the development.

Planner Whetstone noted that they originally talked about enhancing the western and eastern perimeters. However, there was a concern that enhancing the eastern perimeter between the development and Highway 40 could create a situation that attracts the wildlife closer to the highway.

The Planning Commission and Mr. Reese discussed movement patterns and migration areas. Mr. Reese pointed out that the open space patterns around Park City define the movement patterns for these animals, because animals move through open space. He noted that wildlife becomes a nuisance species if they get hungry and go into developments to eat gardens and plants.

Mr. White asked if another study is required as a condition of approval, whether any development would be allowed prior to that study. Commissioner Hontz believed those details could be worked

out when the condition is written. Mr. White asked if the Commissioners preferred a specific month for the study. Commissioner Hontz thought the wildlife biologist would have a better understanding of when he could get a different seasonal perspective of what occurs on the property. Mr. Reese suggested that May or June would be the best month.

Commissioner Strachan asked if the wildlife study took into account the cumulative effect of any reasonably anticipated development around the project. Mr. Reese stated that the cumulative effect was not stated in the report, and it was not asked for in the Sensitive Lands Overlay language. Commissioner Strachan was interested in knowing the cumulative effect on wildlife paths when the Boyer property is developed, the triangle parcel is developed, and the parcels to the south approaching the Jordanelle Gondola are developed. He questioned whether that information should be included in the study. Commissioner Strachan did not think it would be difficult to identify reasonably anticipated developments in that area.

Planner Whetstone thought they could look at areas that are dedicated open space or potential dedicated open space with any project in the area, based on the Sensitive Lands Ordinance. That would help determine where development would occur in a reasonable analysis. Commissioner Strachan remarked that the Wildlife Biologist is the one who should determine the cumulative effects on wildlife and wildlife pathways.

Mr. Reese stated that he would need a data set that has been repeated over the last few years to establish the trends under progressive development. The only data he could think of were the big game study plots and the Christmas bird count done in Wasatch Mountain Park. Those studies only provide five years worth of data and nothing has been collected in Park City specifically. Commissioner Strachan clarified that he was not suggesting how it should be done, but rather what it should be based on.

Planner Whetstone offered to research what the SLO requires specifically in terms of a wildlife study. Mr. White believed the applicants have proven their willingness to work with the Planning Commission as best as possible to address their requests and concerns. The applicant hired an expert, as required, and they thought his findings were very clear. Mr. White wanted to make sure that they had answered all the questions this evening, aside from doing another study in May or June.

Commissioner Hontz replied that she had already made her comments specific to the findings. She thought the findings needed to be enhanced to make sure they are useful. Commissioner Hontz asked if there was agreement among the Planning Commission to request additional findings. Since she is not a wildlife biologist, she thought those enhancements should come from the expert and they should go above and beyond the five or six recommendations presented in the study. The Commissioners concurred.

Ruth Meintsma, a resident at 305 Woodside Avenue, stated that she had looked at the list of birds prior to the meeting, and she believed the birds and the animals identified are special management creatures. She does not frequent the area a lot, but on two separate occasions within a three year span, she saw a group of cranes out there in the Fall. One year there were seven and another year there were ten. Ms. Meintsma wanted to know where those birds fit within the list, or if it was an

odd occurrence and they were not considered. She referred to the bullets points reflecting a movement corridor, and she thought the cranes may come into this area in the Fall. She asked if there was a reason why the cranes did not have to be included. Ms. Meintsma noted that beavers are wildlife in this area, as well as other animals that were not mentioned in the study.

Commissioner Hontz stated that after the last meeting she re-visited the Sensitive Lands Overlay and noticed a reference to a Fire Protection Report. She assumed one was done as part of the annexation, but in conversations with Planner Whetstone, she discovered that it was not done. Based on the Code it is an optional report. Commissioner Hontz wanted to see a fire protection report and she believed the applicant had all the data necessary to compile the report. She was interested in knowing the fire hazard on this particular site, and suggested that steps may be required in the conditions or the CC&Rs if there are extremely high risks.

Commissioner Peek thought it would be good to know if the design guidelines would be affected by this being a wildland urban interface zone. A fire protection report would help determine exterior siding materials and other details. Planner Whetstone reiterated that it is an optional report that may be required by the Planning Department. The fire protection report must identify potential wildland urban interface areas. It must also include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire hook-up capability, and combined with the International Wildland Urban Face Code and the Summit County Wildfire Plan.

Commissioner Pettit was surprised that Ron Ivie had not previously requested a fire protection report. Planner Whetstone stated that the recommendation was for fire sprinkling and a buffer zone between the development and the vegetation. She noted that the applicant has met with the Fire Department. Mr. White stated that most developments are within low to moderate risk, which requires a sprinkling system. When a development is in a high risk area, sprinklers are required on the outside of structures, as well as on the inside. Mr. White noted that the buildings would be sprinkled, but they would still do the report.

Planner Whetstone asked if the Planning Commission had additional questions or concerns. Chair Wintzer thought the design guidelines should address street lighting, signage, etc., even though it is not proposed at this time. If that changes in a future phase, the design guidelines would have the requirements in place to address City Code and other issues.

Planner Whetstone stated that the next Staff report should have all the criteria for the MPD and the specific criteria for the zone and the SLO. Mr. White stated that his intent was to move forward for action at the next meeting. Based on that intent, he wanted to make sure that all questions or concerns could be addressed at the next meeting.

Commissioner Savage requested a simple presentation at the next meeting that includes a list of all the items discussed throughout the process, how they comply with respect to the zoning, and what conditions have been requested as it relates to finalizing an approval of the MPD. This would allow the Planning Commission to look at all the issues consolidated in a simple presentation. It was recommended that the Staff prepare that presentation.

Commissioner Pettit agreed with Commissioner Savage. Because they have been so disconnected

from the entire project and all the MPD criteria that needs to be evaluated, it is difficult to know what information is still needed or what has been satisfied without a full list. Commissioner Pettit asked if a soils study was ever done. Planner Whetstone answered yes.

Commissioner Peek felt it was unclear where they were on significant issues that were raised in the past. Commissioner Strachan requested that Planner Whetstone include minutes in the summary. Commissioner Peek suggested that the presentation include follow up information on snow storage and trail easements.

Commissioner Strachan referred to a previous discussion regarding the bike path that runs parallel to the dump road and connects with the existing trail that goes under the underpass into Round Valley. At the last discussion there was some disagreement over who would pay to put in that trail. He needs to know the status of that issue before he votes. Commissioner Peek wanted an update on the area where the wetlands bridge crosses to the underpass under SR248. Chair Wintzer clarified that the Planning Commission did not need to see the design, but they would need to know that the bike path would be done and that it would meet the wetlands code.

Director Eddington stated that the Staff would work with the applicant to make sure all the issues are covered at the next meeting.

Commissioner Savage clarified that if all the requested information results in a thick packet, he would like the Staff to prepare a two page summary of the contents. Commissioner Peek stated that a summary attached to the Staff report would be helpful for all large projects that recur in multiple meetings.

Chair Wintzer felt it would be helpful if the Staff could provide a summary of the minutes on large projects that go on for months, and identify the key points discussed in that particular meeting. The Staff could then attach that summary to the Staff report when that project is scheduled again.

Mr. White thanked the Planning Commission for their patience. It is a big project that impacts different people for different reasons, and through the process they were able to achieve a much better project as a whole and on specific items.

Training with Legal Department

Assistant City Attorney McLean reviewed recent changes to the LMC with the Planning Commission. She also discussed each of the three hats the Planning Commission wears; administrative, legislative, and quasi-judicial. Ms. McLean commented on the importance of disclosures whenever a conflict could be perceived.

The work session was adjourned.

MINUTES – MARCH 9, 2011

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

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner; Jacquy Mauer, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

II ADOPTION OF MINUTES

Chair Wintzer noted from the minutes on the TDR discussion, that the Planning Commission had asked the Staff to look at taking the model to the next level and to look at form base code for the Bonanza Park area. They had also asked the Staff to do an inventory of possible sending and receiving zones throughout the entire City. Chair Wintzer wanted to make sure those items were addressed and not forgotten.

Director Eddington stated that the Staff was pursuing their requests. They are working on a way to do more detailed planning for Bonanza Park, which ties into the model. Director Eddington remarked that he and Planner Cattan had a discussion regarding form base code that day. The intent it to pursue form base code to address challenges in the future with regards to locating TDRs. Director Eddington stated that the Staff will continue to look for sending and receiving zones, and to consider a change in the zoning for Bonanza Park.

February 9, 2011

MOTION: Commissioner Pettit moved to APPROVE the minutes of February 9, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

February 23, 2011

MOTION: Commissioner Pettit moved to APPROVE the minutes of February 23, 2011. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMENT

City Council Member, Liza Simpson, informed the Planning Commission that Candy Erickson was home from the hospital. Cards and notes were encouraged and appreciated.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Director Eddington reported that the Planning Commission had previously asked for an overview of the City's Development Review process in terms of how projects are coordinated with other departments. The Staff had prepared a short update on that process.

Planner Jacquy Mauer provided a list of regular participants in the development review meetings, which includes the project planner, Building Department, City Engineer, and the Legal, Water and Transportation Departments, the Sustainability Department, and the Snyderville Basin Water Reclamation District. Commissioner Savage requested that Planner Mauer send him a copy of the list for future reference.

Planner Mauer noted that the list was the regular attendees, however, the development review packet is also sent to more than 30 different email addresses. People who do not attend are asked to email their input to the project planner. The applicant does not attend. Planner Mauer stated that during the development review meeting, the planner presents the projects and there is a round table discussion by all department participants. The planner notes any issues and comments and provides them to the applicant for changes or additional information. The development review meeting typically occurs on the second and fourth Tuesday of the month. Any application that is to go before the Planning Commission goes through a development review. Some administrative conditional use permits also go through the process.

Commissioner Savage clarified that a development review is required for all items that go before the Planning Commission, but optional for administrative items at the discretion of the individual planner. Planner Mauer replied that this was correct. Director Eddington stated that if a question arises or the planner has a particular concern, the administrative item would go through a development review to make sure all city-wide department issues are addressed.

Commissioner Pettit asked if there was a process for reporting back to the specific department that initially raised an issue. Planner Mauer replied that the project planner would be responsible for coordinating with city departments. Commissioner Pettit asked if a project only had one development review meeting. Planner Mauer stated that typically a project goes through one development review and issues are resolved through the individual departments. However, if there are a number of issues, the project could go through another review.

Assistant City Attorney Polly Samuels McLean stated that the Planning Commission is on the development review list. She was trying to find out when that occurred and whether it was done in response to a particular request. Ms. McLean explained that it would be good for the Planning

Commission to know the agenda items for the development review meeting, but not the full applications, because there could be information outside of their purview.

Commissioner Savage stated that if the concern is that the Planning Commission could become biased by receiving information that could change prior to coming to the Planning Commission, he would be willing to remove his name from the distribution list.

Commissioner Pettit stated that she looks at the agenda and depending on the item, she sometimes looks at the information. She agreed that there were reasons why the Planning Commission should not have access to the full report going to development review. However, she wanted to stay apprised of the types of applications in a general nature. She asked if there was a way to provide a generic description of the applicant's request, separate from the detailed report. Assistant City Attorney McLean suggested that they only send the agenda page to the Planning Commission without the detail, so they would know which projects to expect.

Commissioner Pettit pointed out that she has been receiving the development meeting reports since she joined the Planning Commission. Commissioner Savage stated that he also began receiving the reports when he joined the Planning Commission. He contacted Patricia Abdullah for clarification and she told him that he had the right, but not the obligation to participate. Assistant City Attorney McLean stated that he was given an inaccurate explanation. The Planning Commission should not attend development review meetings because it is an internal review process. If a Commissioner has a question regarding an item on the agenda, they should contact the project planner. Ms. McLean offered to look into how they could distribute only the first page to the Planning Commission.

Commissioner Peek stated that like Commissioner Pettit, he opens up the report to see what is coming to them.

Chair Wintzer asked if the first page identifies the request or just the project. Ms. McLean replies that it usually has the project address and a brief description.

Chair Wintzer asked if the fire department is involved with the development review. Planner Mauer stated that an email is sent to the fire department for their input. Chair Wintzer stated that when the Planning Commission receives a Staff report that indicates a Staff review was conducted, he assumed that to mean that any issues raised during the development review have been resolved.

Commissioner Savage understood that each department had a clear and explicit obligation to review the issues and provide comment.

It was noted that Snyderville Reclamation District was the only outside entity that actually attends the meeting. Other utilities such as Rocky Mountain Power are sent an email and have the ability to provide input. Director Eddington explained that either the project planner or the City engineer will reach out to entities such as Rocky Mountain Power or Questar if specific issues need to be addressed.

Commissioner Pettit encouraged pro-active solicitation of input by the Planning Department on issues that warrant a closer look by other departments. Planner Mauer replied that the project planner does reach out when necessary.

Commissioner Pettit stated that she would be unable to attend the next meeting on March 23rd.

CONTINUATIONS - Public Hearing and continued to specific date

- 1, Park City Heights - Master Planned Development March 14, 2011
(Application #PL-10-01028)

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

MOTION: Commissioner Pettit moved to CONTINUE Park City Height MPD to March 23, 2011. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

2. 2800 Deer Valley Drive, Silver Baron - Amendment to Record of Survey
(Application #PL-11-01151)

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

MOTION: Commissioner Pettit moved to CONTINUE 2800 Deer Valley Drive, Silver Baron Amendment to Record of Survey to March 23, 2011. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

3. Deer Valley - 11th Amended Master Plan
(Application #PL-11-01150)

Chair Wintzer opened the public hearing.

Bob Wells, representing Deer Valley, stated that he would be out of town on March 23rd, when this item will be reviewed. He explained that this application and the first item to be continued corrects the density on the Silver Baron Lodge project. The project was built to 50 units, which was authorized, but it was a UE project and the final calculation came up a UE less than what was allotted under the Deer Valley MPD. Mr. Wells stated that Deer Valley has agreed to transfer one UE from the parking lot across the Street to Silver Baron, to allow that project to come in to compliance.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE Deer Valley - 11th Amended Master Plan to March 23, 2011. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

44 Prospect Avenue - Plat Amendment (Application #PL-10-01057)

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

MOTION: Commissioner Peek moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 44 Prospect Street according to the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Savage seconded the motion.

Commissioner Hontz noted that the agenda and the Staff report had the address as 44 Prospect Street. She questioned whether it was Street or Avenue. There was consensus that the correct address was 44 Prospect Avenue.

Commissioner Peek amended his motion to reflect the correct address as 44 Prospect Avenue.

VOTE: The motion passed unanimously.

Findings of Fact - 44 Prospect Street

1. The property is located at 44 Prospect Street.
2. The zoning is Historic Residential (HR-1) District.
3. The plat amendment combines the south 20 feet of Lot 3 and all of Lot 4, Block 18, Park City Survey, into one lot of record.
4. The proposed lot is 3484.8 square feet in size. Minimum lot size in the HR-1 District is 7,875 sf.
5. The property is improved with a non-historic single-family dwelling constructed in 1973 across the lot line.
6. The plat amendment will bring the structure into compliance with all setbacks except the north side setback which is legally non-complying.
7. There is one off-street parking space on the property.

8. The deck of 52 Prospect encroaches onto 44 Prospect Street. There are also three retaining walls that span across both properties.
9. No change is being made to the structure or use that increases the parking demand.

Conclusions of Law - 44 Prospect Street

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

Conditions of Approval - 44 Prospect Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The deck encroachment, corner of house encroachment, and retaining wall encroachments will either need to be removed or have reciprocal encroachment agreements recorded with the County prior to recordation of this plat.

REGULAR AGENDA/PUBLIC HEARINGS

4. 2300 Deer Valley Drive, St. Regis - Conditional Use Permit
(Application #PL-11-01160)

Planner Katie Cattan reviewed the application for a conditional use permit for a tent at the St. Regis hotel. This past year the CUP criteria in the Land Management Code for temporary structures was changed. Under the amended criteria, a temporary structure can only go up five times per year and for no more than 14 days in a row.

Planner Cattan noted that the St. Regis had five tents last year. They have submitted for a CUP review by the Planning Commission, since the Planning Commission is the only body with the authority to allow greater durations or more frequency of tents. The St. Regis was requesting 15

tents per year, with one of the tents being allowed to stay up for 60 days due to frequent wedding schedules.

Planner Cattan explained that the LMC was changed because several hotels throughout town were keeping tents up year-round. That became a problem because the infrastructure cannot accommodate tents that are used year-round as a permanent part of the building. Planner Cattan stated that the Planning Department would need to sign off on any temporary permits that come into the Building Department. They would keep a list to make sure the St. Regis would not exceed the requested number.

The Staff recommended that the Planning Commission review the application and consider approval, based on the findings of fact, conclusions of law, and conditions of approval.

Planner Cattan noted that the St. Regis was issued a CUP for a temporary structure that was used as a sales office. As a condition of this approval, that structure must be taken down by June 1st, or this CUP would become void. She stated that the St. Regis has plans in place to remove the sales office. Director Eddington clarified that the existing temporary structure is located at the bottom of the funicular. A request to keep it was denied by the Building Department and it will be removed.

Planner Cattan reported that the largest tent proposed is 2,800 square feet. She believed it was 70' x 40'. Commissioner Peek clarified that the Building Department would review the locations and whether the tent interfered with egress for the main building. Planner Cattan explained that any tent that is greater than 200 square feet requires a permit through the Building Department. The Building Department would do a site inspection, look at the site plan and the interior layout, and make sure there is egress and that the fire code is followed.

Commissioner Peek asked if any of the tents would be visible from adjacent residential. Planner Cattan believed the tent on the Great Lawn would be visible from one of the homes above that look down on the St. Regis.

Commissioner Savage asked if any of the tents would be visible from the amphitheater area at Deer Valley. Planner Cattan was unsure. Chair Wintzer did not think they would be visible from the amphitheater.

Commissioner Peek referred to the tent location at the ski plaza and asked if the Building Department would address the open fire pits in that area relative to the location of the tent. Planner Cattan answered yes. She clarified that the Building Department would inspect every tent each time one goes up.

Commissioner Strachan referred to the tent location shown on the bottom of page 93 of the Staff report and asked if that tent would block any of the mountain bike trails. Planner Cattan did not have an answer and offered to condition the CUP to address that concern. She believed Commissioner Strachan referenced the Great Lawn. Commissioner Strachan stated that an existing trail would go right through it or by it, depending on the size of the tent. He requested that Planner Cattan condition the CUP to state that the tents would not obstruct any trails.

Chair Wintzer assumed the St. Regis had put up tents in the past and he wanted to know if the City had received any complaints from the residents during special events. Planner Cattan replied that there were no complaints on file. She noted that a recent parking study indicated that the St. Regis was at 49% of their parking. They estimated that the tent use would increase the parking by 30%, taking them to 79% of their parking. They must follow the original conditional use permit for the St. Regis in terms of parking, locations, etc.

Chair Wintzer clarified that his concern was having several buses go back and forth all day for a specific event. He assumed a provision of the original permit could stop the use if it became a problem. Planner Whetstone stated that one of the conditions of the conditional use permit was that after the hotel was in operation for two years, they were to come back with a traffic study that identified traffic patterns and parking. The St. Regis will be preparing that traffic study in the Fall and it would come to the Planning Commission.

Planner Cattan stated that the Planning Commission could further condition the current CUP to require another traffic study in two years. Commissioner Savage wanted to know how long this CUP would last. Planner Cattan replied that once approved, the CUP would be ongoing. Commissioner Savage clarified that the St. Regis would have the right for a specific number of tents seasonally into perpetuity. Planner Cattan replied that this was correct. She pointed out that the Planning Commission could condition the CUP upon ownership.

Commissioner Savage asked if the traffic mitigation issues in the original CUP have been appropriately considered with this application. Planner Whetstone believed that would be addressed in the traffic study this Fall.

Chair Wintzer suggested that the CUP be conditioned to require a review if the City receives three complaints. Commissioner Pettit agreed that it made sense to provide the Planning Commission the ability to re-visit the CUP given the fact that it expands the use of the facility with different programs and events. The Commissioners concurred.

Commissioner Pettit suggested that Planner Cattan review Condition #6 to the Deer Crest Amenities Club and possibly draft similar language. Replacing the word "club" with "tent usage", the condition would read, "The applicant shall submit to the City Planning Department for review by the Planning Commission, a one year review of the tent, parking and traffic impacts, and a summary of complaints received regarding impacts of the tent usage on the hotel operation, guests, owners of adjacent or nearby property. If that CUP review reveals impacts that have happened that should be mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts." Commissioner Pettit believed this was consistent with what they are already required to do based on similar increase or change in use at the St. Regis. The Staff and Planning Commission supported adding the condition as read.

Commissioner Savage clarified that a CUP is only required if the applicant wants to use a tent more than five times per year or for longer than 14 consecutive days. He noted that the Staff report talks about an increase in tent occurrences to allow tents up to 15 times under the proposed conditional use permit, with the duration of one tent proposed to be a maximum of 60 days. Commissioner

Savage asked if that meant that all the other tent uses would be under 14 days. Planner Cattan answered yes. Commissioner Savage asked if that restriction was clear in the conditions. Planner Cattan read Condition #3, "A maximum of 15 tents per year are allowed. A maximum duration of a tent is 14 days, with the exception of one tent per year having a maximum duration of 60 days during the summer months only. Commissioner Savage was satisfied.

Planner Cattan read the revised conditions of approval as follows:

- Condition #8 - was the condition from page 53 of the Staff report as read by Commissioner Pettit.
- Condition #9 - Tents cannot obstruct any trails.
- Condition #10 - If the Staff receives three complaints within one year, the applicant will be required to return to the Planning Commission for review of the Conditional Use Permit, and the Conditional Use Permit may be revoked.

MOTION: Commissioner Hontz moved to APPROVE 2300 Deer Valley Drive, St. Regis conditional use permit with the changes to the conditions of approval as stated during the discussion, in accordance with the Findings of Fact, Conclusions of Law and the Conditions of Approval as amended. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2300 Deer Valley Drive

1. On January 25, 2011, the City received a complete application for a conditional use permit for a temporary structure (tent) to be located within the St. Regis Resort hotel.
2. In 2010, the hotel pulled 5 separate building permits for temporary tents.
3. Within the Land Management Code (LMC) section 15-4(A)(7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five(5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC Section 15-1-10(E) and the criteria for temporary structures in LMC Section 15-4-16(C).
4. The applicant is requesting that the Planning Commission consider approving a conditional use permit to allow up to the applicant to install a temporary tent up to 15 times per year with one tent receiving a longer duration of 60 days during the summer months, due to the higher frequency of weddings and outdoor parties. There may be occasions when more than one tent is installed for an activity.
5. The St. Regis Hotel has two locations for tents. One is on the Astor Terrace and the second is within The Great Lawn. The Astor Terrace is located outside of the main floor of the St.

Regis. It is accessed through the Lobby and Pre-Function room outside the Astor Ballroom. The Great Lawn can be accessed off the patio on the main floor or the funicular landing floor. It is located on the hillside within the St. Regis property. The largest tent is 2800 square feet and measures 40' x 70'.

6. This application is reviewed under Land Management Code Section 15-1-10(E) and Section 15-4-16(C).
7. The St. Regis may be accessed via Roosevelt Gap or Deer Valley Drive East. People using the tents would have to abide by the same parking restrictions as other hotel users outlined in the 1995 Deer Crest Hotel Conditional Use Permit conditions of approval. Any extra parking caused by the activity in the tent must be accommodated within the St. Regis parking lots.
8. According to a recent parking analysis (Exhibit B), forty-nine percent (49%) of the parking spaces were utilized during peak season (Sundance 2011). If the tents were at maximum capacity and all guests came from off-site, an additional 30% of parking would be utilized.
9. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
10. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
11. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
12. Temporary Structures require a Conditional Use Permit in the RC zone.
13. No additional signs or lighting are proposed with this application.
14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law - 2300 Deer Valley Drive

1. The use, as conditioned, complies with all requirements of the Land Management Code, Section 15-1-10.
2. The use, as conditioned, is consistent with the Park City General Plan.
3. The use, as conditioned, is compatible with surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

5. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval - 2300 Deer Valley Drive

1. All tents require a permit issued by the Building Department. All tents must be inspected by the Building Department prior to occupancy. The Building Department will inspect circulation, emergency access, and all other applicable public safety measures.
2. Prior to installing a tent, the Planning Department must sign off on a building permit and record the date within the CUP application folder.
3. A maximum of fifteen tents per year are allowed. The maximum duration of a tent is fourteen days, with the exception of one tent per year having a maximum duration of sixty days during the summer months only.
4. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Conditional Use Permit becoming void.
5. The existing temporary structure at the St. Regis hotel must be removed by June 1, 2011. If it is not removed by June 1, 2011, this Conditional Use Permit will be void.
6. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
7. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
8. The applicant shall submit to the City Planning Department for review by the Planning Commission, a one year review of the tent, parking and traffic impacts, and a summary of complaints received regarding impacts of the tent usage on the hotel operation, guests, owners of adjacent or nearby property. If the CUP review reveals impacts that have happened that should be mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts.
9. Tent cannot obstruct any trails.
10. If the Staff receives three complaints within one year, the applicant will be required to return to the Planning Commission for review of the Conditional Use Permit, and the Conditional Use Permit may be revoked.

The Planning Commission adjourned the regular meeting and moved into work session.
The work session discussion is found in the Work Session Notes.

The Park City Planning Commission adjourned at 8:39 p.m.

Approved by Planning Commission _____

DRAFT

CONSENT AGENDA

Planning Commission Staff Report



Application #: PL-11-01201
Subject: 335 Woodside Ave. Plat Amendment
Author: Francisco Astorga, Planner
Date: March 23, 2011
Type of Item: Administrative – Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 335 Woodside Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: John Watkins, represented by Lance Kincaid
Location: 335 Woodside Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a request to combine two (2) Old Town lots into one (1) lot of record. There is an existing historic structure located at 335 Woodside Avenue which was constructed across existing property lines.

Purpose

The purpose of the Historic Residential (HR-I) District is to:

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

Background

On February 9, 2011 the City received a completed application for the 335 Woodside Avenue Plat Amendment. The property is located at 335 Woodside Avenue in the Historic Residential (HR-1) District. The proposed plat amendment combines Lots 9 and 10, Block 30 of the Park City Survey into one (1) lot of record. The proposed new lot will be 3,750 square feet in size.

The current use of the property is a single family dwelling. The applicant wishes to combine the two (2) lots into one (1) lot to eliminate the lot line going through the structure and to facilitate an addition to the existing historic structure. The structure is currently listed as a Landmark site on Park City’s Historic Site Inventory. The historic structure is known as the William Tretheway House, built circa 1893. It is currently listed on the National Register of Historic Places. The structure is approximately 781.75 square in size.

After submitting the required Historic District Design Review (HDDR) pre-application it was discovered that the historic structure was built over the two lots. The addition will be subject to the HDDR review and approval which has not been finalized. A building permit cannot be issued for construction across a lot line. Due to the slope of the site a Steep Slope Conditional Use Permit application will also be required prior to the building permit review.

Analysis

The proposed plat amendment creates one (1) lot from two (2) Old Town lots within the HR-1 District. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	3,750 sq. ft.
Minimum lot width	25 ft.	50 ft.

Staff finds good cause for this plat amendment as the combined lot will remove the lot line going through the historic structure. The plat amendment will also provide an opportunity for an addition. The square footage of the structure is currently 781.75 square feet (which is also the building footprint). The proposed lot will meet the lot and site requirements of the HR-1 District. There are no other violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum
Footprint	1,519 square feet maximum

Parking	None required for historic structures
Stories	3 stories maximum

Process

The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

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

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 335 Woodside Avenue plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 335 Woodside Avenue plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 335 Woodside Avenue plat amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The historic structure would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 335 Woodside Avenue Plat Amendment and forward a positive recommendation to the City

Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Topographic Survey

Exhibit C – Aerial Photograph

Ordinance No. 11-

**AN ORDINANCE APPROVING THE 335 WOODSIDE AVENUE PLAT AMENDMENT
LOCATED AT 335 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 335 Woodside Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2011, to receive input on plat amendment; and

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

WHEREAS, on April 7, 2011, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 335 Woodside Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The 335 Woodside Avenue Plat Amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 335 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 3, 750 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is fifty feet (50').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 781.75 square feet.
8. The maximum footprint for a lot this size is 1,519 square feet.
9. There are no other violations or non-compliances found on the site.
10. The current use of the property is a single family dwelling.
11. There is a historic structure on the site.

- 12. No remnant parcels of land are created with this plat amendment.
- 13. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

- 1. There is good cause for this plat amendment in that the combined lot will remove the lot line going through the historic structure.
- 2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
- 3. Neither the public nor any person will be materially injured by the proposed plat amendment.
- 4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

- 1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Woodside Avenue.

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

PASSED AND ADOPTED this 7th day of April, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

Attachment A - Proposed Plat



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of 335 WOODSIDE AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

LOTS 9 & 10, BLOCK 30, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as 335 WOODSIDE AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, John K. Watkins, a married person, and Erich W. Joiner, an unmarried man, as tenants in common, hereby consent to the recordation of this Subdivision Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2011.

John K. Watkins, Owner _____

Erich W. Joiner, Owner _____

ACKNOWLEDGMENT

State of Utah: _____
County of Summit: _____

On this _____ day of _____, 2011, John K. Watkins and Erich W. Joiner personally appeared before me, the undersigned Notary Public, in and for said state and county: Having been duly sworn, John K. Watkins and Erich W. Joiner acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah _____

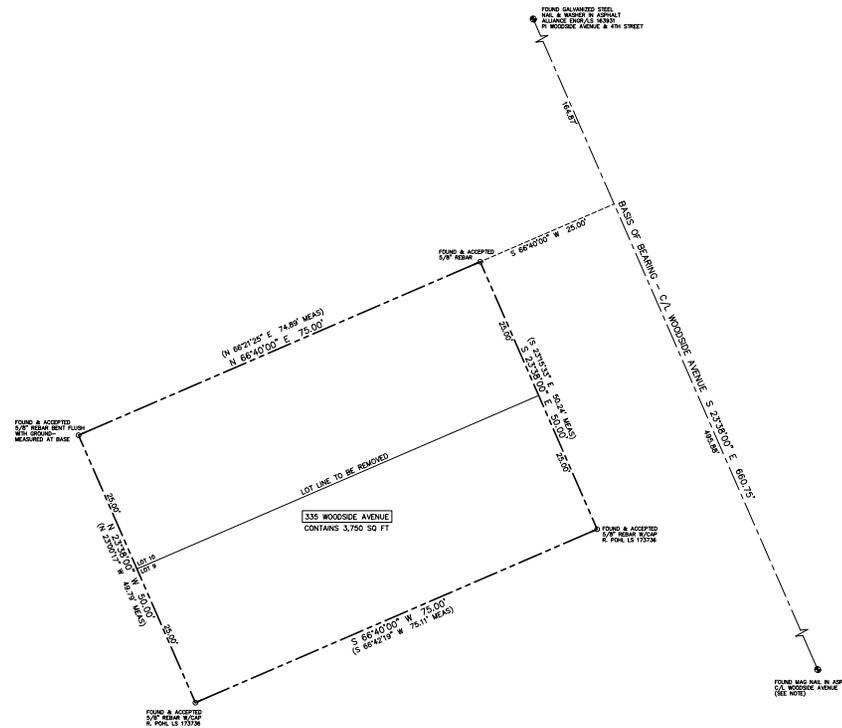
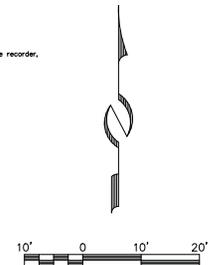
Printed Name _____

Residing in: _____

My commission expires: _____

NOTE

Refer to recorded survey S-7249 in the office of the recorder, Summit County, Utah.



A PARCEL COMBINATION PLAT A COMBINATION OF LOTS 9 & 10 IN BLOCK 30, PARK CITY SURVEY 335 WOODSIDE AVENUE SUBDIVISION

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

SHEET 1 OF 1

	(435) 648-9467 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2011 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
	3/2/11 JOB NO.: 5-1-11 FILE: X:\ParkCitySurvey\dwg\ar\plat2011\050111.dwg						

Exhibit B - Topographic Survey

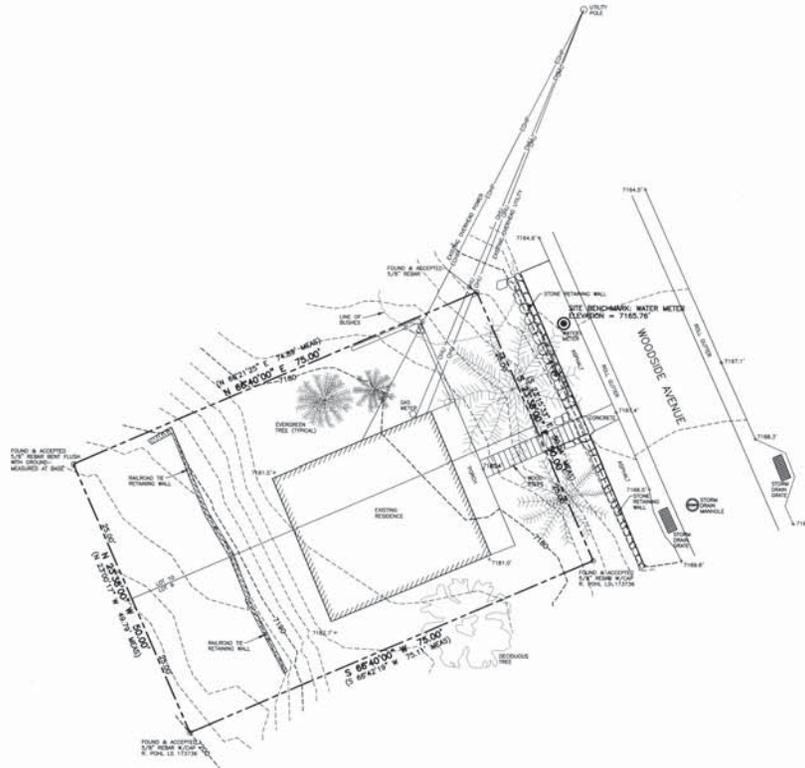


SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy. I also certify that the boundary shown herein is in accordance with the description in that Warranty Deed recorded on December 15, 2010, as Entry No. 888443.

NOTES

1. Site Benchmark: Water meter
Elevation=7165.76'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on August 13, 2010.
4. Property corners were found.



 (435) 649-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2884 Park City, Utah 84002-2884	STAFF: MARSHALL KING MARTY MORRISON	TOPOGRAPHIC SURVEY 335 WOODSIDE AVENUE LOTS 9&10, BLOCK 30, PARK CITY SURVEY	SHEET 1 OF 1
	REVISED: 12/7/10 DATE: 8/16/10	FOR: KINCAID DESIGN JOB NO.: 4-2-10 FILE: X:\ParkCitySurvey\dwg\srvt\topo2010\040210.dwg	



**335 Woodside Avenue
2009 Aerial Photograph**



Legend

- Parcels
- Streets

Planning Commission Staff Report



Application #: PL-11-01190
Subject: 109 Woodside Plat Amendment
Author: Francisco Astorga, Planner
Date: March 23, 2011
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 109 Woodside Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Stephen Roy represented by Jonathan DeGray, architect
Location: 109 Woodside Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a request to combine portions of Old Town lots into one (1) lot of record. There are existing historic structures located at 109 Woodside Avenue. The historic structures were constructed across existing property lines.

Purpose

The purpose of the Historic Residential (HR-I) District is to:

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

Background

On January 24, 2011 the City received a complete application for the 109 Woodside Plat Amendment. The property is located at 109 Woodside Avenue in the Historic Residential (HR-1) District. The proposed plat amendment combines Lot 2 & Lot 3, and a portion of Lot 1, 4, 29, 30 & 31 of Block 31 of the Park City Survey into one (1) legal lot of record. The requested lot is 6,428 square feet in size.

The current use of the property is residential. The site currently contains a single family dwelling and a detached accessory building. The site is currently listed as a Landmark site on Park City’s Historic Site Inventory (HSI). Both the main dwelling and the accessory building have been identified as historic buildings on the HSI. The site is currently eligible for the National Register of Historic Places. The main building is structure is approximately 754.5 square feet in size (footprint) while the accessory building is approximately 370 square feet in size.

The applicant wishes to combine the lots and portions of lots as described above into one (1) lot to eliminate the various lot lines going through the main building and the accessory building, both historic structures, and to facilitate reconstruction of the accessory building.

After submitting the required Historic District Design Review (HDDR) pre-application to reconstruct the accessory building it was discovered that the historic buildings (main and accessory) were built over various lot lines. The improvements to the detached garage will be subject to the HDDR review and approval which has not been finalized. A building permit cannot be issued for reconstruction across a lot line.

Analysis

The proposed plat amendment creates one (1) lot from two (2) Old Town lots and several portions of other adjacent Old Town lots within the HR-1 District. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	6,428 sq. ft.
Minimum lot width	25 ft.	79 ft.

There is a portion of King Road east of Woodside Avenue that currently goes through the southern portion of the subject property. This area, approximately 2,052 square feet, is owned by the applicant. There is a prescriptive easement that allows the public to utilize the built street, curb, and gutter.

The applicant requested with this plat amendment application to include this portion of King Road to be part of the lot combination. Staff does not recommend including this area as requested, but instead recommends this portion be dedicated to the City as right-of-way for King Road. The applicant will benefit by reducing the assessed area for tax purposes. The public will benefit by the area being an actual right-of-way instead of

a prescribed easement over private land. The recommended lot (without the King Road right-of-way) area is 4,376 square feet in size.

Staff finds good cause for this lot combination as the plat amendment will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, dedicate the portion of privately owned King Road to the City as a right-of-way, and eliminate remnant parcels. Staff’s recommendation that the applicant dedicates the road over private area (2,052 sq. ft.) is consistent with Park City’s Code and policies. The recommended lot is also in compliance of the following LMC requirements for lot size and width:

	LMC requirement	Proposed	As Recommended
Minimum lot size	1,875 sq. ft.	6,428 sq. ft.	4,376 sq. ft.
Minimum lot width	25 ft.	79 ft.	52 ft.

The overall building footprint of the site is approximately 754.5 square feet, which is the building footprint of the main building. The accessory structure is approximately 370 square feet, which is not included in the overall building footprint per the LMC. The LMC indicates that the square footage of an accessory building listed on the HSI does not count towards building footprint. The proposed lot will meet the lot and site requirements of the HR-1 District. There are no other violations or non-compliances found on the site with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum/14 feet total
Footprint	1,719 square feet maximum
Parking	None required for historic structures
Stories	3 Stories maximum

Process

The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. They will also have to submit a Building Permit application. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

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

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 109 Woodside Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 109 Woodside Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 109 Woodside Plat Amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The right-of-way dedication for King Road will be a benefit for the City.

Consequences of not taking the Suggested Recommendation

The historic structures would remain as is and no improvements could take place across the existing lot lines and King Road would remain within a prescriptive easement on private property.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 109 Woodside Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Topographic Survey

Exhibit C – Plat Amendment Analysis

Ordinance No. 11-

AN ORDINANCE APPROVING THE 109 WOODSIDE PLAT AMENDMENT LOCATED AT 109 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 109 Woodside Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2011, to receive input on plat amendment; and

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

WHEREAS, on April 7, 2011, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 109 Woodside Plat Amendment.

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

SECTION 1. APPROVAL. The 109 Woodside Plat Amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 109 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The recommended lot is 4,376 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 sq. ft.
5. The lot width of the recommended lot is fifty-two feet (52').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing building footprint found on site is 754.5 square feet.
8. The maximum footprint for a lot this size is 1,711 square feet.
9. There are no other violations or non-compliances found on the site.
10. The current use of the property is a single family dwelling.

- 11. There are two historic structures on the site, a main building and an accessory building.
- 12. No remnant parcels of land are created with this plat amendment.
- 13. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

- 1. There is good cause for this plat amendment in that the plat amendment will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, dedicate the portion of privately owned King Road to the City as a right-of-way, and eliminate remnant parcels.
- 2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
- 3. Neither the public nor any person will be materially injured by the proposed plat amendment.
- 4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

- 1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council
- 3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage.
- 4. The area identified on the submitted proposed plat (and survey) as the King Road easement shall be dedicated to the City as a public right-of-way. This area is approximately 2,052 sq. ft.

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

PASSED AND ADOPTED this 7th day of April, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

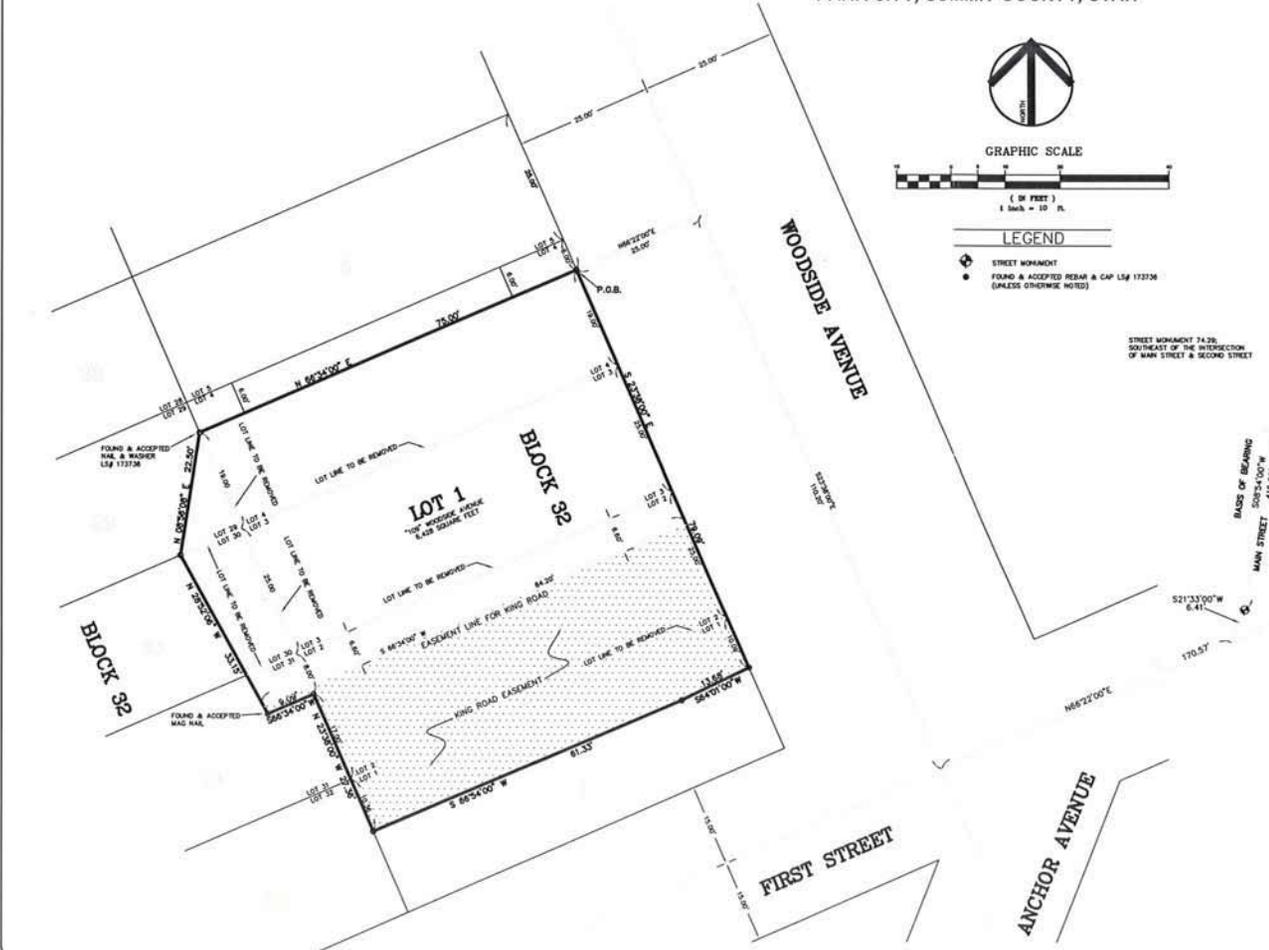
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

Attachment A - Proposed Plat

109 WOODSIDE PLAT AMENDMENT
 LOTS 1, 2, 3, THE SOUTHERLY 19 FEET OF LOT 4 AND A
 PORTION OF LOTS 29, 30 AND 31, BLOCK 32, AMENDED PLAT
 OF THE PARK CITY SURVEY,
 LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 16,
 TOWNSHIP 2 SOUTH, RANGE 3 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

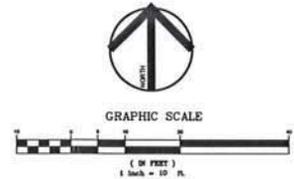


PLAT NOTES

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE ALL OF THE SUBJECT LOTS AND PARCELS SHOWN HERE INTO ONE LOT.
2. ALL NOTES AND COVENANTS OF BUYERS ADDITION TO PARK CITY SURVEY PLAT REMAIN IN EFFECT ON THIS PLAT AMENDMENT.
3. PLAT BASED ON SURVEY S-4883 ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 32, AMENDED PLAT OF THE PARK CITY SURVEY; THENCE SOUTH 27°00'00" EAST ALONG THE EAST LINE OF SAID LOT 4, 4.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 23°30'00" EAST ALONG THE EASTERN LINE OF SAID BLOCK 32, 79.00 FEET; THENCE LEAVING SAID EASTERN LINE SOUTH 64°20'00" WEST 13.88 FEET; THENCE SOUTH 86°24'00" WEST 83.33 FEET TO THE WESTERN LINE OF LOT 1, BLOCK 32 OF SAID AMENDED PLAT OF THE PARK CITY SURVEY; THENCE ALONG THE WESTERN LINE OF SAID LOT 1 AND LOT 2 OF SAID BLOCK 32 NORTH 23°30'00" WEST 27.36 FEET; THENCE LEAVING SAID WESTERN LINE SOUTH 08°24'00" WEST 8.09 FEET; THENCE NORTH 25°24'00" WEST 33.15 FEET; THENCE NORTH 02°00'00" EAST 22.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 4, NORTH 88°24'00" EAST 75.00 FEET TO THE POINT OF BEGINNING.



LEGEND

- STREET MONUMENT
- FOUND & ACCEPTED PERM & CAP L&P 173706 (UNLESS OTHERWISE NOTED)

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned owner(s) of the herein described tract of land known as 109 WOODSIDE PLAT AMENDMENT, do hereby certify that I have caused this Plat to be prepared and recorded in accordance with the laws of the State of Utah and the City of Park City. I hereby consent to the recording of this Plat. ALSO, the owner, or their representative, hereby irrevocably offers for dedication to the City of Park City of the streets, land for road government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an approved plat of dedication.

In witness whereof, We have hereunto set our hand this ____ day of _____, 2011.

BY: NAME _____
 NAME OF COMPANY/CORP. _____

NAME _____

NAME _____

ACKNOWLEDGMENT

State of Utah
 County of Summit

On this ____ day of _____, 2011, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, _____, the person that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said person, being duly sworn and acknowledged to me that they are the owner of the herein described tract of land and they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: _____

My Commission Expires: _____

LOT 1 HOLDER'S CONSENT TO RECORD

State of Utah
 County of Summit

The undersigned lot holder hereby consents to the recording of this plat.

BY: _____

The foregoing consent to record was acknowledged before me this ____ day of _____, 2011.

By: _____ My Commission Expires _____

Notary Public: _____

SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152804, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

Christopher R. Braun Date _____
 PLS 5152804



<p>Park City Surveying</p> <p>PLS 5152804 PLS 5152804 109 WOODSIDE PLAT</p>	<p>COUNCIL APPROVAL & ACCEPTANCE</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2011 A.D.</p> <p>MAYOR _____</p>	<p>PARK CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF _____, 2011 A.D.</p> <p>CHAIRMAN _____</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2011 A.D.</p> <p>PARK CITY RECORDER _____</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REMOVED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2011 A.D.</p> <p>S.B.W.A.D. _____</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2011 A.D.</p> <p>PARK CITY ENGINEER _____</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS ____ DAY OF _____, 2011 A.D.</p> <p>PARK CITY ATTORNEY _____</p>	<p>RECORDED</p> <p>ENTRY NUMBER: _____ BOOK: _____ PAGE: _____ STATE OF UTAH, COUNTY OF _____ DATE: _____ TIME: _____ FEE PAID: _____ RECORDED AND FILED AT THE REQUEST OF: _____ COUNTY RECORDER _____</p>
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109 Woodside Avenue Plat Amendment Analysis



Blue hatch:
Area recommended by Staff to
become one (1) lot of record (4,376 SF)

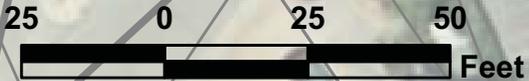
Outer perimeter:
Area proposed by the applicant to
become one (1) lot of record (6,428 SF)

Red hatch:
Area recommended by Staff to be
dedicated as a right-of-way (2,025 SF)

Norfolk Ave

Woodside Ave

King Rd



Legend

- Parcels
- Streets

REGULAR AGENDA

Planning Commission Staff Report



PLANNING DEPARTMENT

Author: Kirsten A Whetstone, AICP
Subject: 11th Amended Deer Valley Master
Planned Development
Project #: PL-11-01150
Date: March 23, 2011
Type: Administrative – MPD Amendments

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, discuss the proposed amendments and consider approving the 11th Amended and Restated Deer Valley Master Planned Development according to the findings of fact and conclusions of law outlined in this report.

Topic

Applicant: Bob Wells, representing Deer Valley Resort
Location: Deer Valley- Snow Park
Zoning: Deer Valley Master Planned Development, generally
Residential Development (RD-MPD)
Reason for Review: Master Planned Development Amendments require Planning
Commission review, approval, and ratification of the final
document.

Proposal

This is a request to amend the Deer Valley Master Planned Development (MPD) to align the as-built density (allowed unit equivalents (UEs)) of the Silver Baron Lodge with the density permitted by the MPD. The request is to transfer one (1.0) UE of density (2,000 sf) from undeveloped Snow Park Village to the existing Silver Baron Lodge. The Silver Baron Lodge condominiums are located directly across Deer Valley Drive East from the future Snow Park Village site.

Background

On January 4, 2011, the City received a complete application for an amendment to the Deer Valley Master Planned Development (MPD). This request, being the 11th amendment to the Deer Valley MPD, is being reviewed in conjunction with a record of survey plat amendment for Silver Baron Lodge, located at 2800 Deer Valley Drive in Deer Valley.

The most recent amendment to the Deer Valley MPD (the 10th Amendment) was approved by the Planning Commission on August 12, 2009. The 10th amendment transferred commercial density from the undeveloped allocation for Silver Lake Community to the developed Royal Plaza condominiums to accommodate conversion of common and limited common area to private area for three of the units and to

accurately reflect the approved plat and as-built density.

The Silver Baron Lodge, as constructed, contains a total of 50 dwelling units that equate to 42.75 UEs. The 10th Amended Deer Valley MPD allows 50 dwelling units and 41.75 UEs for the Silver Baron Lodge. The fifty (50) condominium units at the Silver Baron Lodge were constructed utilizing 42.75 UEs based on a revised building permit set of plans approved by the Building Department. One (1) extra unit equivalent was utilized that was not allocated within the 10th Amended Deer Valley MPD.

The Planning Commission and City Council approved the Silver Baron Lodge at Deer Valley record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded at Summit County on June 1, 2007. The total number of condominium units platted is 49 with a unit equivalent density of 41.404 UEs.

Analysis

The applicant requests an 11th amendment to the Deer Valley MPD to transfer one (1) UE of density (2,000 sf) from undeveloped Snow Park Village to the Silver Baron Lodge to align the as-built conditions with the MPD. The additional built UE area resulted from reconfiguring and converting to private area the attic space, loft area, and 400 sf of a convertible limited common space located on Levels 4 and 5 (these areas were not previously included in the UE calculations). These areas are located at the south end of Building B. Unit 6439 (2000 sf) was created from the reconfiguration of these existing interior spaces. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf.

Exhibits 1 and 2 to the Deer Valley MPD show in table form the density allocated for the various Deer Valley parcels (Exhibit A). The requested amendment pertains only to the Snow Park Village and the Silver Baron projects located within the Deer Valley Community. There are currently 210.75 UEs of density allocated to the Snow Park Village parcels. Deer Valley has agreed to transfer one (1) UE from Snow Park Village (Deer Valley parking lots) to the Silver Baron Lodge in order to bring Silver Baron Lodge into compliance with the MPD and to allow certificates of occupancy to be issued for Silver Baron units 6339, 6443, and 6439.

Silver Baron Lodge is in compliance with the allowed 50 dwelling units, (including the new Unit 6439); however it exceeds the UEs and is not consistent with the current plat. The current record of survey plat contains 49 condominium units. A record of survey plat amendment for the Silver Baron Lodge has been submitted for concurrent review to reflect the additional unit and reconfiguration of interior space.

Staff has reviewed this proposal for compliance with the Master Planned Development Section 15-6 of the Land Management Code.

15-6-5. MPD REQUIREMENTS.

The Planning Commission must review the proposed MPD amendment for compliance with the following criteria:

(A) DENSITY. **Complies.** The proposed amendment does not increase density within the Deer Valley MPD or within the Deer Valley Community (aka lower Deer Valley parcels) area but transfers 1.0 residential UE from the undeveloped Snow Park Village parcel to the existing Silver Baron Lodge (also located in the Deer Valley Community). This is a density transfer within the lower Snow Park area and not a transfer of density from the lower Snow Park area to the upper Silver Lake area. Snow Park Village has an allocation of 210.75 units.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT.

Not Applicable as the zoning is RD-MPD.

(C) SETBACKS. **Complies.** The existing building setbacks do not change. The floor area being converted to private area is located within the existing building footprint and building envelop. No change to the setbacks is proposed. Setbacks in the RD zone are as follows:

- Front: 20 feet
- Rear: 15 feet
- Side: 12 feet

(D) OPEN SPACE. **Complies.** The Deer Valley MPD maintains significant open space well in excess of 60%. Open space within the Silver Baron parcel is not decreased as there is not additional building footprint proposed.

(E) OFF-STREET PARKING. **Complies.** One additional unit was constructed at the Silver Baron Lodge by reconfiguring and reducing the size of 2 existing units. There are a total of 75 parking spaces within the underground parking structure. A ratio of 1.5 spaces per condominium unit was approved by the Planning Commission with the Lodges MPD (of which Silver Baron Lodge is a part).

(F) BUILDING HEIGHT. **Complies.** The height granted in the Deer Valley MPD for this project is 35 feet. The five foot height exception for pitched roofs allows for an overall height of 40 feet above existing grade. The building meets the required setbacks and the height requirements. No increase in building height is proposed.

(G) SITE PLANNING. **Complies.** The additions to the units are incorporated within the existing building footprint from existing common or limited common area. No additional building footprint or volume is created. No exterior changes to the site are proposed.

(H) LANDSCAPE AND STREETScape. **Complies.** No vegetation is removed by this change and the revisions are internal to the existing building. No exterior changes to the streetscape result.

(I) SENSITIVE LANDS COMPLIANCE. **Complies.** The proposed changes do not impact the Sensitive Lands overlay as there are no exterior changes.

(J) EMPLOYEE/AFFORDABLE HOUSING. **Complies.** The transfer of residential UE requires no additional affordable units because the affordable housing obligation was based on the total number of units of the Deer Valley MPD which is unchanged.

(K) CHILD CARE. **Complies.** Staff finds no additional need for childcare facilities based on the resort character of the Silver Baron Lodge. Childcare facilities are located within the MPD at Snow Park Lodge.

Utilities. City Water Department has confirmed that sufficient capacity exists in this area for this amendment and the future build-out of the Deer Valley Community. The amendment does not create any additional UEs within Lower Deer Valley, therefore, no additional water demand is created by this amendment. All other utilities exist and the amendment does not create new demand for additional utilities as the UE is transferred from a parcel within the Lower Deer Valley Community. Additional water fees were collected for the additional unit at the time of Building Permit issuance, as this unit was shown on the revised as-built building plans reviewed by the Building Department.

Previous Amendments. On June 28, 2006, the 9th Amended Deer Valley MPD was approved to transfer 1.75 UE from Snow Park to Silver Lake and 7 UE from Courcheval to the Lodges in the Snow Park vicinity. The Planning Commission ratified this approval on September 12, 2007. At that time, Deer Valley agreed not to transfer any more units from Snow Park up to the higher mountain areas. The current proposal is not a request to transfer density from Snow Park to the Silver Lake Community parcels.

On August 12, 2009, the 10th Amended Deer Valley MPD was approved by the Planning Commission. The 10th amendment transferred commercial density from the undeveloped allocation for Silver Lake Community to the developed Royal Plaza condominiums (also located within the Silver Lake Community) to accommodate conversion of common and limited common area to private area for three of the units and to accurately reflect the approved plat and as- built density.

Current Amendments. If approved, Exhibit 1 of the MPD will be amended to reflect the current request to transfer one (1) UE to Silver Baron Lodge from Snow Park Village within the Deer Valley Community, permitting a residential density of 42.75 UEs for the Silver Baron Lodge and 209.75 UEs for the future Snow Park Village. Exhibit 2 of the MPD will be amended to reflect the 11th Amended MPD in the title. Additional amendments to the text of the Deer Valley MPD reflect the change from the 10th Amendment to the 11th Amendment (see Exhibit A) and revised dates.

Department Review

This project has gone through an interdepartmental review. No further issues have been identified that are not discussed above.

Public Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.

Alternatives

- The Planning Commission may approve the MPD amendment as conditioned and/or amended; or
- The Planning Commission may deny the MPD amendment and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Significant Impacts

The proposed MPD amendment does not create negative fiscal impacts on the City. No environmental impacts result from the MPD amendment.

Consequences of not taking the Suggested Recommendation

The interior of the building would have to be re-constructed back to the physical condition reflected on the recorded plat.

Future Process

Approval of the MPD application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, discuss the proposed amendments and consider approving the 11th Amended and Restated Deer Valley Master Planned Development according to the findings of fact and conclusions of law outlined in this report.

Findings of Fact

1. The Deer Valley Master Planned Development was last amended by the Planning Commission on August 12, 2009 as the 10th Amended and Restated Deer Valley MPD.
2. The existing unallocated, undeveloped residential density at Snow Park Village is 210.75 UE. The proposed transfer of one (1) UE from Snow Park Village to Silver Baron Lodge does not increase or decrease the net residential density of the Deer Valley Community of the Deer Valley MPD.
3. The allowed residential density for Silver Baron Lodge is fifty (50) condominium units as 41.75 residential UEs. Fifty (50) condominium units as 42.75 UEs were constructed at Silver Baron Lodge based on a revised building permit set of plans approved by the Building Department. The as-built conditions exceeded the permitted 41.75 UEs for Silver Baron Lodge by one (1) UE.
4. The Planning Commission and City Council approved the Silver Baron record of

survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded at Summit County on June 1, 2007. The total number of condominium units reflected on these existing two plats is 49 units.

5. The applicant concurrently submitted a record of survey plat amendment to correctly identify unit #6439 as a separate condominium unit and to plat correctly existing interior private and limited common space for Units 6339 and 6443.
6. The additional UE resulted from reconfiguring and converting to private area, attic space, loft area, and a 400 sf convertible space area located on Levels 4 and 5 that were not previously included in the UE calculations. These areas are located at the south end of Building B. Unit 6439 (2000 sf) was created from the reconfiguration of these existing interior spaces. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf.
7. If the plat amendment is approved and the units are re-configured, Silver Baron Lodge Condominiums will consist of 50 condominium units and will have a total residential density of 42.75 UE. The undeveloped Snow Park Village parcel would be reduced in density from 210.75 UEs to 209.75 UEs. The Deer Valley MPD requires that development on the Snow Park Village parcel utilize the UE formula and does not specify a total number of dwelling units.
8. The proposed reconfiguration of units consists of built space consisting of platted common and limited common area as well as convertible space within the existing building footprint and envelop. No new density is created and no new building area is created.
9. The proposed 11th Amended and Restated Deer Valley MPD consists of amendments to Exhibits 1 and 2 of the MPD and amendments to the text to correctly refer to this MPD as the 11th Amendment.
10. The transfer of density is within the Deer Valley Community (at Lower Deer Valley) and is not a transfer from Snow Park to Silver Lake or North Silver Lake.
11. No additional utility or parking demand is created by the amendment. There are 75 parking spaces for the 50 units in compliance with the MDP approval that allowed a parking ratio of 1.5 spaces per dwelling unit. All parking is within the underground parking structure. The total number of dwelling units is not greater than the total units approved through the MPD.
12. The transfer of density is into an existing multi-family structure and the existing building footprint and the existing envelop is not increased. There are no changes to the building setbacks or building height and there is no decrease in open space or landscaped area.

Conclusions of Law

1. The 11th Amended and Restated Deer Valley MPD and Exhibits comply with previous approvals and actions.
2. The MPD, as amended, complies with all the requirements of the Land Management Code.
3. The MPD, as amended, meets the minimum requirements of Section 15-6-5 of this Code.
4. The MPD, as amended, is consistent with the Park City General Plan.

5. The MPD, as amended, does not impact provision of the highest value of open space, as determined by the Planning Commission.
6. The MPD, as amended, strengthens and enhances the resort character of Park City.
7. The MPD, as amended, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
8. The MPD, as amended, is Compatible in use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
9. The MPD provides amenities to the community so that there is no net loss of community amenities.
10. The MPD, as amended, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
11. The MPD, as amended, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
12. The MPD, as amended, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections. The Silver Baron Lodge utilizes a shuttle system and is located on the Park City bus route.
13. The MPD has been noticed and public hearings held in accordance with this Code.

Conditions of Approval

Staff has no conditions of approval for these proposed amendments to the 10th Amended and Restated Deer Valley MPD.

Exhibits

Exhibit A- 11th Amended and Restated Deer Valley MPD, including Exhibits 1 and 2 redlined per proposed amendments

Exhibit B- Applicant's letter

**Silver Baron Lodge
Deer Valley Resort Company**

**Statement Attached
To
Request for Amendment of Deer Valley MPD
And
Request for Amendment to Silver Baron Record of Survey**

Description of Proposal

The purpose of these applications is to bring the developed Silver Baron Lodge into compliance with the Park City Land Management Code (the "Code") and the Deer Valley Large Scale Master Planned Development Permit ("Permit"). Silver Baron Lodge ("Silver Baron") is an existing residential condominium project located at 2800 Deer Valley Drive East within the Deer Valley Resort Large Scale Master Planned Development (the "MPD"). Silver Baron was developed utilizing the Unit Equivalent Formula set forth in the Park City Land Management Code and authorized by the Permit. The project contains 50 residential condominium units requiring 42.75 Residential Unit Equivalents ("UEs"). The Permit authorizes 41.75 UEs so Silver Baron contains one (1) UE more than authorized.

Deer Valley Resort Company ("Deer Valley") owns the Snow Park Village parcel within the MPD which is authorized for 210.75 UEs and which is adjacent to Silver Baron separated only by Deer Valley Drive East. Deer Valley has agreed to transfer to Silver Baron one (1) UE from the Snow Park Village parcel to allow Silver Baron to comply with the Permit and the Code. Such a transfer requires an amendment to the Permit and an amendment to the Silver Baron Record of Survey (the "Plat").

No new construction is involved or proposed with these applications. Their sole purpose is to bring Silver Baron into compliance with the Permit and the Code.

Approval of these requests will result in Silver Baron as constructed being in compliance with the Permit and the Code and Deer Valley's Snow Park Village parcel authorized residential density being reduced by one (1) UE from 210.75 to 209.75.

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**ELEVENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
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WHEREAS, Royal Street Land Company, a Utah corporation ("Royal Street") heretofore submitted to the Planning Commission of Park City ("Commission") certain items with relation to a residential, commercial, and recreational development project known as Deer Valley / Lake Flat Area Development ("Project") which items were listed in the original Permit granted for the Project by Commission and are incorporated herein by reference; and

WHEREAS, Commission found that such items submitted by Royal Street complied with and satisfied all applicable requirements of the Park City Land Management Code as then in force, to permit the construction of the Project as a planned unit development pursuant to the planned unit development exception then contained in the Park City Land Management Code; and

WHEREAS, Commission heretofore issued to Royal Street a Special Exception Permit dated September 27, 1977, with relation to the Project, which Special Exception Permit was amended by an Amended Special Exception Permit dated June 27, 1979 issued to Royal Street and by a Second Amended and Restated Special Exception Permit dated January 27, 1982, a Third Amendment to Special Exception Permit dated May 17, 1984, a Fourth Amendment to Special Exception Permit dated February 21, 1985, a Fifth Amended and Restated Special Exception Permit dated December 23, 1986, a First Amendment to Fifth Amended and Restated Special Exception Permit dated November 29, 1989, a Second Amendment to Fifth Amended and Restated Special Exception Permit dated April 11, 1990, a Sixth Amended and Restated Special Exception Permit dated October 10, 1990, a Seventh Amended and Restated Large Scale Master Planned Development Permit dated April 14, 1993, an Eighth Amended and Restated Large Scale Master Planned Development Permit dated April 25, 2001, a Ninth Amended and Restated Large Scale Master Planned Development Permit dated June 28, 2006, and a Tenth Amended and Restated Large Scale Master Planned Development Permit dated August 12, 2009, which were issued to Deer Valley Resort Company ("Permittee"), as assignee and successor to the rights of Royal Street under the Special Exception Permit; and

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WHEREAS, Permittee and Commission desire to further amend and restate the Large Scale Master Planned Development Permit to reflect actions approved by the Commission with respect to the transfer of one Residential Unit Equivalent from the Snow Park Village Parcel covered by the Permit amendment to the Silver Baron Lodge parcel covered by the Permit (Silver Baron Lodge being a portion of the original Northeast Multi-Family site covered by the Permit) to bring said Silver Baron Lodge into compliance with the Permit,

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WHEREAS, Permittee has requested modification to the Large Scale Master Planned Development Permit and Commission is willing to grant said modification, as herein set forth; and

WHEREAS, Commission finds that it is in the best interest of Park City and its citizens that Permittee be granted the right to construct and develop the Project as a Master Planned Development in accordance with the Park City Land Management Code passed and adopted December 22, 1983, effective January 1, 1984 as the same has been amended by Ordinance to the date hereof (herein designated the "Code") and in accordance with the Large Scale Master Planned Development Permit as amended and restated hereby.

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NOW THEREFORE, the Large Scale Master Planned Development Permit is hereby amended and restated to authorize and grant the right, and Permittee is hereby authorized and granted the right, to develop and construct the Project as outlined and detailed in this: (A) Eleventh Amended and Restated Large Scale Master Planned Development Permit ("Permit") including the Exhibits hereto and those documents and items submitted by Permittee as aforesaid, as a Master Planned Development pursuant to the Master Planned Development provisions contained in the Code; and, (B) the Agreement dated July 12, 1978, between Park City, as "City", and Royal Street, as "Royal Street", as amended by an Amendment to Agreement dated May 29, 1978, a Second Amendment to Agreement dated April 3, 1980, a Third Amendment to Agreement dated August 21, 1980, as amended and restated in its entirety by a Fourth Amendment and Restatement of Agreement, a Fifth Amendment to Agreement dated May 17, 1984, and a Sixth Amendment to Agreement dated February 21, 1985, which are all incorporated herein by reference and which Agreement as so amended is herein referred to as the "Agreement", and as such Agreement may hereafter be further amended from time to time. Park City is hereinafter referred to in this Permit as "City".

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A. Densities. For purposes of determining densities in the Project:

(1) Insofar as the following portions of the Project are concerned, the authorized densities shall be as follows:

<u>Parcel Designation</u>	<u>Authorized Number of Dwelling Units</u>
Northwest Multi-Family (Fawn grove)	80
North Entrance Multi-Family (Pinnacle)	40
North Hillside Multi-Family (Pinnacle)	46
Southwest Multi-Family (Aspenwood)	30
Southwest Multi-Family (Courchevel)	13.5
Northwest Hillside Multi-Family (Daystar)	24
South Entrance Multi-Family (Stonebridge)	50
South Multi-Family (Lakeside)	60
West Multi-Family (Pine Inn and Trails End)	40
Total	383.5

For purposes of determining densities on the parcels designated in this Subparagraph (1), a single family home or an apartment containing two bedrooms or more constituted a dwelling Unit, a one-bedroom apartment constituted one-half of a dwelling Unit, and a hotel room or lodge room constituted one-half of a dwelling Unit. The parcels in this subparagraph have all been developed as of the date hereof.

(2) Insofar as all portions of the Project other than the nine parcels containing 383.5 dwelling Units identified in Subparagraph A. (1) above are concerned, an apartment Unit containing one bedroom or more shall constitute a dwelling Unit and a hotel room or lodge room shall constitute one-half of a dwelling Unit.

(3) If approved in advance by Commission and Permittee, the owner of

any development parcel in the Project shall have the right to have the densities permitted on said development parcel calculated in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) or in accordance with the Unit Equivalent formula contained in Section 10.12 of the Code, as said Unit Equivalent formula may from time to time be amended or modified. In the event of election of an owner to utilize said Unit Equivalent formula and approval thereof by Commission and Permittee, the maximum number of Unit Equivalents which may be contained in the structures built upon said development parcel shall not exceed the permitted number of dwelling Units to be constructed thereon determined in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) and the number of Unit Equivalents as constructed on said development parcel shall for all purposes hereof be deemed the number of units constructed thereon. Approval of use of the Unit Equivalent formula by Commission and Permittee shall not, and cannot, alter or release any private land use covenants between the owner and Deer Valley, or others, concerning development of the property or the density permitted thereon.

(4) Insofar as the following portions of the Project are concerned, the Authorized densities permitted on the development parcels are required to be calculated in accordance with the Unit Equivalent Formula contained in Section 10.12 of the Code as said Unit Equivalent formula may from time to time be amended or modified:

Parcel Designation	Authorized Number of Residential Unit Equivalents
Snow Park Village	<u>209.75</u>
Total	<u>209.75</u>

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B. Unit Size. Except for units with relation to which the owner elected or elects to or is required to utilize the Unit Equivalent formula, there shall be no size limitation for Units constructed on any parcel provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

C. Development Parcel Designations. Development parcel designations, prescribed densities, parcel sizes, building height limitations (the height limitation for each parcel will be determined by reference to the Code in effect at time of application for approval of the development of the parcel) and the status of development of the parcels as of the date hereof are reflected on Exhibit 1. Permittee shall have the right to develop a total of 2,110 residential Units (exclusive of employee housing Units) within the Project. Permittee shall have the right to develop 209.75 Unit Equivalents within the Snow Park Village, subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the following:

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(1) **Conditional Use Review.** Prior to the sale by Permittee of the Snow Park Village, Permittee shall submit a site-specific plan with relation to such parcel to the Commission requesting approval for construction on the parcel. In addition, the Permittee shall request the establishment of building site conditions with relation to the parcel. Accordingly, Permittee or persons acting on its behalf shall file with the Community Development Department of City a completed application form supported by the information set forth in Section 15-6 of the Code,

DEER VALLEY RESORT
ELEVENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family:					12.65
Lodges @ Deer Valley	73.25	65	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Belmont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Total Silver Lake Community	11	11		28	100

DEER VALLEY RESORT
 ELEVENTH ~~AMENDED AND~~ RESTATED
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EXHIBIT 1
 DEVELOPMENT PARCELS

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Alta Vista Subdivision	7	7		35	6.02
Woods Multi-Family	16	7	8	28-35	2.41
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
BALD EAGLE COMMUNITY					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
TOTAL CONVENTIONAL UNITS	2110.6215				
EMPLOYEE HOUSING UNITS					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
TOTAL EMPLOYEE HOUSING UNITS	7				

NOTES:

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
 2. One small unit was separately permitted in this project using .5 unit of density.
 3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (85) than base permitted density (73.25).
 4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
 5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
 6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
 7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
 8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
 9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
 10. The development density on these parcels is less than the original permitted density at the election of the developer.
 11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
 12. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75). The transfer of 1 Unit Equivalent to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on
- A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

P. **Sewer Considerations** .Although City has no responsibility for sewer approvals; the Snyderville Basin Sewer Improvement District has indicated the following with respect to sewerage in Deer Valley: Projected flow calculations are based on average wastewater flow from residential units and make no distinction regarding size. In other words, the Sewer District does not follow the "unit equivalent" concept as does City.

The Sewer District has previously reviewed both the Upper and Lower Deer Valley sewer systems and made the following comments: Upper System (American Flag / Silver Lake Community) - There are two sections of sewer within the American Flag Subdivision that limit upstream, new growth to approximately 325 additional residential units. There are several sections with only slightly greater capacity. This concern or limitation was eliminated by construction of a new sewer trunk line from Royal Street through the Westview Parcel in 1988. Lower System (Solamere, Queen Esther, Fawn grove) - A portion of the trunk sewer serving this area was replaced in 1985 to provide greater capacity for Hanover and Park Con projects as well as Deer Valley's. These three developers executed an agreement with the District which identified their anticipated development and the percentage of the cost they would fund to "reserve" capacity in the sewer system. Of the present sewer capacity of approximately 1385 units, Deer Valley has approximately 200 units available for future development. However, there are downstream sections of sewer that have less capacity than the new Deer Valley North Road sewer. This problem will be pursued with the developers as necessary.

Q. **Separability**. If any provision or provisions of this Permit shall be held or deemed to be, or shall, in fact, be illegal, inoperative, or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent, whatsoever.

R. **Term of Permit**. The term of this Permit is governed by the Twenty-Ninth Edition of the Land Management Code of Park City as revised as of April 1, 1993.

Approved this _____ day of _____, 201 _____.

- Deleted: 12th
- Deleted: August
- Deleted: 2009
- Formatted: Underline

Planning Commission Staff Report



Author: Kirsten A Whetstone, AICP
Subject: Silver Baron Lodge plat amendment
Project # PL-11-01151
Date: March 23, 2011
Type: Plat amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, consider any input and consider forwarding a positive recommendation to the City Council on the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat according to the findings of fact, conclusions of law, and conditions of approval as outlined in the draft ordinance.

Topic

Applicant: Stillman Consulting Services, Receiver of Certain Units at Silver Baron Lodge (Declarant under authority of the Receivership Order)
Location: 2800 Deer Valley Drive East
Zoning: RD-MPD subject to the Deer Valley MPD
Reason for Review: Plat amendments require Planning Commission review and City Council approval.

Proposal

This is a request to amend the Silver Baron Lodge at Deer Valley Phase II record of survey plat to reflect as built conditions for Units 6324, 6339, 6437, 6439, 6443 and Level 4 convertible space within existing Building B, subject to approval of the 11th Amended Deer Valley Master Planned Development.

Background

On January 4, 2011, the City received a complete application for an amendment to the Deer Valley Master Planned Development (MPD). This request, being the 11th amendment to the Deer Valley MPD, is being reviewed in conjunction with this application for the Silver Baron Lodge at Deer Valley Phase II record of survey plat, located at 2800 Deer Valley Drive in Deer Valley.

On January 10th the City received a complete application for the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat (Exhibit A).

The Silver Baron Lodge, as constructed contains a total of 50 dwelling units that equate to 42.75 UEs. The 10th Amended Deer Valley MPD allows 50 dwelling units and 41.75 UEs for the Silver Baron Lodge. The units were constructed based on a permit for a

revised set of building plans approved by the Building Department.

The 11th amendment to the Deer Valley MPD includes a request to transfer 1 UE from the Snow Park Village parcel to the Silver Baron Lodge. If the amendment is approved, then the Silver Baron Lodge will have an allowed density of 42.75 UEs consistent with the constructed density.

The Planning Commission and City Council approved the Silver Baron Lodge at Deer Valley record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded at Summit County on June 1, 2007 (Exhibit B). The total number of condominium units platted is 49 with a unit equivalent density of 41.404 UEs. Construction on Phase II is nearly complete. Prior to issuance of a certificate of occupancy for the units, a final condominium record of survey plat has to be approved by the City Council documenting the as-built conditions.

Analysis

The applicant requests a plat amendment to reflect as built conditions for Units 6324, 6339, 6437, 6439, 6443 and Level 4 convertible space within existing Building B, subject to approval of the 11th Amended Deer Valley Master Planned Development. The plat amendment includes the existing roof decks as limited common for Units 6324, 6437, 6439, and 6443. Unit 6439 was created from the reconfiguration of Unit 6339 and existing interior spaces on Levels 4 and 5 within the approved building envelop (Exhibit D).

The resulting density in terms of units is 50 condominium units, consistent with the 10th Amended Deer Valley MPD. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf. The reconfiguration of units resulted in an increase in density, relative to UEs, of 2,000 sf (1UE). The resulting UE configuration (42.75 UE) is not consistent with the 10th Amended Deer Valley MPD (41.75 UE). Construction of these units was based on a building permit for a revised set of plans approved by the Building Department.

The one (1) additional built UE is the result of reconfiguring and converting to private area the existing limited common and common attic space, loft area, and a 400 sf limited common convertible space. These areas are located on Levels 4 and 5 at the south end of Building B and were not previously included in the UE calculations because they were not designated as private area on the recorded plat.

There are currently 210.75 UEs of density allocated to the Snow Park Village parcels. Deer Valley has agreed to transfer one (1) UE from Snow Park Village to the Silver Baron Lodge in order to bring Silver Baron Lodge into compliance with the MPD and to allow certificates of occupancy to be issued for Silver Baron units 6339, 6443, and 6439. If the 11th Amendment to the Deer Valley MPD is not approved by the Planning Commission, then the plat amendment may not proceed as drafted.

Silver Baron Lodge is in compliance with the 50 dwelling units allowed by the MPD, (including the new Unit 6439); however it exceeds the UEs allowed by the Deer Valley MPD. The Silver Baron Lodge is also not in compliance with the record of survey plat that platted 49 condominium units in a different configuration than were constructed.

Silver Baron Lodge is located within the RD zoning district. Setbacks in the RD zone are as follows:

- Front: 20 feet, a front facing garage 25 feet
- Rear: 15 feet
- Side: 12 feet

Units range in size from 998 square feet to 2,492 square feet. The Deer Valley MPD does not limit the size of individual units. The Deer Valley MPD granted a building height of 35' plus an additional 5' for a pitched roof. Building B meets the minimum setback requirements and allowed building height. The one (1) additional UE was created within the originally proposed building footprint and massing. The building setbacks, height, and open space were not altered and continue to comply.

Parking is provided at the rate of 1.5 parking spaces per condominium unit as approved by the Planning Commission at the time of approval of the Silver Baron Lodge CUP. The existing 75 parking spaces are consistent with the CUP approval. No changes to the existing parking are proposed with the plat amendment and because the parking is based on units not UEs the request does not create a requirement for additional parking.

Staff finds good cause for this record of survey amendment as it documents the as-built conditions permitted by the revised and approved building permit plans. The plat is consistent with the development pattern envisioned in the Deer Valley MPD, as amended, and no exterior changes are proposed to the building or site.

Department Review

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

Notice

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

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council to approve the First Amendment to the Silver Baron Lodge, Phase II, record of survey as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to the City

Council to deny the First Amendment to the Silver Baron Lodge, Phase II, record of survey and direct staff to make findings for this decision, or

- The Planning Commission may continue the discussion on the Silver Baron Lodge phase II, record of survey to a date certain to allow the applicant and/or staff to address any concerns raised at the public hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

Certificates of occupancy for the units could not be issued and the units could not be separately sold as currently platted.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider any input and consider forwarding a positive recommendation to the City Council on the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat according to the findings of fact, conclusions of law, and conditions of approval as outlined in the draft ordinance.

Exhibits

Exhibit A- Proposed plat

Exhibit B- Existing plat

Exhibit C- Letter from applicant

Exhibit D- Floor plans

Exhibit E- photographs

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SILVER BARON LODGE at DEER VALLEY, PHASE II, RECORD OF SURVEY PLAT LOCATED AT 2800 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.

WHEREAS, the homeowner’s association and receiver of certain property known as the Silver Baron Lodge, located at 2800 Deer Valley Drive East, have petitioned the City Council for approval of the First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2011 to receive input on the record of survey plat amendment; and

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

WHEREAS, on April 7, 2011, the City Council held a public hearing and voted to approved the record of survey plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On January 4, 2011, the City received a complete application for an amendment to the Deer Valley Master Planned Development (MPD) (the 11th Amended MPD).
2. On January 10, 2011, the City received a complete application for the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat.
3. The Silver Baron Lodge is located at 2800 Deer Valley Drive within the RD-MPD zone, subject to the Deer Valley Master Planned Development, as amended.
4. The application for the Deer Valley MPD 11th amendment is being reviewed concurrently with this application.
5. On April 15, 2005, the Planning Commission amended the 1996 The Lodges CUP

separating out the two Silver Baron Lodge buildings as a separate Silver Baron Lodge CUP.

6. On November 9, 2005, the Planning Commission amended the Silver Baron Lodge CUP combining the density from The Lodges buildings A and F with 7 UEs from un-built Courchevel Building A, allowing a total density of 50 units.
7. The amended Silver Baron Lodge CUP approval also included 81.55% open space, 75 parking spaces, 6,884 sf of support meeting space (3,488 sf exist) and 6,884 sf of support commercial spa and exercise area (4,991 sf exist). Parking was allowed at 1.5 spaces per condominium unit and a building height of 35' plus an additional 5' for a pitched roof was approved consistent with the Deer Valley MPD.
8. The City Council approved the Silver Baron Lodge at Deer Valley record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded on June 1, 2007.
9. The total number of condominium units platted with Phases I and II was 49 units with a unit equivalent density of 41.404 UEs.
10. The Deer Valley MPD (10th Amended) allows a density of 41.75 UE and specifies a total of 50 dwelling units for the Silver Baron Lodge parcel.
11. The existing Silver Baron Lodge buildings, as constructed, are consistent with the Silver Baron Lodge CUP in terms of uses, density, required setbacks, open space, building height, and parking.
12. Construction of Silver Baron Lodge Phase II is nearly complete. Prior to issuance of a certificate of occupancy for the units, a final condominium record of survey plat documenting the "as built" conditions, is required.
13. This plat amendment application is a request to document the as-built conditions for the Silver Baron Lodge, Phase II (Building B of Silver Baron Lodge) by platting Unit #6439 as it was constructed, platting existing interior private and limited common space for Units 6339 and 6443 as they were constructed, and by platting roof deck area as limited common for Units 6324, 6437, 6439, and 6443.
14. Construction of these units was based on a revised building permit set of plans approved by the Building Department.
15. As constructed the Silver Baron Lodge Condominiums (Phases I and II) consist of 50 condominium units with a total residential density of 42.75 UE. The additional UE resulted from reconfiguring and converting to private area, common and limited common attic space and loft area, as well as 400 sf of convertible space located on Levels 4 and 5 that were not previously included in the UE calculations.
16. These units are located at the south end of Building B. Unit 6439 (2000 sf) was created from the reconfiguration of these existing interior spaces. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf.
17. The as-built plat is required as a condition precedent to issuance of certificates of occupancy for Silver Baron units 6339, 6443, and 6439.
18. No new density in terms of number of units is proposed as the CUP and MPD allow 50 dwelling units. One UE of density in terms of unit equivalents is proposed as the MPD allows 41.75 UE and 42.75 UE were constructed.
19. Deer Valley has agreed to transfer one (1) UE from Snow Park Village to the Silver

- Baron Lodge in order to bring Silver Baron Lodge into compliance with the MPD.
20. The MPD amendment would increase the UE density for the Silver Baron Lodge parcel from 41.75 UE to 42.75 UE and would decrease the UE density of the Snow Park Village parcel from 210.75 UEs to 209.75 UEs.
 21. The Deer Valley MPD requires that development on the Snow Park Village parcel utilize the UE formula and does not specify a total number of dwelling units.
 22. The proposed transfer of one (1) UE from Snow Park Village to Silver Baron Lodge does not increase or decrease the net residential density of the Deer Valley Community of the Deer Valley MPD because both Silver Baron Lodge and Snow Park Village are within the Deer Valley Community area.

Conclusions of Law:

1. The First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat is consistent with the proposed 11th Amended Deer Valley MPD and the November 9, 2005 amended Silver Baron CUP.
2. There is good cause for this record of survey plat amendment in that the amendments reflect the as-built conditions within the existing building envelope.
3. The plat amendment is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding condominium plats.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the amended Deer Valley Master Planned Development and the November 9, 2005 amended Silver Baron Conditional Use Permit continue to apply to this property.
4. If the 11th Amendment to the Deer Valley MPD is not approved by the Planning Commission, then this plat amendment application may not proceed as drafted and an amended application would need to be submitted that is consistent with the Deer Valley MPD, as amended.

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

PASSED AND ADOPTED this 7th day of April 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

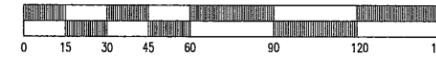
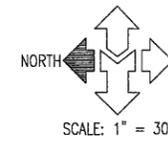
Mark Harrington, City Attorney

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE

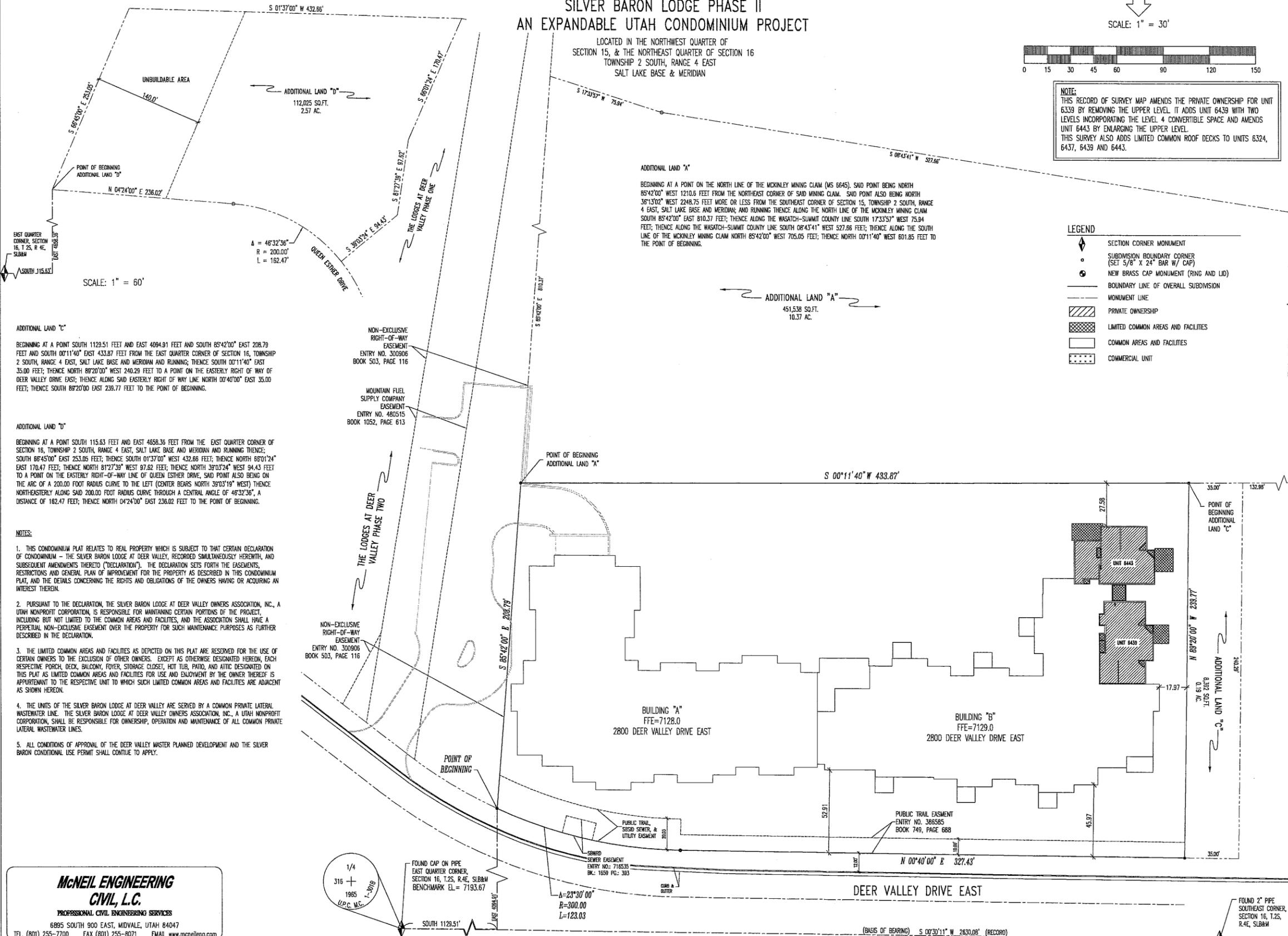
SILVER BARON LODGE PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN



NOTE:
THIS RECORD OF SURVEY MAP AMENDS THE PRIVATE OWNERSHIP FOR UNIT 6339 BY REMOVING THE UPPER LEVEL. IT ADDS UNIT 6439 WITH TWO LEVELS INCORPORATING THE LEVEL 4 CONVERTIBLE SPACE AND AMENDS UNIT 6443 BY ENLARGING THE UPPER LEVEL. THIS SURVEY ALSO ADDS LIMITED COMMON ROOF DECKS TO UNITS 6324, 6437, 6439 AND 6443.

- LEGEND**
- ◆ SECTION CORNER MONUMENT
 - SUBDIVISION BOUNDARY CORNER (SET 5/8" X 24" BAR W/ CAP)
 - NEW BRASS CAP MONUMENT (RING AND LID)
 - BOUNDARY LINE OF OVERALL SUBDIVISION
 - - - MONUMENT LINE
 - ▨ PRIVATE OWNERSHIP
 - ▩ LIMITED COMMON AREAS AND FACILITIES
 - COMMON AREAS AND FACILITIES
 - ⋯ COMMERCIAL UNIT



ADDITIONAL LAND "C"
BEGINNING AT A POINT SOUTH 1129.51 FEET AND EAST 4094.91 FEET AND SOUTH 85°42'00" EAST 208.79 FEET AND SOUTH 00°11'40" EAST 433.87 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°11'40" EAST 35.00 FEET; THENCE NORTH 89°20'00" WEST 240.29 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF DEER VALLEY DRIVE EAST; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°40'00" EAST 35.00 FEET; THENCE SOUTH 89°20'00" EAST 239.77 FEET TO THE POINT OF BEGINNING.

ADDITIONAL LAND "D"
BEGINNING AT A POINT SOUTH 115.63 FEET AND EAST 4658.36 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 86°45'00" EAST 253.05 FEET; THENCE SOUTH 01°37'00" WEST 432.66 FEET; THENCE NORTH 85°01'24" EAST 170.47 FEET; THENCE NORTH 81°27'39" WEST 97.62 FEET; THENCE NORTH 39°03'24" WEST 94.43 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF QUEEN ESTHER DRIVE, SAID POINT ALSO BEING ON THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 39°03'19" WEST) THENCE NORTHEASTERLY ALONG SAID 200.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 46°32'36", A DISTANCE OF 162.47 FEET; THENCE NORTH 04°24'00" EAST 236.02 FEET TO THE POINT OF BEGINNING.

ADDITIONAL LAND "A"
BEGINNING AT A POINT ON THE NORTH LINE OF THE MCKINLEY MINING CLAIM (MS 6645), SAID POINT BEING NORTH 85°42'00" WEST 1210.6 FEET FROM THE NORTHEAST CORNER OF SAID MINING CLAIM. SAID POINT ALSO BEING NORTH 36°13'02" WEST 2248.75 FEET MORE OR LESS FROM THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE NORTH LINE OF THE MCKINLEY MINING CLAIM SOUTH 85°42'00" EAST 810.37 FEET; THENCE ALONG THE WASATCH-SUMMIT COUNTY LINE SOUTH 17°33'57" WEST 75.84 FEET; THENCE ALONG THE WASATCH-SUMMIT COUNTY LINE SOUTH 08°43'41" WEST 527.66 FEET; THENCE ALONG THE SOUTH LINE OF THE MCKINLEY MINING CLAIM NORTH 85°42'00" WEST 705.05 FEET; THENCE NORTH 00°11'40" WEST 601.85 FEET TO THE POINT OF BEGINNING.

ADDITIONAL LAND "B"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "A"
451,538 SQ. FT. 10.37 AC.

ADDITIONAL LAND "C"
451,538 SQ. FT. 10.37 AC.

ADDITIONAL LAND "D"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "E"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "F"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "G"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "H"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "I"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "J"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "K"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "L"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "M"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "N"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "O"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "P"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "Q"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "R"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "S"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "T"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "U"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "V"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "W"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "X"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "Y"
112,025 SQ. FT. 2.57 AC.

ADDITIONAL LAND "Z"
112,025 SQ. FT. 2.57 AC.

- NOTES:**
- THIS CONDOMINIUM PLAT RELATES TO REAL PROPERTY WHICH IS SUBJECT TO THAT CERTAIN DECLARATION OF CONDOMINIUM - THE SILVER BARON LODGE AT DEER VALLEY, RECORDED SIMULTANEOUSLY HERewith, AND SUBSEQUENT AMENDMENTS THERETO ("DECLARATION"). THE DECLARATION SETS FORTH THE EASEMENTS, RESTRICTIONS AND GENERAL PLAN OF IMPROVEMENT FOR THE PROPERTY AS DESCRIBED IN THIS CONDOMINIUM PLAT, AND THE DETAILS CONCERNING THE RIGHTS AND OBLIGATIONS OF THE OWNERS HAVING OR ACQUIRING AN INTEREST THEREIN.
 - PURSUANT TO THE DECLARATION, THE SILVER BARON LODGE AT DEER VALLEY OWNERS ASSOCIATION, INC., A UTAH NONPROFIT CORPORATION, IS RESPONSIBLE FOR MAINTAINING CERTAIN PORTIONS OF THE PROJECT, INCLUDING BUT NOT LIMITED TO THE COMMON AREAS AND FACILITIES, AND THE ASSOCIATION SHALL HAVE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE PROPERTY FOR SUCH MAINTENANCE PURPOSES AS FURTHER DESCRIBED IN THE DECLARATION.
 - THE LIMITED COMMON AREAS AND FACILITIES AS DEPICTED ON THIS PLAT ARE RESERVED FOR THE USE OF CERTAIN OWNERS TO THE EXCLUSION OF OTHER OWNERS. EXCEPT AS OTHERWISE DESIGNATED HEREON, EACH RESPECTIVE PORCH, DECK, BALCONY, Foyer, STORAGE CLOSET, HOT TUB, PATIO, AND ATTIC DESIGNATED ON THIS PLAT AS LIMITED COMMON AREAS AND FACILITIES FOR USE AND ENJOYMENT BY THE OWNER THEREOF IS APPURTENANT TO THE RESPECTIVE UNIT TO WHICH SUCH LIMITED COMMON AREAS AND FACILITIES ARE ADJACENT AS SHOWN HEREON.
 - THE UNITS OF THE SILVER BARON LODGE AT DEER VALLEY ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE SILVER BARON LODGE AT DEER VALLEY OWNERS ASSOCIATION, INC., A UTAH NONPROFIT CORPORATION, SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.
 - ALL CONDITIONS OF APPROVAL OF THE DEER VALLEY MASTER PLANNED DEVELOPMENT AND THE SILVER BARON CONDITIONAL USE PERMIT SHALL CONTINUE TO APPLY.

McNEIL ENGINEERING CIVIL, L.C.
PROFESSIONAL CIVIL ENGINEERING SERVICES
6895 SOUTH 900 EAST, MIDVALE, UTAH 84047
TEL (801) 255-7700 FAX (801) 255-8071 EMAIL www.mcneileng.com

<p>COUNCIL APPROVAL</p> <p>APPROVED BY THE PARK CITY COUNCIL ON THIS 14TH DAY OF SEPTEMBER A.D., 2006</p> <p>Planning Commission - March 23, 2011</p> <p>PARK CITY MAYOR</p>	<p>PARK CITY PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 23RD DAY OF AUGUST A.D. 2006</p> <p>CHAIRMAN</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT APPROVAL</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION IMPROVEMENT DISTRICT STANDARDS ON THIS DAY OF _____ A.D., 20____</p> <p>S.B.W.R.D.</p>	<p>PARK CITY ENGINEER</p> <p>I, _____, PARK CITY ENGINEER HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.</p> <p>DATE _____ CITY ENGINEER _____</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM ON THIS _____ A.D., 20____</p> <p>PARK CITY ATTORNEY _____</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS CONDOMINIUM PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS ON THIS 14TH DAY OF SEPTEMBER A.D., 2006</p> <p>BY _____ PARK CITY RECORDER _____</p>	<p>RECORDED #</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____</p> <p>BOOK _____ PAGE _____ DATE _____ TIME _____</p> <p>FEE \$ _____</p> <p>SUMMIT COUNTY RECORDER</p>
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SURVEYOR'S CERTIFICATE

I, KENNETH A. PETTY DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 362254, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT AT THE REQUEST OF THE OWNERS OF THE BELOW DESCRIBED LAND, I PERFORMED A SURVEY OF SAID LAND, THAT THE DESCRIPTION BELOW CORRECTLY DESCRIBES THE RESIDENTIAL DEVELOPMENT OF THIS CONDOMINIUM AND THAT THIS PLAT, CONSISTING OF 3 SHEETS IS ACCURATE AND COMPLIES WITH THE PROVISIONS OF SECTION 57-8-13(1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT. I FURTHER CERTIFY THAT THE REFERENCE MARKERS SHOWN ON THIS PLAT ARE LOCATED AS SHOWN AND ARE SUFFICIENT TO READILY RETRACE OR REESTABLISH THIS SURVEY.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF DEER VALLEY DRIVE EAST, SAID POINT BEING SOUTH 1129.51 FEET AND EAST 4094.91 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE SOUTH 85°42'00" EAST 208.79 FEET; THENCE SOUTH 00°11'40" EAST 433.87 FEET; THENCE NORTH 89°20'00" WEST 239.77 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF DEER VALLEY DRIVE EAST; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°40'00" EAST 327.43 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 89°20'00" EAST) THROUGH A CENTRAL ANGLE OF 23°30'00", A DISTANCE OF 123.03 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 2.372 AC.

DATE: _____ KENNETH A. PETTY, P.L.S.
LICENSE NO. 362254

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENT, that the undersigned Silver Baron Partners, L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas and facilities, limited common areas and facilities, convertible land, additional land, and easements, all as set forth herein, to be known as

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE, SILVER BARON LODGE PHASE II

Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property and the installation, use, maintenance, and eventual replacement of utilities. The owner further certifies that buildings shown on this plat will, when completed be substantially as shown on the plat.

SILVER BARON PARTNERS, L.C. a Utah limited liability company.
by: F. LYNN PADAN
Its Manager

ACKNOWLEDGMENT

STATE OF UTAH } s.s.
Summit County

On the _____ day of _____, A.D. 20____, _____ personally appeared before me, the undersigned Notary Public, in and for said County of Summit County in said State of Utah, who being by me duly sworn, acknowledge to me that he signed the foregoing Consent to Dedicate on behalf of _____

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC
RESIDING IN SUMMIT COUNTY

CONSENT TO RECORD AND SUBORDINATION

The undersigned U.S. Bank National Association is the holder of a Deed of Trust dated July 26, 2006, and recorded July 28, 2006, as Entry No. 785141, in Book 1806, beginning at Page 1119 of the official records of Summit County, Utah, together with related loan documents (collectively "Loan Documents") which constitute liens of record against the property to this Record of Survey Map. U.S. Bank National Association hereby subordinates the liens and encumbrances of the Loan Documents to this Record of Survey Map and to the rights of the Owners as set forth in the Declaration of Condominium for THE SILVER BARON LODGE AT DEER VALLEY-PHASE II and consents to the recordation of this Record of Survey Map.

U.S. Bank National Association

By _____
Its _____

ACKNOWLEDGMENT

STATE OF UTAH } s.s.
Summit County

On the _____ day of _____, A.D. 20____, _____ personally appeared before me, the undersigned Notary Public, in and for said County of Summit County in said State of Utah, who being by me duly sworn, acknowledge to me that he signed the foregoing Consent to Dedicate on behalf of _____

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

RECORD OF SURVEY MAP THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443 AND LEVEL 4 CONVERTIBLE SPACE, SILVER BARON LODGE PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE

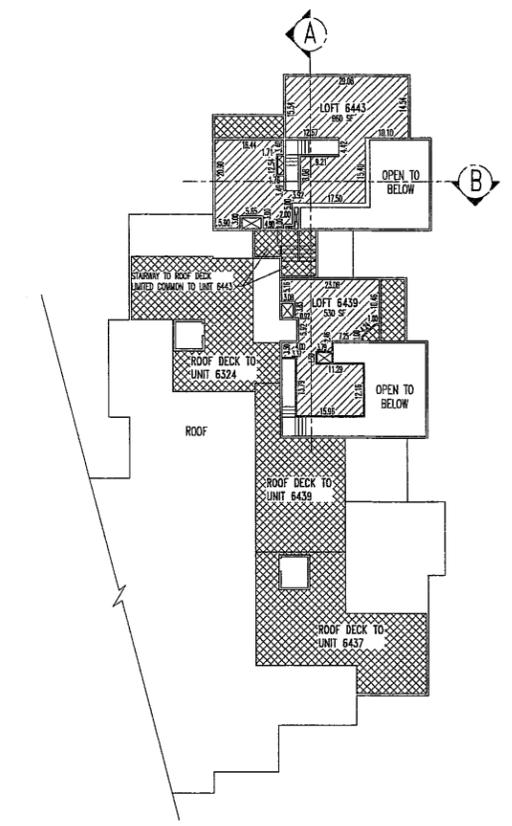
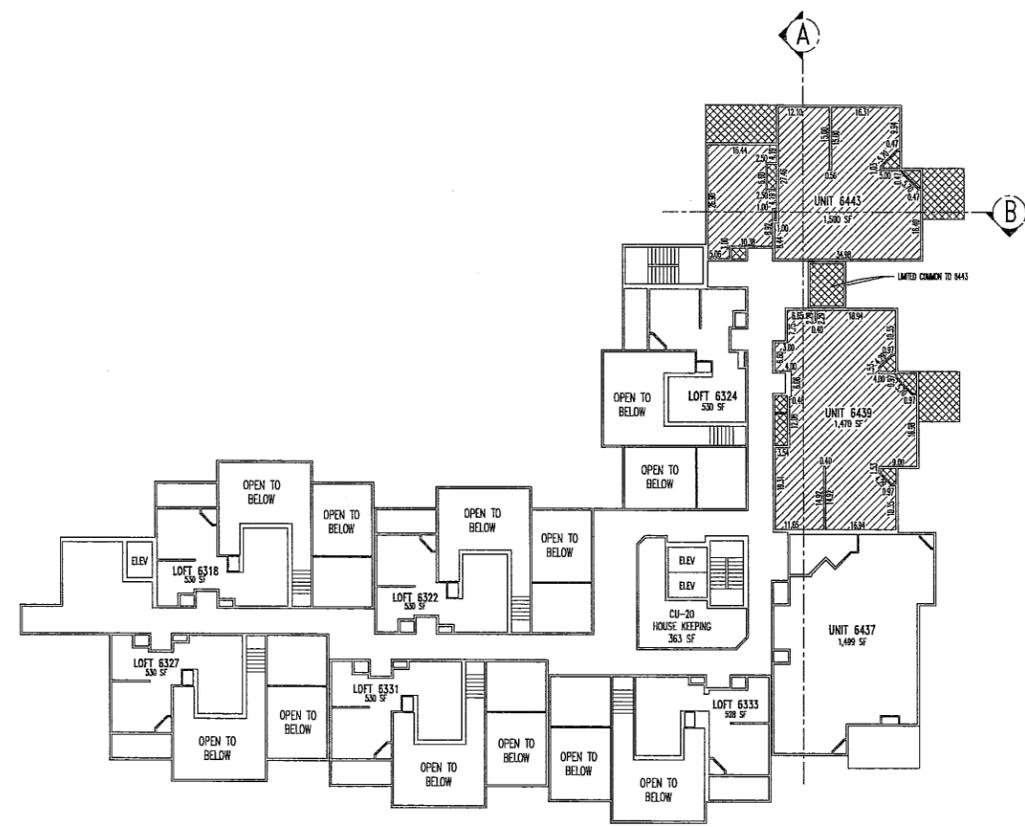
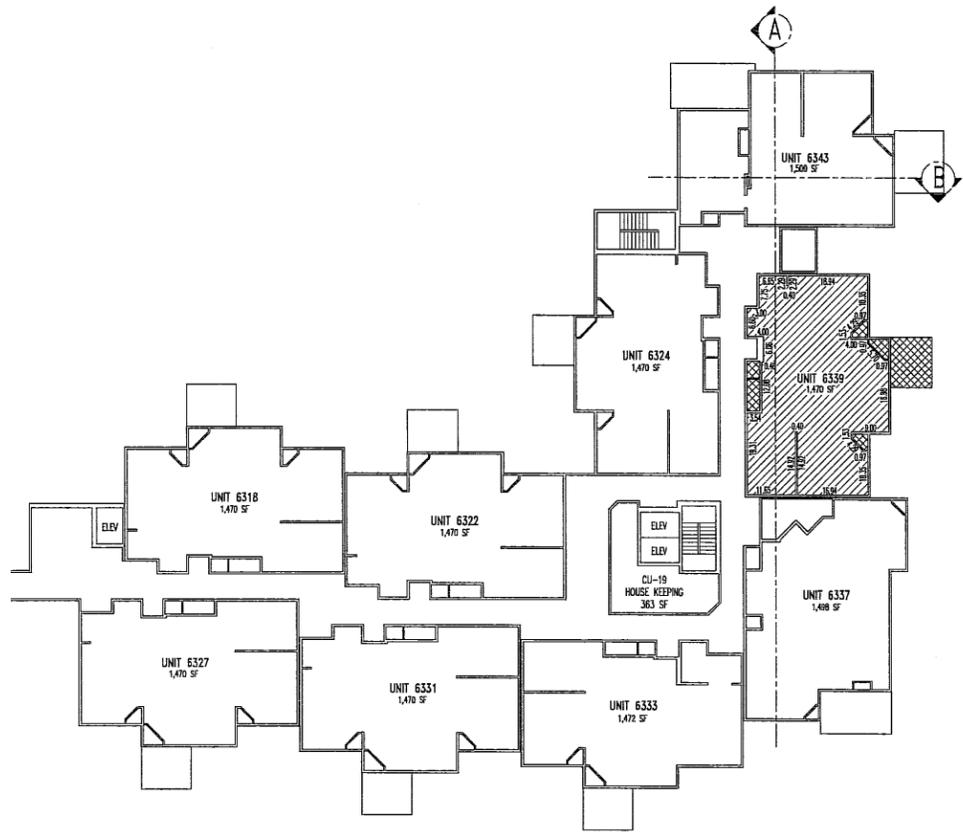
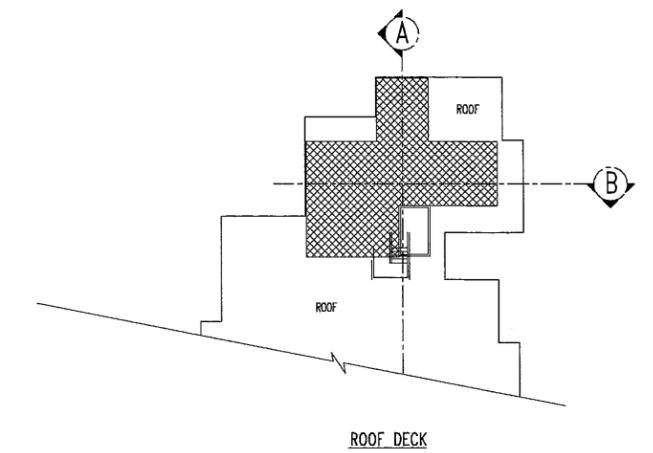
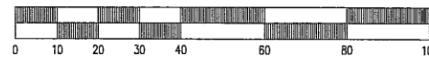
SILVER BARON LODGE PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

LEGEND

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

SCALE: 1" = 20'



THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE

SILVER BARON LODGE PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

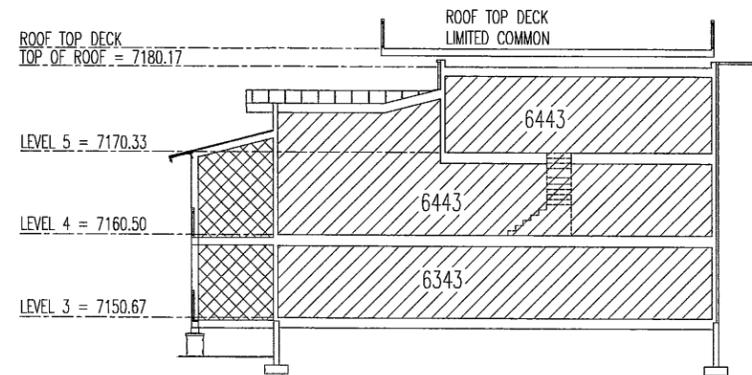
LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

SCALE: 1" = 10'

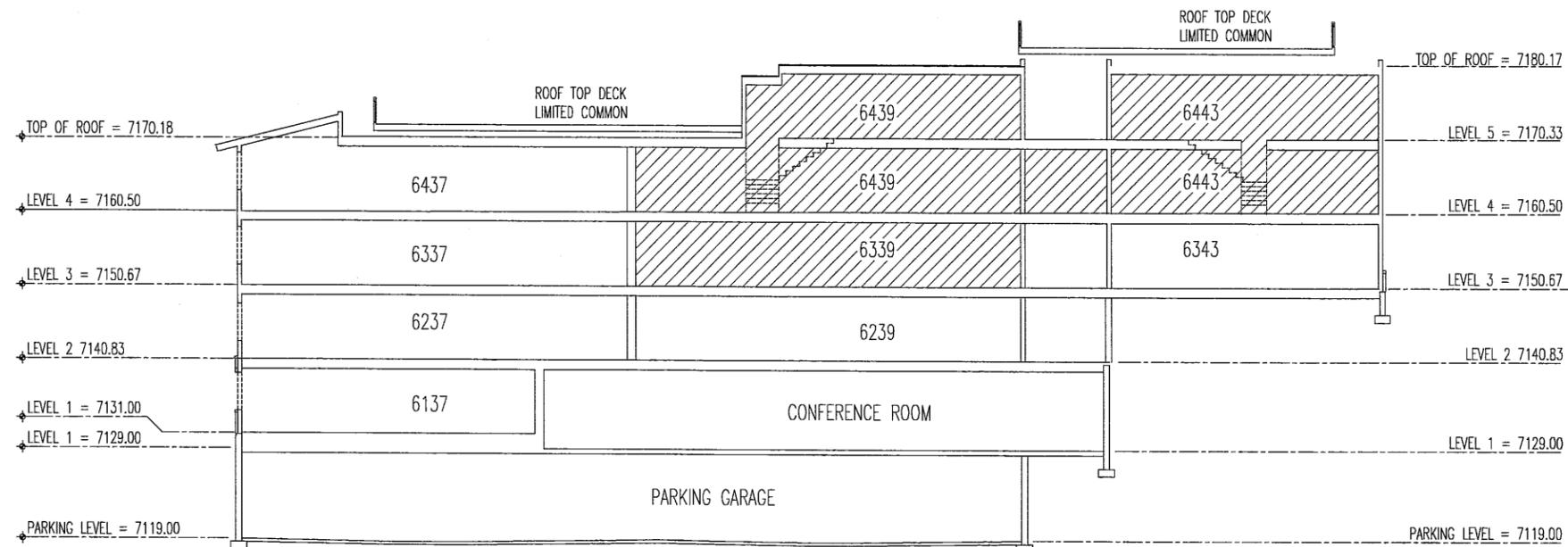


LEGEND

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



SECTION B



SECTION A

Silver Baron Lodge
Statement Attached
To
Request for Amendment to Silver Baron Record of Survey

Description of Proposal

The purpose of these applications is to bring the developed Silver Baron Lodge into compliance with the Park City Land Management Code (the "Code") and the Deer Valley Large Scale Master Planned Development Permit ("Permit"). Silver Baron Lodge ("Silver Baron") is an existing residential condominium project located at 2800 Deer Valley Drive East within the Deer Valley Resort Large Scale Master Planned Development (the "MPD"). Silver Baron was developed utilizing the Unit Equivalent Formula set forth in the Park City Land Management Code and authorized by the Permit. The project contains 50 residential condominium units requiring 42.75 Residential Unit Equivalents ("UEs"). The Permit authorizes 41.75 UEs so Silver Baron contains one (1) UE more than authorized.

Deer Valley Resort Company ("Deer Valley") owns the Snow Park Village parcel within the MPD which is authorized for 210.75 UEs and which is adjacent to Silver Baron separated only by Deer Valley Drive East. Deer Valley has agreed to transfer to Silver Baron one (1) UE from the Snow Park Village parcel to allow Silver Baron to comply with the Permit and the Code. Such a transfer requires an amendment to the Permit and an amendment to the Silver Baron Record of Survey (the "Plat").

No new construction is involved or proposed with these applications. Their sole purpose is to bring Silver Baron into compliance with the Permit and the Code.

Approval of these requests will result in Silver Baron as constructed being in compliance with the Permit and the Code and Deer Valley's Snow Park Village parcel authorized residential density being reduced by one (1) UE from 210.75 to 209.75.

WHEN RECORDED, RETURN TO:

Len Stillman
Stillman Consulting Services
215 South State Street #300
Salt Lake City, UT 84111

**THIRD AMENDMENT
TO
DECLARATION OF CONDOMINIUM-
THE SILVER BARON AT DEER VALLEY**

This Third Amendment to Declaration of Condominium - The Silver Baron Lodge at Deer Valley ("First Amendment") is executed pursuant to the provisions of the Declaration of Condominium - The Silver Baron Lodge at Deer Valley, as described in Recital A hereof, and the provisions of the Utah Condominium Ownership Act, Utah Code Annotated, §§ 57-8-1-through 57-8-37, as amended (the "Act"), by Silver Baron Partners, L.C., a Utah limited liability company (previously "Declarant").

RECITALS

A. On May 26, 2005, Declarant recorded with the Recorder of Summit County, Utah, a Declaration of Condominium - The Silver Baron Lodge at Deer Valley as Entry No. 737410 at Book 1703, Page 12 (the "Declaration"), covering the real property and improvements constituting the first phase of The Silver Baron Lodge at Deer Valley, in Summit County, Utah, and more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Project"). On May 26, 2005, in connection with the recording of the Declaration, Declarant also recorded that certain Condominium Plat of The Silver Baron Lodge at Deer Valley, An Expandable Utah Condominium Project, as Entry No. 737409 in the Summit County Recorder's Office (the "Plat"). Furthermore, on June 1, 2007 Declarant recorded a First Amendment to Declaration of Condominium-The Silver Baron Lodge at Deer Valley, as Entry No. 00814937 in the Summit County Recorder's Office attached hereto as Exhibit B. Thereafter, on April 23, 2008, Declarant recorded a Second Amendment to Declaration of Condominium-The Silver Baron Lodge at Deer Valley, as Entry Number 00842859 in the Summit County Recorder's Office attached hereto as Exhibit C.

B. On August 4, 2010, pursuant to a stipulation between Silver Baron Partners, L.C. as debtor and US Bank, a National Association as creditor an Order Appointing Receiver was entered by the Third Judicial District Court, Summit County, State of Utah, a copy of which is attached hereto as Exhibit D.

C. The receiver took possession of the collateral as stated in the order and was authorized to proceed to amend the Record of Survey previously recorded in this matter.

D. In connection with Receiver's exercise of the Declarant's expansion and conversion rights described above, one (1) Residential Unit will be added to the Project and two others modified, together with additional Common Areas and Facilities and Limited Common Areas and Facilities, as identified in a supplemental condominium plat entitled "The First Amendment to The Silver Baron

Lodge at Deer Valley Phase II, an Expandable Utah Condominium Project" (The First Amendment). Declarant will be Len Stillman, the Receiver of Certain Units of the condominium units shown on the Amended Plat, including the appurtenant ownership interest in the Common Areas and Facilities.

NOW, THEREFORE, Declarant, along with the approval of sixty-seven (67) percent of the owners of the Project condominiums hereby exercises its right to amend the Declaration as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this First Amendment shall have the meaning or meanings given to them in the Declaration. The Recitals set forth above shall constitute a portion of the terms of this First Amendment.

2. Reservation of Declarant Rights. Pursuant to the Act and the Declaration, all Declarant rights concerning the Project reserved to the Declarant in the Declaration are hereby incorporated and reserved to Declarant with respect to the First Amended Plat hereby added to the Project. The exercise of Declarant rights concerning such First Amended Plat shall be governed by the same terms, provisions and limitations set forth in the Declaration regarding the exercise of Declarant rights.

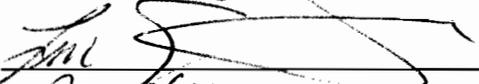
3. Reallocation of Undivided Interests and Replacement of Exhibit "A". Pursuant to Sections 8.1.7 and 9.1.7 of the Declaration, the undivided interests in the Common Areas and Facilities are hereby reallocated on the same basis as described in the Declaration. Exhibit "A" to the First Amended Declaration, setting forth the Schedule of Units, Square Footage, Votes and Undivided Interests in the Common Areas is hereby amended and restated in its entirety by Exhibit "E" attached to this Third Amendment and incorporated herein by this reference.

4. Declaration Remains in Effect. The Second Amendment and the First Amended Plat shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated or amended by the recording of this Second Amendment and the Amended Plat.

5. Authority. Receiver hereby certifies that Receiver acting as Declarant may execute this Declaration with the consent or signature of sixty-seven percent of all Owners pursuant to the Act

IN WITNESS WHEREOF, this Second Amendment is hereby executed this 3rd day of January, 2011.

Len Stillman, As Receiver of Certain Units
At Silver Baron Lodge

By: 
As: Receiver

STATE OF UTAH

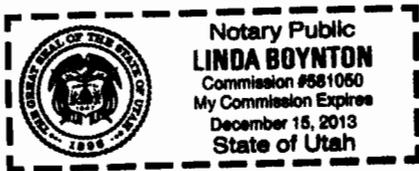
STATE OF UTAH

:SS.

COUNTY OF SALT LAKE

On this 3rd day of January 2011, before me, the undersigned, a Notary Public in and for the State of Utah, duly commissioned and sworn, personally appeared Len Stillman, the Receiver of Certain Units at Silver Baron Lodge.

Witness my hand and official seal affixed the day and year first written above.



Linda Boynton

Notary Public
Residing at : *Salt Lake*

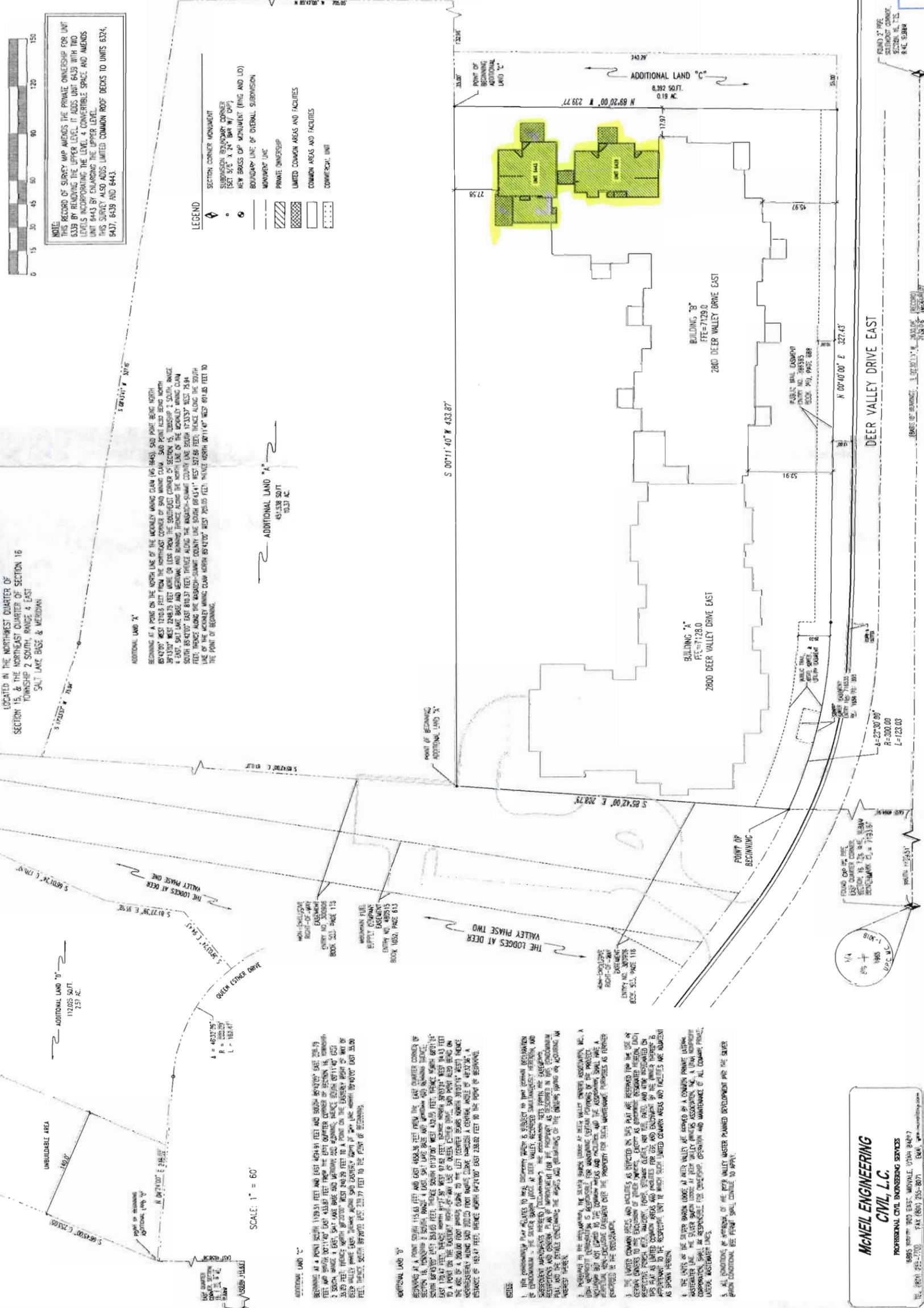
My appointment expires: *12/15/13*

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE

SILVER BARON LODGE PHASE II

AN EXPANDABLE UTAH CONDOMINIUM PROJECT



NOTE:
THIS RECORD OF SURVEY MAP AMENDS THE PRIVATE OWNERSHIP FOR UNIT 6339 BY RELOCATING THE UPPER LEVEL, IT ADDS UNIT 6439 WITH TWO LEVELS INCORPORATING THE LEVEL 4 CONVERTIBLE SPACE AND AMENDS UNIT 6443 BY ENLARGING THE UPPER LEVEL.
THIS SURVEY ALSO AMENDS LIMITED COMMON ROOF DECKS TO UNITS 6324, 6437, 6439 AND 6443.

LEGEND

- SECTION CORNER MONUMENT
- SUBDIVISION BOUNDARY CORNER (SET 5/8" X 24" BAR W/ CAP)
- NEW BRASS CAP MONUMENT (ING AND LD)
- BOUNDARY LINE OF OVERALL SUBDIVISION
- MONUMENT LINE
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES
- COMMERCIAL UNIT

ADDITIONAL LAND "A"
431,538 SQ FT
10.37 AC

ADDITIONAL LAND "B"
431,538 SQ FT
10.37 AC

ADDITIONAL LAND "C"
431,538 SQ FT
10.37 AC

ADDITIONAL LAND "D"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "E"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "F"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "G"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "H"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "I"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "J"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "K"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "L"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "M"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "N"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "O"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "P"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "Q"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "R"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "S"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "T"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "U"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "V"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "W"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "X"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "Y"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "Z"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AA"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AB"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AC"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AD"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AE"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AF"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AG"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AH"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AI"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AJ"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AK"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "AL"
112,025 SQ FT
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ADDITIONAL LAND "AM"
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ADDITIONAL LAND "AN"
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ADDITIONAL LAND "AO"
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ADDITIONAL LAND "AP"
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ADDITIONAL LAND "AQ"
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ADDITIONAL LAND "BC"
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ADDITIONAL LAND "BD"
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ADDITIONAL LAND "BE"
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ADDITIONAL LAND "BF"
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ADDITIONAL LAND "BH"
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ADDITIONAL LAND "BI"
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ADDITIONAL LAND "BJ"
112,025 SQ FT
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ADDITIONAL LAND "BK"
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ADDITIONAL LAND "BL"
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ADDITIONAL LAND "BM"
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ADDITIONAL LAND "BN"
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2.57 AC

ADDITIONAL LAND "BO"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BP"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BQ"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BR"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BS"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BT"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BU"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BV"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BV"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BW"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BX"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BY"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "BZ"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "CA"
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ADDITIONAL LAND "CB"
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2.57 AC

ADDITIONAL LAND "CC"
112,025 SQ FT
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ADDITIONAL LAND "CD"
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ADDITIONAL LAND "CE"
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ADDITIONAL LAND "CE"
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ADDITIONAL LAND "CF"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "CG"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "CH"
112,025 SQ FT
2.57 AC

ADDITIONAL LAND "CI"
112,025 SQ FT
2.57 AC

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY CASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE

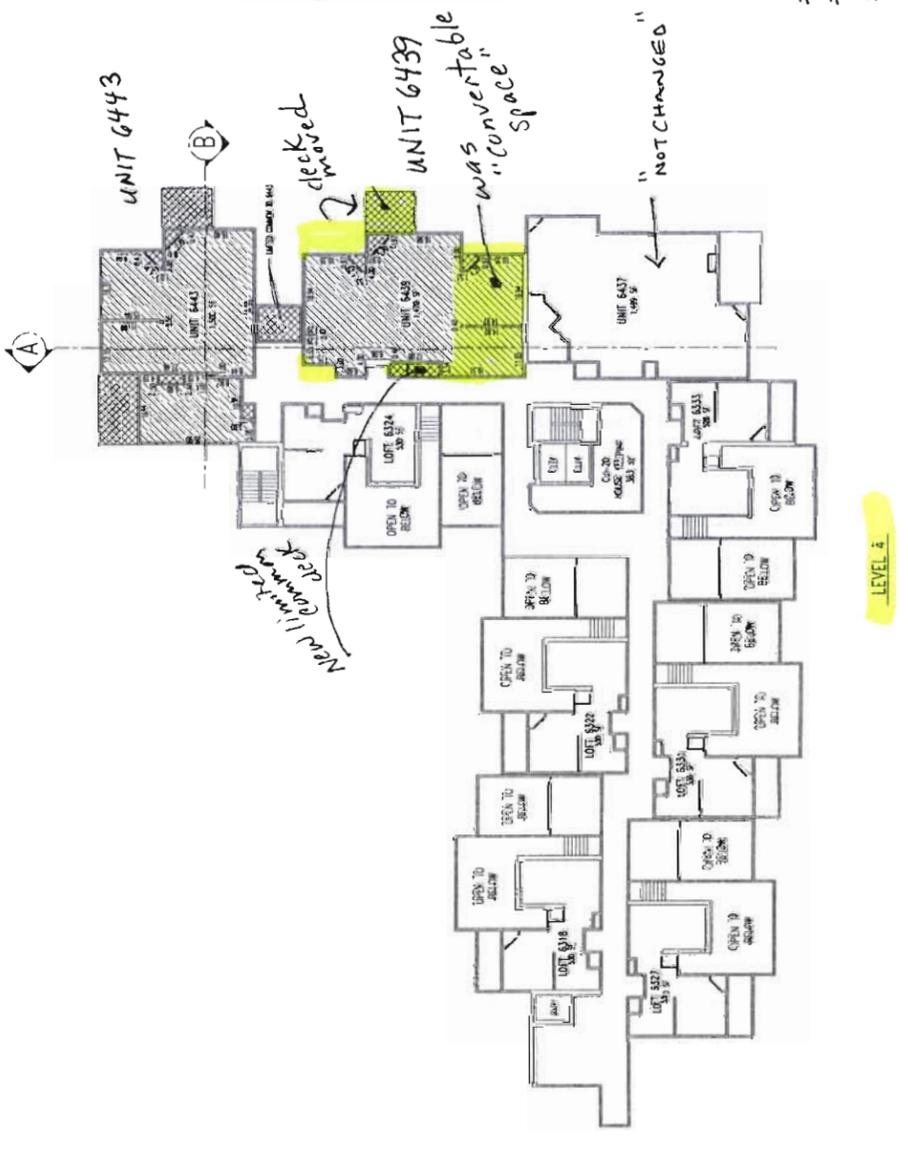
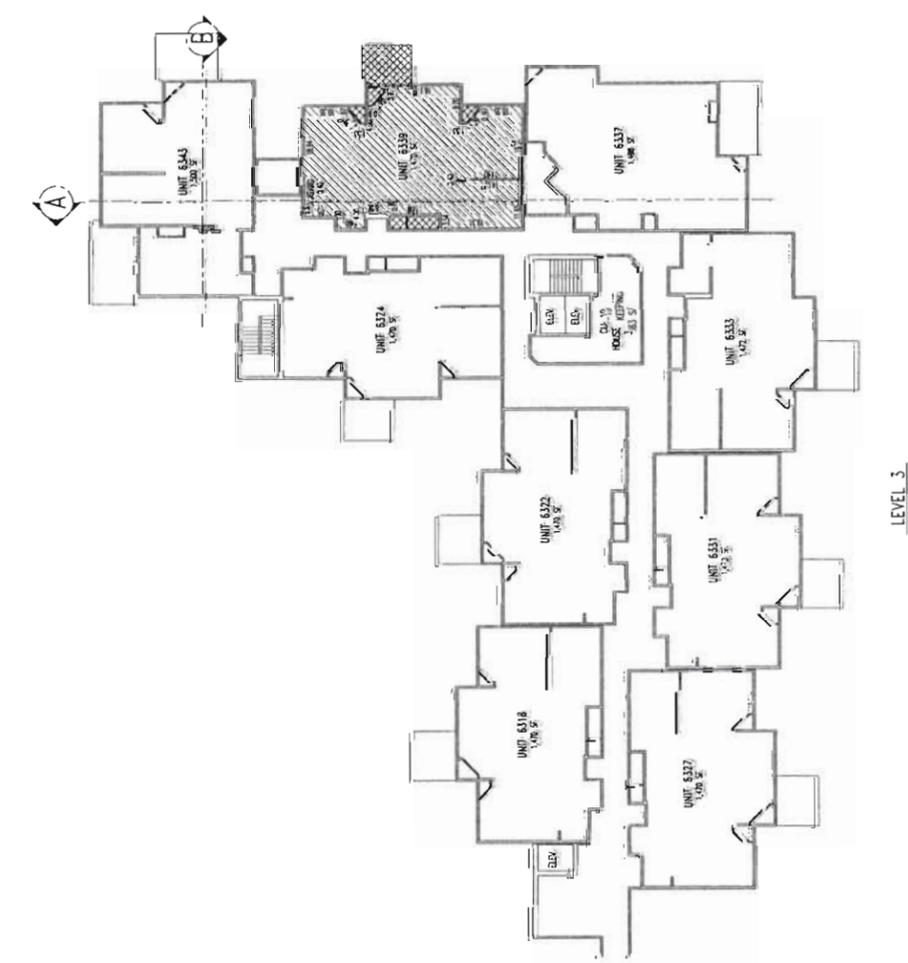
SILVER BARON LODGE PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

LEGEND

 PRIVATE OWNERSHIP
 LIMITED COMMON AREAS AND FACILITIES
 COMMON AREAS AND FACILITIES

SCALE: 1" = 20'



Proposed Limited Common Roof Top Decks for Units #6324, #6443, #6439, #6437

RECEIVED
JAN 10 2011
 PARK CITY PLANNING DEPT.

SHEET 2 OF 3

RECORDED # _____
 STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____
 BOOK _____ PAGE _____ DATE _____ TIME _____
 REC # _____ SUMMIT COUNTY RECORDER

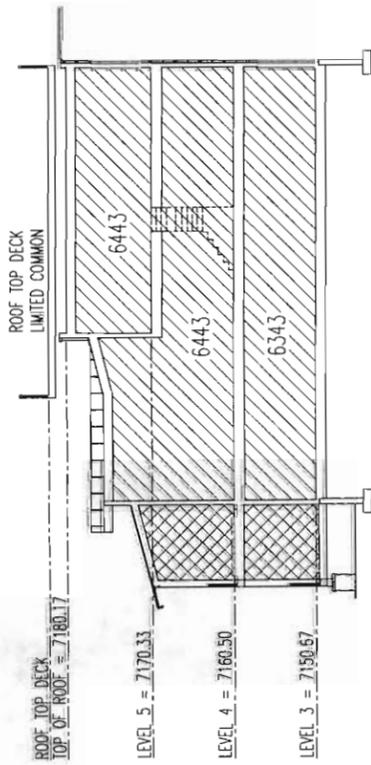
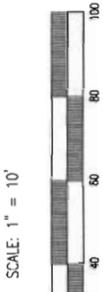
McNEIL ENGINEERING CIVIL, L.C.
 PROFESSIONAL CIVIL ENGINEERING SERVICES
 5225 S. 3000 W. SUITE 203, MIDVALE, UTAH 84047
 TEL: (801) 496-7300 FAX: (801) 496-3271 EMAIL: mcs@mcneileng.com

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY, PHASE II

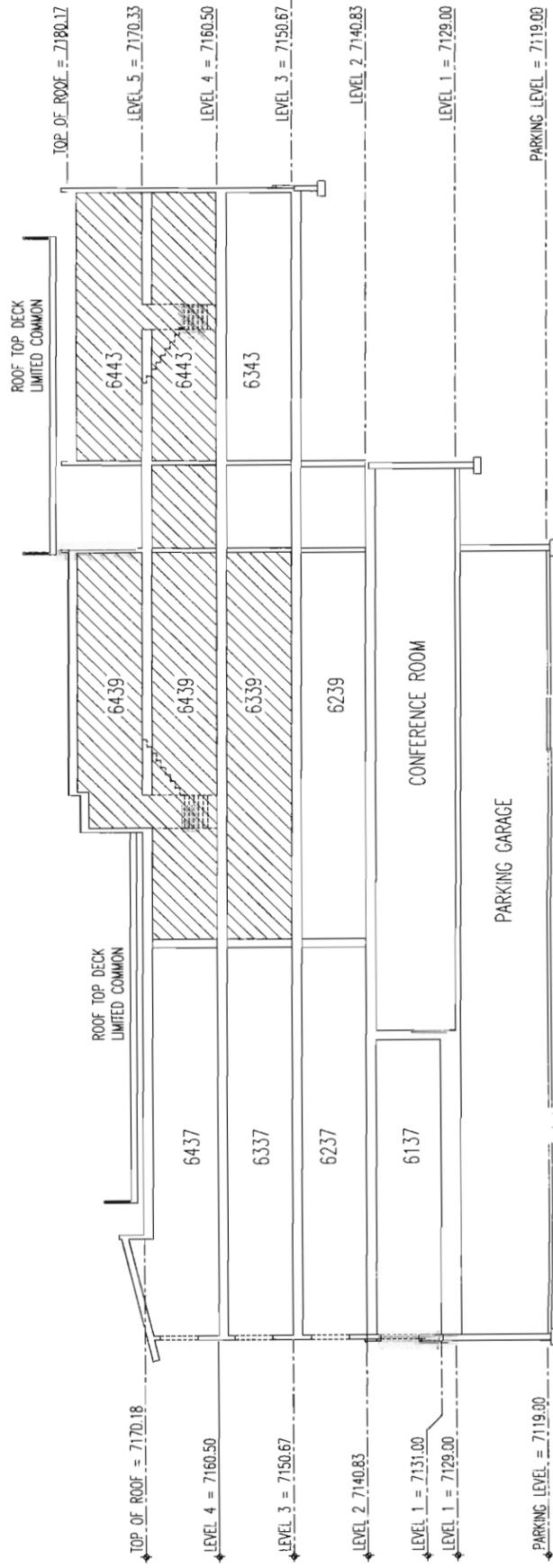
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LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN



SECTION B



SECTION A

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

RECEIVED
JAN 10 2011
PARK CITY
PLANNING DEPT.

SHEET 3 OF 3

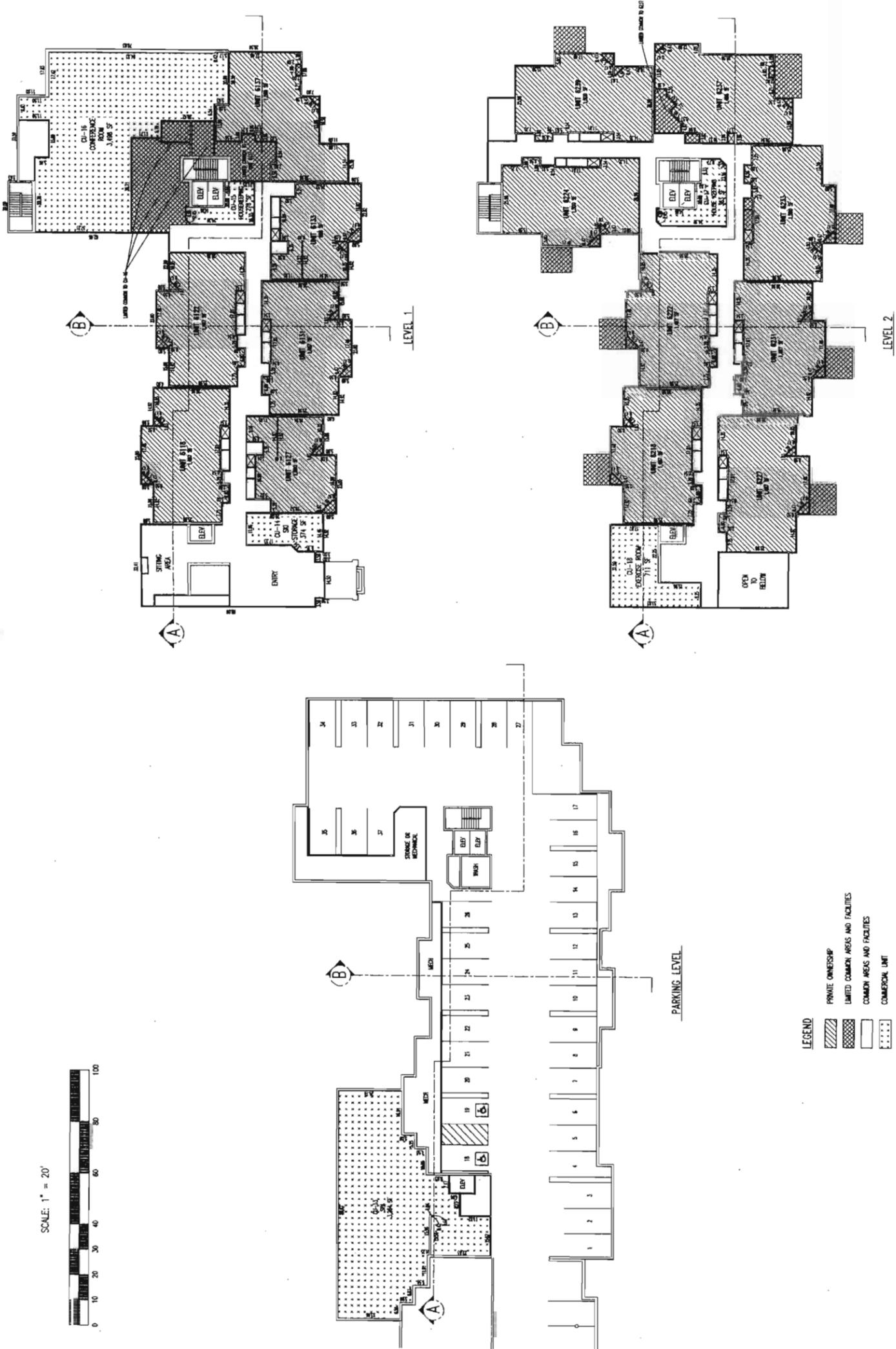
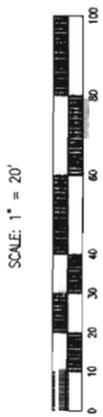
RECORDED # _____
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____
BOOK _____ PAGE _____ DATE _____ TIME _____
FILE # _____
SUMMIT COUNTY RECORDERS

McNEIL ENGINEERING
CIVIL, L.C.
PROFESSIONAL CIVIL ENGINEERING SERVICES
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TEL: (801) 255-7700 FAX: (801) 255-8071

THE SILVER BARON LODGE AT DEER VALLEY

PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN



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STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF Condition Title
BOOK 64-107 PAGE 358 PM DATE 12
#155, McNeil Engineering and Land Surveying L.C.
SALT LAKE COUNTY RECORDER

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SHEET 2 OF 4

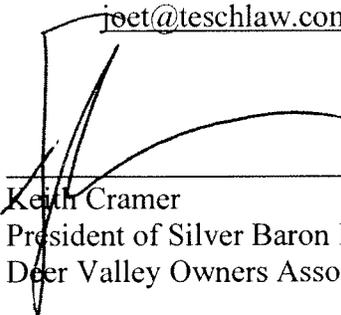
AFFIRMATION OF SUFFICIENT INTEREST

January 14, 2011

This letter shall serve as notice that the Board of the Silver Baron Lodge at Deer Valley Owners Association has reviewed the application to Amend Phase II and agrees that Len Stillman may file such application as Receiver of certain Units at Silver Baron Lodge. The Board agrees with the general contents of the application and intends to obtain the necessary Unit Owners' consent to its approval once it has been approved by the Park City Municipal Corporation Legal and Planning Department staff. I understand that approval of the application by 67% of the Unit Owners is required before submission to the Planning Commission and I am aware of the City policy that no application will be accepted nor work performed for properties that are tax delinquent.

Please send all correspondence to me at:
101 West Broadway, Suite 2000
San Diego, CA 92101

With a copy to:
Joseph E. Tesch
joet@teschlaw.com



Keith Cramer /Date
President of Silver Baron Lodge at
Deer Valley Owners Association

FLOOR PLAN LEGEND		
SYMBOL	SECTION	DESCRIPTION
[Pattern]	033000	CONCRETE WALL
[Pattern]	041000	CMU WALL
[Pattern]	044300	STONE VENEER
[Pattern]	000000	GLAZED WALL

NOTE:
SEE SHEETS A2.1
AND A2.2 FOR
FLOOR PLANS
GENERAL NOTES.



jsa architects
architects
planners
interior designers
6465 South 3000 East
Suite 205
Salt Lake City, UT 84121
Ph: 801.733.2500
Fax: 801.733.2501
www.jsa-llc.com

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consultant:



project:
SILVER BARON
LODGE-PHASE II
BUILDING 'B'
CONDOMINIUMS &
PARKING STRUCTURE
DEER VALLEY DRIVE
DEER VALLEY, UTAH

date: MARCH 9, 2007

- revisions:
- 1 FOOTING & FOUNDATION PLAN CHECK REVIEW
 - 2 OCTOBER 12, 2006
 - 3 OCTOBER 20, 2006
 - 4 NOVEMBER 20, 2006
 - 5 PARK CITY FIRE DISTRICT COMMENTS 1-02-07
 - 6 FEB. 23, 2007 - OWNER REVISIONS
 - 7 APRIL 3, 2007 - OWNER REVISIONS
 - 8 JUNE 30, 2007 - OWNER REVISIONS
 - 9 NOV. 20, 2007 - AS-BUILT REVISIONS, FIELD DIRECTIVE #1

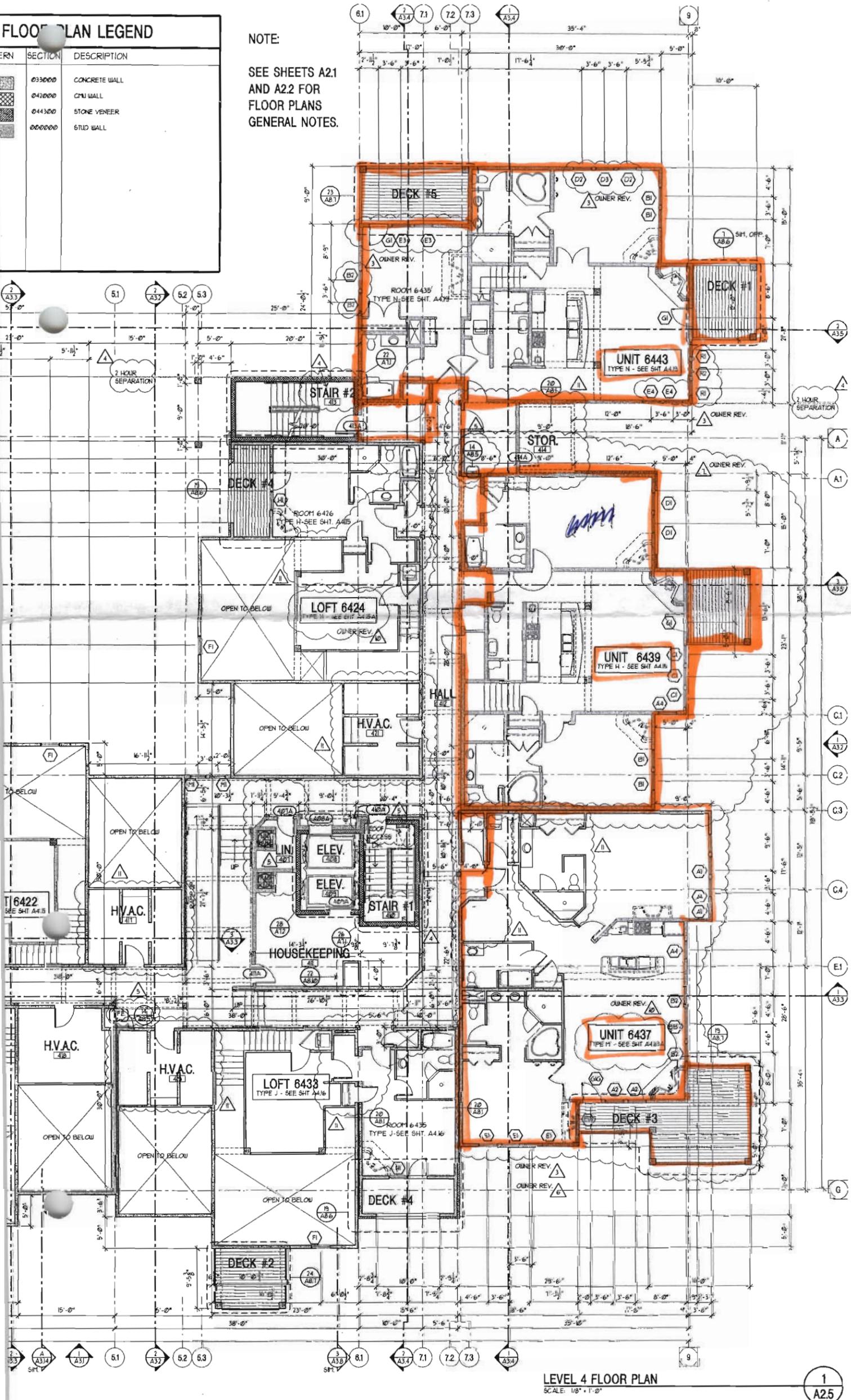
data:
project no: 0535
drawn by: DLW
checked by: XXX

title
LEVEL 4
FLOOR PLAN

sheet

A25

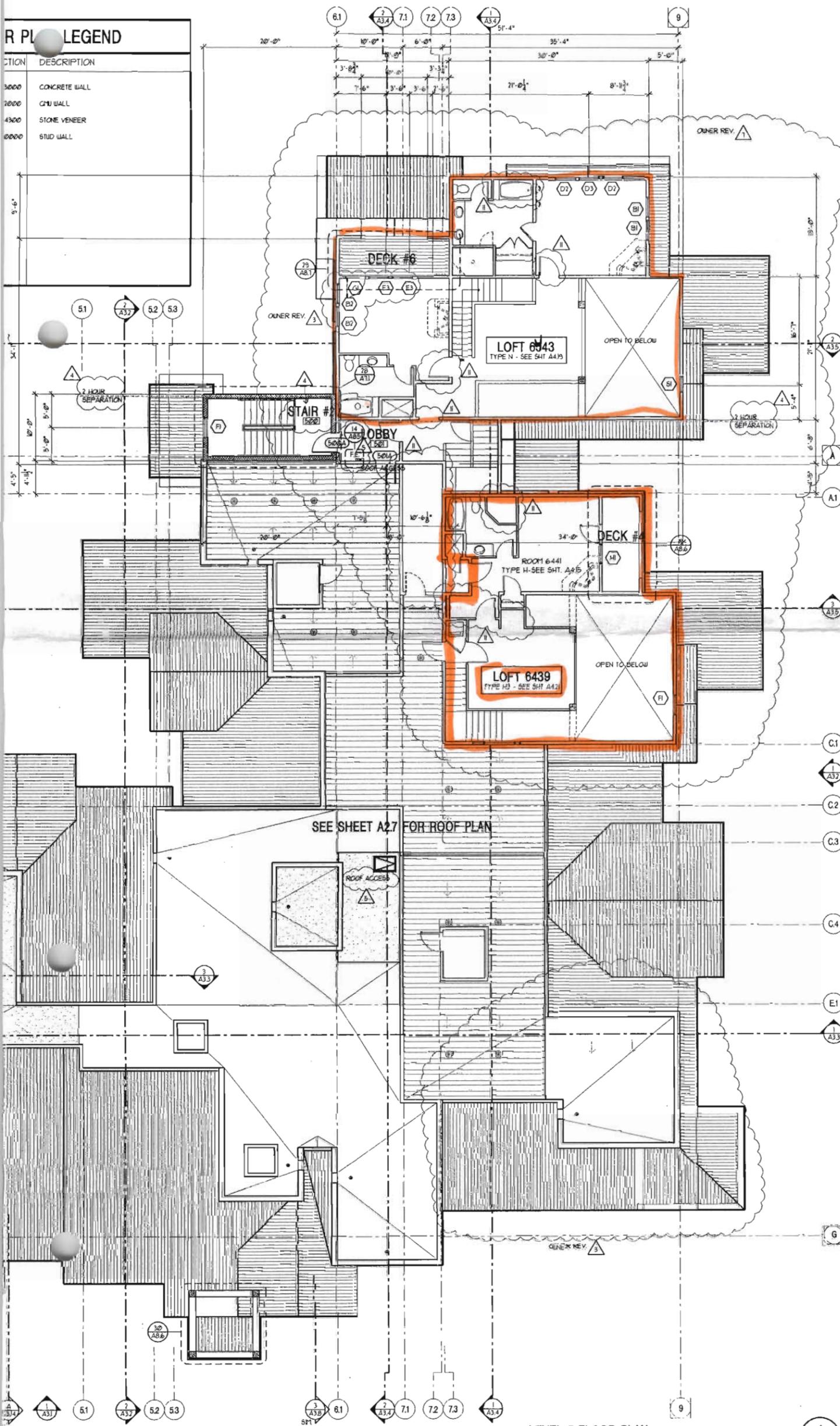
FINAL PERMIT SET - MARCH 9, 2007



LEVEL 4 FLOOR PLAN
SCALE: 1/8" = 1'-0"

1
A25

R PL LEGEND	
CTION	DESCRIPTION
3000	CONCRETE WALL
2000	CMU WALL
4300	STONE VENEER
6000	STUD WALL



LEVEL 5 FLOOR PLAN
SCALE: 1/8" = 1'-0"



jsa architects
architects
planners
interior designers

6465 South 3000 East
Suite 205
Salt Lake City, UT 84121
Ph: 801.733-2500
Fax: 801.733-2501
www.jsa-llc.com

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LODGE-PHASE II
BUILDING 'B'
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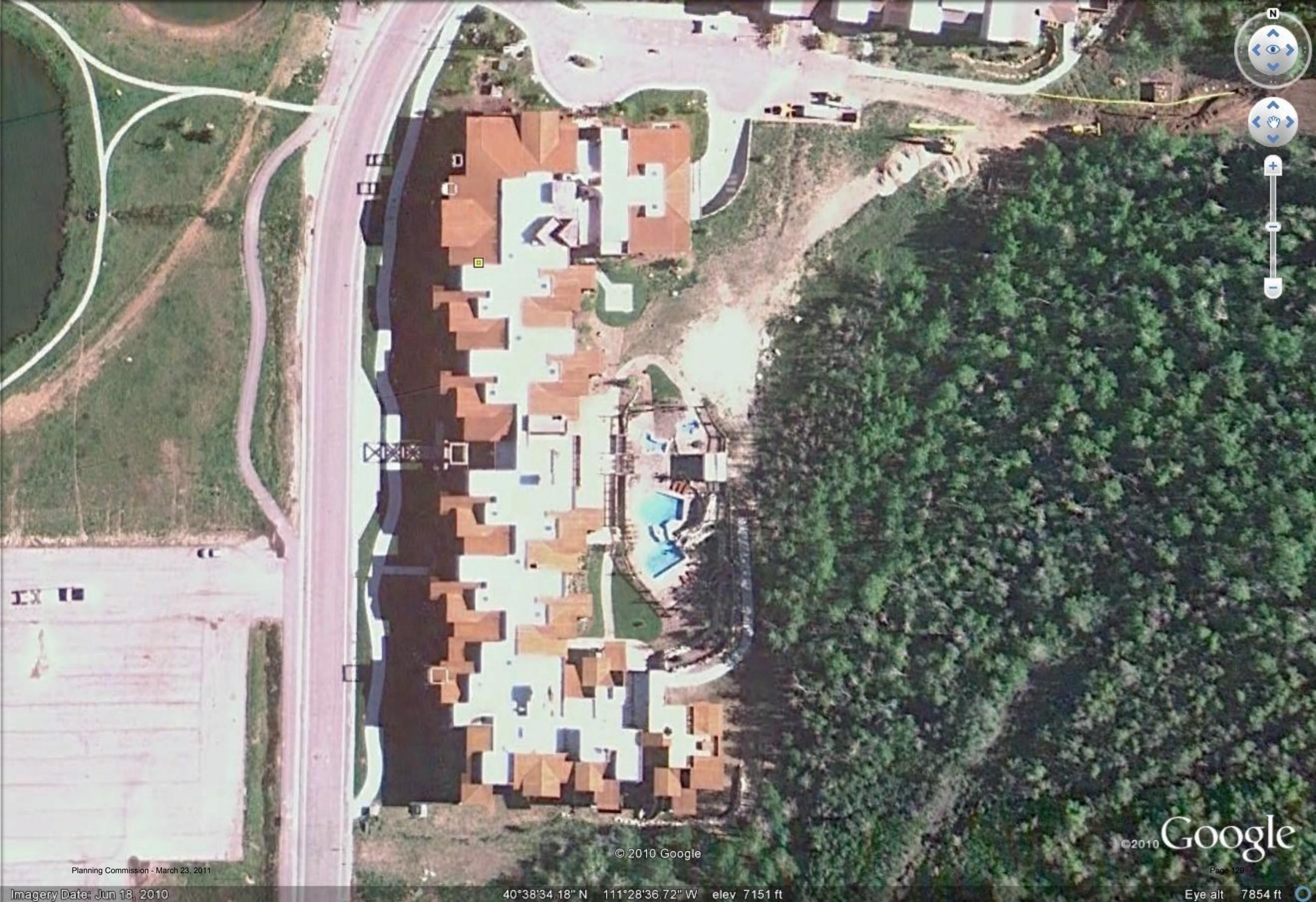
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LEVEL 5
FLOOR PLAN

sheet
A26

FINAL PERMIT SET - MARCH 9, 2007

1
A26



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Planning Commission - March 23, 2011

Page 129

Imagery Date: Jun 18, 2010

40°38'34.18" N 111°28'36.72" W elev 7151 ft

Eye alt 7854 ft

Planning Commission Staff Report

Author: Thomas E. Eddington Jr.
Subject: Adoption of Revised and Updated
Technical Report #7 – Emergency
Response Plan
Date: 23 March 2011
Type of Item: Administrative



**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends the Planning Commission open the public hearing and take any public comment, review the proposed amendments made to the Technical Reports and make final modifications as necessary and adopt the findings of fact and conclusions of law as proposed or amended accepting the revised study.

Topic

Applicant	Talisker / United Park City Mines Company
Location	Flagstaff Annexation Area
Zoning	Residential Development (RD and Recreation Open Space (ROS)) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort, other potential development parcels of Flagstaff Annexation Area.

Proposal

To update the map illustrating the proposed emergency access routes for the Flagstaff / Empire Pass MPD. This proposed revision removes the originally approved emergency access route from the Montage Hotel site to upper Daley Avenue and replaces this with a route that follows parts of previously vacated SR 224 over to Royal Street (just west of Stein Way).

Background

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

In December of 2001, the Planning Commission approved and adopted fourteen Technical Reports as required by Ordinance 99-30, Section II, 2.1: Large Scale MPD—Flagstaff Mountain that required the developer to submit the following studies, prior to or concurrent with Small-Scale MPD process for City approval:

1. Mine/Soil Hazard Mitigation Plan
2. Detailed Design Guidelines
3. Specific Transit Plan
4. Parking Management Plan
5. Detailed Open Space Plan
6. Historic Preservation Plan
7. Emergency Response Plan
8. Trails Master Plan
9. Private Road Access Limitation Procedures
10. Construction Phasing
11. General Infrastructure and Public Improvements Design
12. Utilities Master Plan
13. Wildlife Management Plan
14. Affordable Housing Plan
15. Construction Mitigation Plan

As the development began to take shape, three (3) reports became substantially out of date and needed to be updated. The three reports were: #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15 the Construction Mitigation Plan. These reports were appropriately revised and approved at the Planning Commission on February 25, 2004. Subsequently, Ron Ivie, the City's Chief Building Official did an informational update to the Planning Commission in early 2010 addressing the final phases of the Construction Mitigation Plan for the Montage.

Analysis

The original Technical Report #7 – Emergency Response Plan had a map that illustrated the proposed routes for emergency response vehicles. This map indicated that one (1) of the emergency routes linked the Montage Hotel site to Daley Avenue (Exhibit A). This route was not the preferred route of the Planning Commission nor did it meet the required maximum slopes for emergency response vehicles according the City's Engineer, the Building Official and the Fire Department – the route exceeded the maximum 14% slopes allowed for vehicular access.

The connection between the Montage Hotel and Daley Avenue has been removed as part of this Technical Report. The newly proposed route (Exhibit B) now utilizes some of the vacated State Road 224 (prior to the realignment for the development in this area) and connects to Royal Street just west of the intersection of Royal Street and Stein Way. This route is not intended to be plowed in the winter months, but is

“plowable” during this time should emergency access be required (the route crosses several Deer Valley ski runs).

The revision proposed is ONLY to the map which was attached to the originally approved Technical Report #7 (Emergency Response Report – Exhibit A). This map illustrated the possible emergency routes. The only revisions proposed are updating the map.

This proposed revision to the Technical Report has been reviewed extensively by the Planning/Building/Engineering team. There is consensus that this proposal represents the best solution for emergency access. Deer Valley Resort also supports this new alignment and has submitted a letter of support (Exhibit C). Exhibit D contains the Alliance Engineering contour map with new emergency route illustrated.

Department Review

This project has gone through an interdepartmental review. Any outstanding issues are discussed above.

Notice

Legal notice was also put in the Park Record. No public input has been received by the time of this report.

Alternatives

The Planning Commission may:

- A.** Adopt the updated and revised Technical Report for the Emergency Response Plan, or
- B.** Deny the updated and revised Technical Report, and direct staff to prepare findings supporting this action, or
- C.** Continue the discussion to a later date.

Recommendation

Staff recommends the Planning Commission open the public hearing and take any public comment, review the changes made to the Technical Report, and make final modifications as necessary and adopt the findings of fact, conclusions of law and conditions of approval as proposed or amended accepting the revisions based on the following:

Findings of Fact:

1. Council adopted Ordinance 99-30 on June 24, 1999 that annexed the Flagstaff Mountain project, also known as the Flagstaff Mountain Resort, into Park City.

2. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain specified that the developer is granted an equivalent of a Large Master Planned Development.
3. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain requires the developer to submit the following studies, prior to or concurrent with Small-Scale MPD process for City approval:
 1. Mine/Soil Hazard Mitigation Plan
 2. Detailed Design Guidelines
 3. Specific Transit Plan
 4. Parking Management Plan
 5. Detailed Open Space Plan
 6. Historic Preservation Plan
 7. Emergency Response Plan
 8. Trails Master Plan
 9. Private Road Access Limitation Procedures
 10. Construction Phasing
 11. General Infrastructure and Public Improvements Design
 12. Utilities Master Plan
 13. Wildlife Management Plan
 14. Affordable Housing Plan
 15. Construction Mitigation Plan
4. The Planning Commission held a public hearing on February 25, 2004, to review and update three (3) reports: #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15 the Construction Mitigation Plan.
5. The previously identified emergency route map included a route (between the Montage Hotel site and Daley Avenue) that had slopes too steep for emergency response vehicles. The newly identified routes have been analyzed for vehicle access and Alliance Engineering has mapped the routes on an contour map.

Conclusions of Law:

1. The Planning Commission finds that the revised and updated Technical Report #7 is required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain to be complete.
2. The Planning Commission finds that the revised and updated Technical Report #7 is required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain to be consistent with the provisions and intent of the Annexation Resolution adopted by Council on June 24, 1999.

3. The revised and updated Technical Report #7 is required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain does not change or adversely affect the density, development locations, or project design as set forth in the Annexation Resolution adopted by Council on June 24, 1999.

Conditions of Approval

1. Any revisions to this Technical Report proposed in the future must be presented to the Planning Commission for approval.
2. Revised mapping of existing street patterns in the Empire Pass / Flagstaff area must be submitted and included in the final Technical Report.
3. The map in the Technical Report must include an accurate aerial with all routes indicated; this is in addition to the topographic maps with routes indicated (as in the earlier versions of this Technical Report).

Exhibits

- | | |
|-----------|--|
| Exhibit A | Existing Technical Report #7, including the previously approved map illustrating proposed emergency routes |
| Exhibit B | Updated Map (on aerial) illustrating proposed emergency routes |
| Exhibit C | Supporting correspondence from Deer Valley Resort and Talisker |
| Exhibit D | Detailed contour map with proposed route (Alliance Engineering) |

EMERGENCY RESPONSE PLAN

for

**FLAGSTAFF MOUNTAIN RESORT
PARK CITY, SUMMIT COUNTY, UTAH**

also know as

EMPIRE PASS

Exhibit 7

May 21, 2001

Revised and Approved December 2001

Revised February 2004

Prepared by

UNITED PARK CITY MINES COMPANY



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I. INTRODUCTION

The Emergency Response Plan (the "ERP") was approved in December of 2001, and is one of several technical reports prepared to support the United Park City Mines Company ("UPK") Large Scale Master Plan Development (LSMPD) application filed in October of 2001. Since LSMPD's are programmatic in nature and subject to evolution and refinement at the time of subsequent Master Planned Development (MPD) and Conditional Use Permit (CUP) applications, this report was viewed in 2001, and should be viewed now, as conceptual in nature, and subject to change as specific plans are developed. The 2001 Emergency Response Plan also stated that details developed at future MPD or CUP stages would not require a modification of such plan provided they comply with the Goals and Objectives stated therein. As a result of ongoing discussions between UPK and Park City, a number of improvements to the ERP have been agreed to, and accordingly, we would like to take to update the ERP.

A. Property Description

Empire Pass is an assemblage of mining claims comprising about 1,655 acres of land located at the southwestern corner of Summit County, Utah. In December of 2003, UPK changed the project name from Flagstaff Mountain Resort to Empire Pass (the "Property"). The Property is bordered by Deer Valley Resort to the east and State Highway 224 (Marsac Avenue) to the northeast, and the Park City Mountain Resort to the northwest. The southern boundary of the Property coincides with the Summit County/Wasatch County line. The Property was annexed into the corporate limits of Park City Municipal Corporation ("Park City") and an Annexation and Development Agreement was executed on June 24, 1999 (the "Development Agreement").

The Development Agreement limited development to the "Mountain Village", which consists of three Development Pods ("A", "B-1" & "B-2") with up to of 84 acres, and the "Northside Neighborhood" (Development Pod "D") with up to 63 acres. In 2002, UPK platted and improved Development Pod B-1, which is located at the base of Deer Valley's Northside lift, and this area has become known as "Northside". To avoid confusion, UPK recently named Development Pod D "Red Cloud", and named Pod A "The Village at Empire Pass".

The maximum density allowed within the Mountain Village by the Development Agreement is 705 Unit Equivalents configured in no more than 470 multi-family or PUD or hotel residential units. Section 1.18 of the Development Agreement states that "each multi-family and PUD residential structure shall consume 1 Unit Equivalent for each 2,000 square feet". In addition, the Mountain Village may also contain up to 16 single-family lots and up to 75,000 square feet of Resort Support Commercial space.

Red Cloud may contain up to 30 single-family lots, and up to 8 "bonus" lots if certain adjacent lands are acquired by UPK or otherwise subjected to the provisions of the Development Agreement.

Current uses include skiing, snowshoeing and snowmobiling in the winter and hiking, biking and horseback riding in the summer. Deer Valley uses adjacent to the Property include hotel lodging facilities, resort support commercial, a variety of multi-family residential units, and single-family lots.

In addition to the residential construction, UPK plans to build a comprehensive package of amenities, including, but not limited to, a transit hub, a social and fitness club (the "Empire Club") in a large, mixed-use building in Pod A, the "Nugget", an on-mountain restaurant similar to "Beano's Cabin" at Beaver Creek, and several ski lifts. To minimize private vehicular use, UPK will connect the residences and the amenities with a dial-a-ride service, sidewalks, ski trails, and hiking and biking trails.

Park City Fire Service District

The Park City Fire Service District (the "District") is a full service emergency services agency that provides fire protection and emergency medical services to an area of approximately 100 square miles of western Summit County, Utah, including all of Park City. The District is bordered by the fire districts serving Morgan County, Salt Lake County, Wasatch County and the North and South Summit County. Approximately 25,000 residents live within the District, while another 1,000,000 plus guests visit the area each year.

The District is governed by an Administration Control Board appointed by the Summit County Commission and employs approximately 65 full-time and part-time firefighters, emergency medical technicians (EMTs) and Paramedics. In addition to fire suppression, emergency medical, rescue and hazard mitigation services, the District provides fire protection planning and inspection services and community education programs. The District has four (4) staffed and one (1) "call" fire stations as described below:

Station #31: Located at 1353 Park Avenue in Park City, Station #31, is the District Headquarters. In addition to the District's administrative offices, and depending upon the time of year, this Station houses a variety of emergency response equipment including two (2) engines, one (1) ladder truck, one (1) auxiliary "brush" truck, one (1) water tank truck and two (2) ambulances. The Station is staffed by six (6) firefighters.

Station #32: Located at 180 Maple Drive in Summit County, the "Summit Park" Station, is an unmanned "call" station primarily used to store equipment during the off-season and to provide an equipment depot for this outlying area.

Station #33: Located at 730 Bitner Road in Summit County, the "Burns" Station, houses one (1) engine with a ladder, one (1) water tanker and two (2) ambulances. The Station is staffed by four (4) firefighters.

Station #34: Located at 7805 Royal Street in Park City, the "Deer Valley" or "Silver Lake" Station, houses one (1) engine and one (1) auxiliary "brush" truck. The Station is staffed by two (2) firefighters.

Station #35: Located at 2575 W. Kilby Road in Summit County, the "Pine Brook" Station, houses one (1) engine, one (1) auxiliary "brush" truck and one (1) ambulance. The Station is staffed by four (4) firefighters.

The District currently has preliminary plans for two (2) future fire stations, one (1) proposed in the area of The Canyons development and one (1) in the area of the Deer Valley Resort and Empire Pass. No firm timetable for these stations has been set.

The District responds to both structure fires and wildfires, and is the first to respond to wildfires within its District boundaries. It has the ability to request support from adjoining fire districts as well as the State of Utah, United States Forest Service and the United States Bureau of Land Management.

Park City Police Department

The Park City Police Department (the "Department") is a full service law enforcement agency that provides police protection and investigation services within the city limits of Park City, Utah, an area of approximately ten (10) square miles. Approximately 6,500 residents live within the city limits while another 1,000,000 plus guests visit the area annually.

The Department is governed by the Park City Council, and employs approximately 25 sworn officers, including four (4) investigators, and ten (10) civilian employees along with ten (10) reserve officers. All of the officers qualify as "state wide enforcement" officers. The Department's Headquarters is located in City Hall. A sub-station is located within the Recreation Building adjacent to the Park City Miner's Hospital in City Park. A second sub-station is planned for the Old Town Transit Center currently under construction adjacent to City Hall, and a third sub-station is planned for the Empire Club building in Pod A of Empire Pass. The Department currently operates 25 patrol vehicles (one vehicle per officer), and is augmented by inter-local cooperation agreements with the Summit County, Wasatch County and Morgan County Sheriff's Departments along with the State of Utah Wildlife Resources Department.

The proposed facility will consist of 3 office spaces, approximately 12' x 12' each, with a combined square footage not less than 500 square feet, plus two reasonably proximate parking spaces. The unit will be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued. UPK has agreed that the Empire Club building will be the second stacked-flat building constructed within Pod A.

Goals and Objectives of the Emergency Response Plan

The primary goal and objective of the ERP is to ensure the health and safety of the residents, guests, visitors and employees of Empire Pass, and to protect the built environment and the property of the landowners.

To accomplish this goal, the ERP must provide appropriate infrastructure and access to the Park City Fire Service District and the Park City Police Department, along with other city, county, state and private entities to enable them to efficiently and safely perform their duties, during emergency conditions, or while engaged in education and prevention.

II. EXISTING CONDITIONS AND CONSTRAINTS

Empire Pass is located in heavily vegetated, steeply sloped terrain at elevations from between 7,370 and 9,580 feet above sea level. Together with high precipitation rates, primarily in the form of snowfall, these conditions present several emergency response challenges including the following:

Vegetation: Although the primarily north facing aspect of the Annexation Area decreases the threat of wildfire on this heavily forested area, a lengthy period of drought could easily produce a significant wildfire threat.

Terrain: The general slope of the property, coupled with the numerous steep slopes associated with the primary canyons and ravines create a climate for fast moving fires easily spread by the frequent erratic wind conditions. These conditions present a potential threat of wildfires from off-site ignition points. The geographical terrain of the area limits the fire attack options available.

Climatic Conditions: The high rate of precipitation primarily in the form of snowfall limits wildfire opportunities for much of the year, but complicates emergency access. Conversely, summer drought conditions can significantly increase the threat of wildfire.

Access: Access to the property from Park City is via either Guardsman Road or Daly Avenue. In 2003, UPK finished reconstructing Guardsman Road to current UDOT standards from the Ontario Mine bench up to just beyond the Empire Day Lodge. From this point on, Guardsman Road is a narrow and steep, minimally maintained road, with a surface of deteriorating asphalt. In 2004, UPK plans to construct a new Guardsman Road from above the Empire Day Lodge to the Summit County line, and thereafter, UPK plans to reconstruct Guardsman Road from the County line to its Bonanza Flats property. Daly Avenue provides direct access from Old Town to lower Empire Canyon and then Empire Pass. Daly Avenue has historically been gated to prevent inappropriate uses. The existing gates shall remain.

III. EMERGENCY RESPONSE PLAN

Water

Water will be provided to the Resort by the Park City Municipal Corporation in accordance with i) an *AGREEMENT FOR A JOINT WELL DEVELOPMENT PROGRAM*, dated January 14, 2000 and ii) a *MEMORANDUM OF UNDERSTANDING BETWEEN PARK CITY MUNICIPAL CORPORATION AND UNITED PARK CITY MINES COMPANY CLARIFYING AND IMPLEMENTING THE WATER SERVICE AND WATER SOURCE DEVELOPMENT PROVISIONS OF THE DEVELOPMENT AGREEMENT* dated June 24, 1999, dated January 14, 2000, and iii) numerous other water agreements between the parties, and iv) any future agreements.

Water will be delivered to the 1,000,000 gallon storage tank (Water Tank #1) that UPK constructed on the east side of Guardsman Road, just above the Empire Day Lodge. The primary source of water for Tank #1 is planned to be the Spiro Water Treatment Plant via the 13th Street Pump Station and the Woodside Tank. After necessary upgrades to the existing system are completed, water will be pumped from the Woodside Tank up Empire Canyon to the Pod B-2 Tank via a 10" ductile iron water line. The secondary source that presently supplies Tank #1 is the existing Bald Eagle Tank at the Deer Valley Resort. Water gravity flows to Tank #1 from the Bald Eagle Tank through the water line that feeds the Empire Day Lodge at Pod B-2 via a 10" ductile iron water line that runs along the Banner Ski Trail and across the Northside Ski Runs. Tank #1 is located at an operating elevation of approximately 8,450 feet above sea level and provides approximately 540,000 gallons of fire storage for Pods A, B-1 and B-2. This storage capacity has been calculated to provide the necessary 3,000 gallons per minute for the three-hour duration in accordance with the requirements of the Park City Building Department.

Tank #1 will provide water via a pump station and a 10" ductile iron water line to a second tank (Tank #2) of approximately 500,000 gallons to be located along the ridgeline in the area above Red Cloud. Tank #2 will be located at an operating elevation of approximately 9,150 feet above sea level and will provide approximately 300,000 gallons of fire storage for Red Cloud and for UPK's property in the Bonanza Flats area of Wasatch County. This storage capacity has been calculated to provide 2,500 gallons per minute for the two-hour duration. The fire flow assumptions for this tank have been reduced since the buildings served will be much smaller than those programmed for Pods A, B-1 and B-2. Water will be distributed from these tanks via a series of water mains, with fire hydrants installed along the roads and throughout the development Pods as required by Park City and the District. In addition to the required fire hydrants, fire department connections and standpipe systems, fire hose storage cabinets and their appurtenances will be provided in strategic locations throughout Empire Pass to ensure appropriate resources are available in the event of a fire.

Primary Access

Once certain improvements have been made, Marsac Avenue and Guardsman Road will continue be the primary means of access from Park City to and through Empire Pass.

The Development Agreement describes the required improvements for Marsac Avenue, and sets forth the requirements for a new private road from Pod B-2 to Red Cloud.

In 2001, UPK completed the construction of a runaway truck ramp along the northbound, downhill lane at a location just above the intersection of Hillside Avenue. In 2003, UPK completed the reconstruction and realignment of Marsac Avenue from the Deer Valley turn-off just south of the Ontario Mine bench, to Pod B-2, and UDOT abandoned the corresponding section of the Guardsman Road.

In 2004, UPK is planning to complete the reconstruction of Marsac Avenue from the roundabout below City Hall to the Deer Valley turn-off just south of the Ontario Mine bench. This work will add a passing lane for uphill traffic on Marsac Avenue. Also in 2004, and subject to Park City's approval, UPK plans to build a new private road from Pod B-2 to Red Cloud. Per Park City's LMC, private roads can be dedicated as public streets with approval of the City Council. This road will be built to meet UDOT specifications, and in the future, this road will serve UPK's property at Bonanza Flats. This road will not meet PCMC's requirement for a maximum 10% grade. The proposed road cross sections included in the Emergency Response Plan approved in December of 2001 have changed, and are attached hereto as Exhibit B.

Emergency Secondary Access

There are three primary types of emergencies:

- 1) The first is an isolated, short-term emergency (i.e. medical emergency, automobile accident, structure fire, etc.). These emergencies usually do not have significant secondary access requirements, however, depending on the extent of the fire and climate conditions, may require a total or partial evacuation of Empire Pass.
- 2) The second type of emergency is one that would require an immediate full evacuation of all, or a portion of Empire Pass, such as in the event of a wildfire. This type of an emergency requires immediate secondary access options.
- 3) Finally, the third type of emergency is a long-term, non-life-threatening situation, such as a road or bridge failure due to landslide, avalanche, collapse or structural failure. This type of an emergency requires a long-term secondary access option.

UPK will develop and implement alliances and procedures with the District, Deer Valley Resort and other pertinent agencies and entities relating to the use of alternative modes of transportation in the event of an emergency situation.

In the event of a long-term closure of Marsac Avenue below Empire Pass, various alternative access routes are available:

- 1) All-season access is available using Royal Street and the Silver Lake area of Deer Valley Resort to South Deer Valley Drive.

2) Winter emergency access, other than Royal Street, is proposed as an all-weather gravel road with a minimum 20' width that will run from Red Cloud down to Marsac Avenue as shown on Exhibit A1. This is a new route from the previously approved plan. Emergency access will be cleared at the expense of the Master Owners Association under the order of the Police Chief or Fire Marshal.

3) Additional winter access could be utilized by plowing the existing gravel and dirt roads that are also shown in Exhibit A1. They include:

a) The "drift road" that runs from the Ontario Mine bench, around Prospect Ridge and connects with Lower Empire Canyon and then north to Daly Avenue. This road is currently used as a year round access to the Empire Canyon Water Tank and Utah Power's Judge Switchback Substation. The portion that is not open year round could be plowed in the event of a long-term closure. In addition, the maintenance road overlying the new utilities from Daly to B-2 could also be used. This section of road will be a 20' wide platform with a gravel surface.

b) The existing Guardsman Road alignment between Pod B-2 and Red Cloud, could be plowed for emergency use in the event of a long-term problem along the private road from Pod B-2 to Red Cloud.

4) Summer emergency access is considerably more abundant and comes in the form of public roads, and privately maintained dirt roads (see exhibit A2):

a) On the Bonanza side of Guardsman Road, existing roads provide summer access through both Brighton Canyon to Salt Lake and Pine Canyon Road to Midway City in Wasatch County.

b) Finally, there are numerous existing dirt roads, snow cat trails and ski runs available for use if an emergency evacuation is required during the summer months.

c) UPK will ensure that emergency access routes are provided, identified and maintained during the summer months and in other times of high fire danger.

The current infrastructure plan requires of the construction of several bridges and tunnels to provide grade separation for vehicles and recreational users (hikers & skiers). These structures are designed with so-called "dry crossings" to allow vehicular access in the event of a structural failure. In case of a failure, the Fire Marshal and/or the City Police Chief shall direct the Master Owners Association to grade/clear the dry crossings or will facilitate the grading/clearing of the dry crossing at the Master Owners Associations expense.

Before any infrastructure construction is allowed to begin, UPK will submit detailed construction drawings, defensible space drawings, and a construction mitigation plan describing access, staging of materials and equipment, trash management, construction

parking and fire protection measures to Park City and the District for their approval. The proposed road cross sections included in the Emergency Response Plan approved in December of 2001 have changed, and are attached hereto as Exhibit B. No vertical construction will be allowed to commence until the subject parcel has all-weather access and an operational water distribution system to meet fire flow requirements.

Fire Prevention

As previously discussed, wildfires could pose a significant threat to properties at Empire Pass. Accordingly, UPK will incorporate a variety of fire protection measures into the design and operation of Empire Pass so as to prevent fires from starting and to minimize potential losses.

To prevent wildfires, UPK will establish a program to educate its residents, visitors and the general public about fire risk and prevention. This program will include signage at trailheads, posters on bulletin and information boards, pamphlet distribution with equipment rentals, notices on the Empire Pass-intranet system, defensible space requirements in the CC&Rs, and safety talks by trail guides.

Measures such as strategically placed firebreak clear zones would be difficult, at best, to construct and maintain and would create significant visual scarring and disturbance to vegetation and wildlife habitat. However, the existing and proposed ski runs, roads and other clearings provide some firebreak zones and will be considered in the overall fire protection strategy for the perimeter of the Development Pods. UPK may also establish the following additional fire protection zones around the Development Pods to slow the spread of wildfires:

Zone 1 – The area immediately adjacent to combustible vertical construction will be i) cleared of existing trees, ii) cleaned of downed trees, branches and forest under-story and iii) re-vegetated with fire-resistant, irrigated ground cover, shrubs and trees carefully located to prevent erosion and hinder the spread of wild fire. This zone will be a minimum of 50 feet wide.

Zone 2 – The area immediately adjacent to Zone 1 will be i) cleared of existing downed trees and branches along with the forest under-story and ii) thinned by removing dense groupings of trees and limbing-up trees that are to remain. This zone will be a minimum of 25 feet wide. In some instances roadways will provide a clear zone corridor in excess of the 25-foot minimum.

Finally, all structures will be designed and constructed with fire prevention in mind. In addition to the perimeter protection measures for the Development Pods noted above, each individual development project will be required to submit defensible space plans for its buildings.

To the extent possible, roofs and exteriors of structures will be constructed of fire-resistant materials, in compliance with materials permitted by amendments to the International Building Code for the District and for Park City. Structural projections such as balconies, decks and roof gables will be constructed of materials that are fire-resistant or of non-combustible materials. Combustible materials can be used on decks and eaves provided that they are sprinkler-protected, and allowed by the IBC for that building type. To control the fire prior to the District's arrival on site, every building will be equipped with an approved fire suppression sprinkler system. These systems will be designed to protect all areas under roof including all interior spaces, exterior areas and roof overhangs, including balconies and decks.

Fire Suppression and Paramedic/Ambulance

The most effective means of combating a fire, whether a wildfire or a structure fire is to be able to quickly deliver a well-supported suppression attack before the fire can gain momentum. A critical component of this response is early detection. Every building will be equipped with approved fire alarm systems able to detect smoke and heat. These systems will be connected to and monitored by an independent central alarm monitoring station, and by the Empire Pass Master Owners Association. Policy will dictate that the first action by any person monitoring the fire alarm system, on or off site, will be to put in an Emergency 911 call to the Fire District. All other calls and verifications will be secondary to that first call. Once a fire is detected and the alarm is received, the District's response time to the emergency is critical.

Station #34, located within Deer Valley Resort at Silver Lake, is currently the station located closest to the Resort and would provide the first response to an emergency. This station is manned 24 hours per day by two (2) fire fighters and houses one (1) engine and one (1) auxiliary "brush" truck. Station #31, located on Park Avenue in Park City, would provide backup to Station #34 and primary ambulance service.

The District has recently expanded and remodeled Station # 34 to accommodate the development of Empire Pass. Since this facility has the potential to provide back-up services to The Wasatch County Fire District and protect the UPK's Bonanza Flats property in Wasatch County, an inter-local cooperation agreement may be negotiated with and executed by the Park City Fire Service District and the Wasatch County Fire District. To accommodate any future needs for an on-site public safety facility, UPK has designated and will plat and convey a site in the vicinity of Pod B-2 to Park City. This site will have appropriate access.

Police Protection

Police protection for Empire Pass will be coordinated from the Department Headquarters located in City Hall. In addition, UPK will dedicate space for a police sub-station within the mixed-use Empire Club building in Pod A. The Development Agreement requires that 65% of the units be located in Pod A and an additional 15% is approved for Pod B-1 which is contiguous, making 80% of the density in that general area. The building is the location of the transit hub and the general store, and will be core of the Mountain Village.

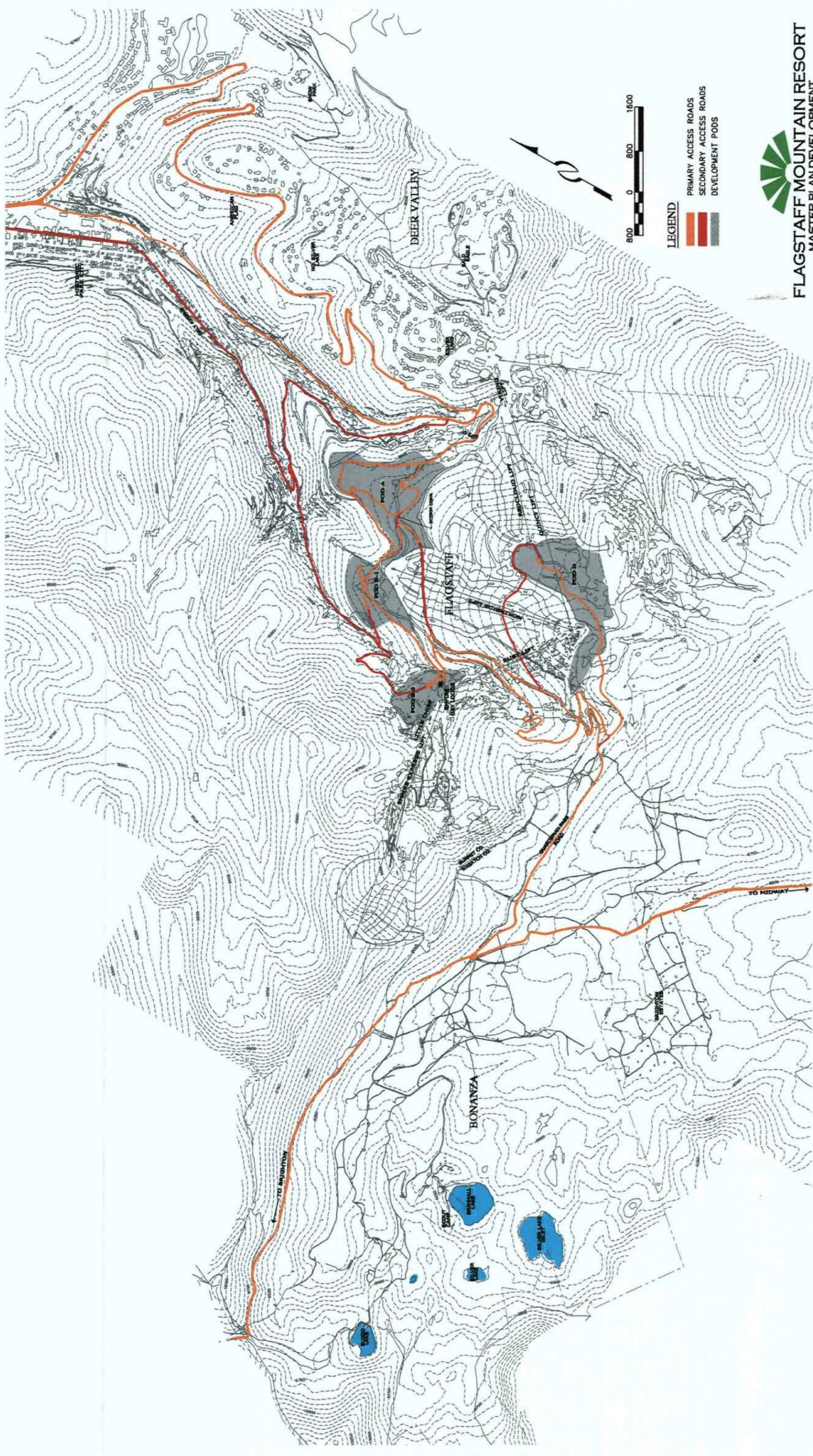
The proposed facility will consist of 3 office spaces, approximately 12' x 12' each, with a combined square footage not less than 500 square feet, plus two reasonably proximate parking spaces. The unit will be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued. UPK has agreed that the Empire Club building will be the second stacked-flat building constructed within Pod A.

IV. CONTRIBUTIONS AND FUNDING

UPK will meet its obligations to fund the remodeling and expansion and further equipping of Silver Lake Station # 34, namely:

- 1) A payment of \$350,000 has been made for the remodel and expansion of Station # 34
- 2) A payment of up to \$100,000 has been made for the cost of a new ambulance for Station # 34
- 3) A payment will be made on or before December of 2006 of up to \$350,000 for the cost a new all-wheel drive Class A fire truck for Station #34
- 4) A payment will be made for the cost of personnel necessary to increase the daily staffing of Station #34 from two (2) emergency personnel to four (4), for two years as these costs are incurred by the District.

UPK is prepared to draft and execute appropriate agreements with the District to memorialize the covenants outlined in this Emergency Response Plan.



LEGEND

- PRIMARY ACCESS ROADS
- SECONDARY ACCESS ROADS
- DEVELOPMENT PODS

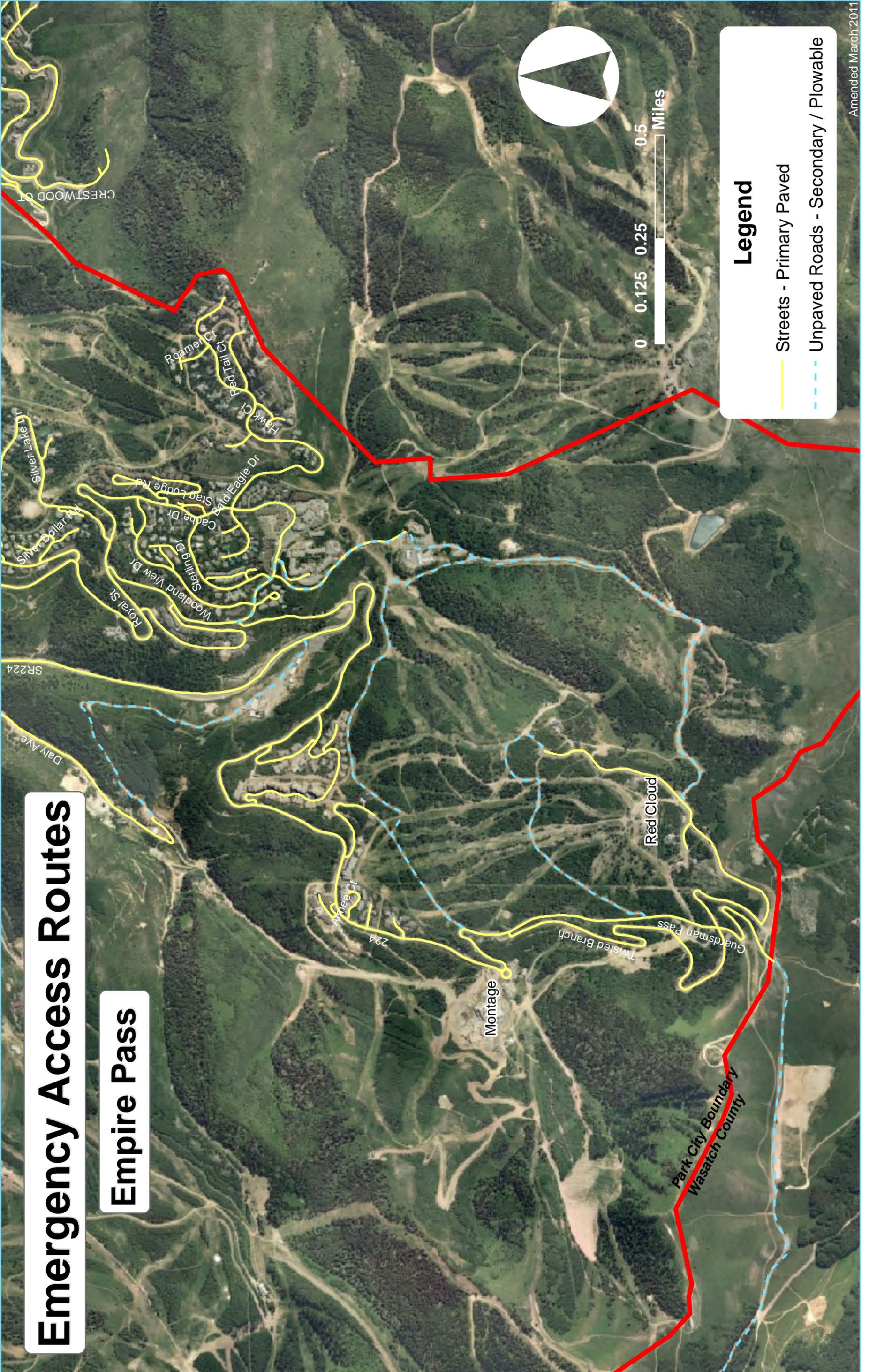


**FLAGSTAFF MOUNTAIN RESORT
MASTER PLAN DEVELOPMENT**

A PLANNED RESORT COMMUNITY LOCATED IN DEER VALLEY, PARK CITY, UTAH.
 PREPARED BY:
 UNITED PARK CITY MINES COMPANY
 P.O. BOX 1450 PARK CITY, UTAH 84060
 PHONE (435) 649-8011 FAX (435) 649-8035
 PLANNED BY:
 ALLIANCE ENGINEERING INC. ENGINEERS, SURVEYORS, & PLANNERS
 DOUGLAS CLYDE, PLANNING, PERMITTING, & ENTITLEMENTS

EMERGENCY RESPONSE PLAN

**ON-SITE TRAFFIC CIRCULATION PLAN
EXHIBIT "E"**



Emergency Access Routes

Empire Pass

Legend

- Streets - Primary Paved
- - - Unpaved Roads - Secondary / Plowable



February 15, 2011

Mr. Roger Evans, Chief Building Official
Park City Municipal Corporation
 445 Marsac Avenue
 P. O. Box 1480
 Park City, UT 84060

Dear Mr. Evans:

With regard to your letter of November 9, 2010, the following information and items address the operational and other aspects of the emergency response route to Flagstaff Mountain. Below is a list of the things outlined in your letter, and the response to each:

1. "Please provide proof of Deer Valley / land owner consent both the emergency response route and operations requirement (ability to plow snow in an emergency operation)."
Response: Attached is a letter from Deer Valley that addresses this item.
2. "The grading and alignment of the road shown by the "Old Guard Road" deviates from the plans submitted and one section of the road in this area exceeds 10% slope requirement."
Response: Our plans (map attached) do not reflect a deviation, nor a slope in excess of 10% in the section referenced. However, we propose to inspect this section with Kurt Simister in the spring.
3. "The graded road as it enters the "Judge Lift" area has several areas that required culverts because of water drainage. The areas present an access problem for the department because of ground clearances."
Response: We have inspected this area and it appears that water drainage during spring run-off has created issues that may necessitate some culvert installations and re-grading. This work will be performed as soon as weather and ground conditions permit, following the closure of the ski mountain.
4. "The access point by Empire Lodge is blocked by concrete barricades and construction debris."
Response: These barricades and the debris will be removed by March 1, 2011.

5. "Submit to City Engineer, Matt Cassel confirmation that the existing bridge is capable of supporting the fire department vehicles (pumper truck) along with seismic design considerations."

Response: On Tuesday, January 18, 2011, Bob Wells of Deer Valley discussed this issue and the following information with Matt Cassel: the bridge has been in place for several years, and Mr. Wells' understanding is that it was built to UDOT specifications; the fire district traverses the bridge periodically for inspections of the Deer Valley maintenance facility; Deer Valley also has frequent deliveries to the maintenance facility by a variety of vehicles including large semis; the bridge has been accommodating all of this traffic without any problem or difficulty. All of this was discussed with Mr. Cassel, and it is Mr. Wells' impression that Matt was satisfied with this response to this item.

The on-going maintenance of the emergency response route will be undertaken by the Empire Pass Master Homeowners Association.

Regards,



Mark R. Thorne
Vice President

MRT:lh
attachments



DEER VALLEY

February 12, 2011

Mark Thorne
United Park City Mines Company
1850 Sidwinder Drive, 2nd Floor
Park City, Utah 84060

Roger Evans, Chief Building Official
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

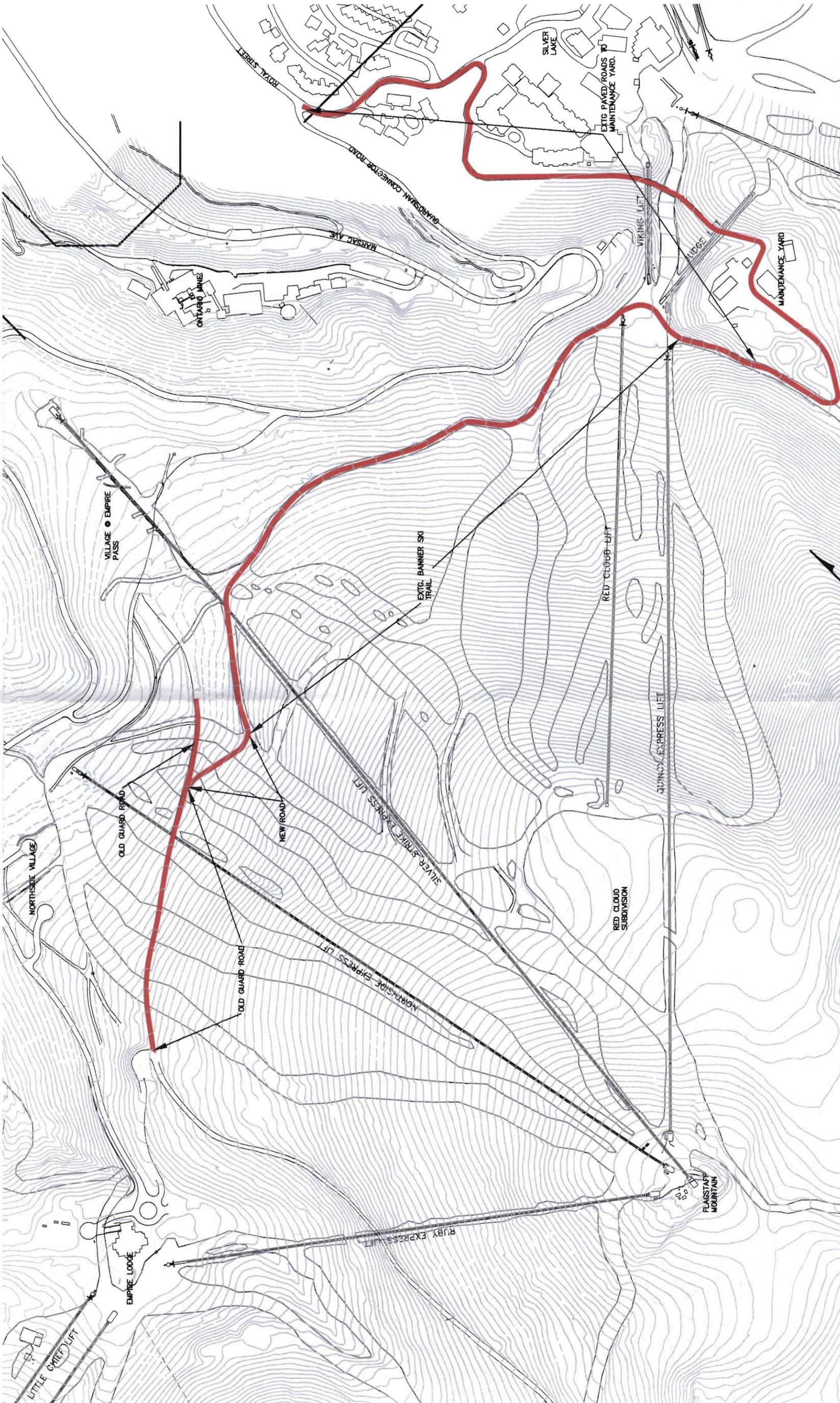
Dear Roger and Mark:

During the fourth quarter of 2008, Deer Valley, United Park City Mines Co. and Park City worked together to agree upon the alignment of a Flagstaff Mountain emergency access route. That agreed-upon route is reflected on the attached drawing from Alliance Engineering dated December 1, 2008.

At the Request of the City, this letter provides confirmation that Deer Valley, as land owner, consents to the location of the emergency response route, as shown on the attached drawing from Alliance Engineering dated December 1, 2008. This emergency response route crosses important Deer Valley ski runs that, in all but the most exceptional circumstances, will be used by skiers and over-the-snow vehicles. However Deer Valley acknowledges that the Park City Fire Marshall may cause this emergency response route to be plowed and placed into winter service for emergency and evacuation purposes in that exceptional emergency situation when normal road access to Flagstaff Mountain is interrupted for an extended period of time, but not simply for public convenience.

Sincerely,

Bob Wells
Vice President



 <p>(505) 646-6467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 321 Main Street, P.O. Box 20045, Park City, Utah 84302-2004</p>	<p>STAFF: S. Duckert</p>	<p>DATE: 12-01-08</p>	<p>SHEET 1</p>
	<p>Flagstaff Mountain Deer Valley Resort EMERGENCY RESPONSE PLAN SECONDARY ACCESS OPTION</p>		
<p>FOR: TALSNER JOB NO.: 1-1-01 FILE: X:\Empire\chgs\UPCMC\FLAGSTAFF\OVERALL\ERP\RD OPTION 11-20-08</p>			



Planning Commission Staff Report



Subject: Park City Heights MPD
Author: Kirsten A Whetstone
Date: March 23, 2011
Project # PL-10-01028
Type of Item: Administrative – Master Planned Development

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, consider any input, discuss and provide input on 1) discussion items highlighted in the report and 2) draft findings of fact, conclusions of law, and conditions of approval. Staff recommends the Commission continue the item to April 27, 2011, to allow staff and applicant time to address any remaining issues and return with proposed final findings of fact, conclusions of law, and conditions of approval.

Topic

Applicant: The Boyer Company and Park City Municipal Corporation
Location: Richardson Flat Road, west of US 40 and south of the Rail Trail
Zoning: Community Transition (CT)
Adjacent Land Uses: US 40 corridor; municipal open space; single family residential and associated open space; vacant parcel to the north zoned County- RR; vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex northwest of the intersection.
Reason for Review: Applications for Master Planned Developments require Planning Commission review

Proposal

The proposed Park City Heights MPD application is a request for a residential development consisting of 239 units on 239 acres of land in the CT zoning district. The MPD includes (Exhibit A):

- 160 market rate units in a mix of cottage units on smaller lots (approximately 6,000 to 8,600 sf) and single family detached units on approximately 8,000 sf to 27,000 sf lots (two upper lots are approximately 44,000 and 48,000 sf).
- 28 deed restricted townhouse units (44.78 affordable unit equivalents) (AUE) - required IHC affordable units configured as seven four-plexes.
- 16 deed restricted units (32 AUE) - required CT zone affordable configured as a mix of single family detached to townhouse units.
- 35 additional non-required deed restricted units in a mix of unit types.
- All units (including all deed restricted units) constructed to LEED for Homes Silver rating at a minimum with each unit achieving a minimum combined 10

points minimum for water efficiency/conservation with Third Party inspection required prior to certificate of occupancy.

- 171.5 acres of dedicated open space (large tracts of contiguous natural open space that does not include open space area around the units) (71.75%).
- 5 acres additional dedicated open space on Round Valley Drive adjacent to US 40 south of the Park City Medical Center (in exchange for 28 IHC deed restricted townhouse units transferred to PC Heights neighborhood).
- A dedicated 3.55 acre (155,000 sf) public City Park with field, tot lot, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City.
- A dedicated 15,000 sf (approx.) community gardens area within the PC Heights neighborhood.
- 3 to 4 miles of soft surface trails within and around the property and additional mile or so of 8' wide hard surfaced sidewalks and paths along the streets.
- Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connection to the south property line for future connections to the Jordanelle area. Trail easement on north side of Richardson Flat Road from Rail Trail to east property line.
- Transit bus shelters along Richardson's Flat road (City bus service expected to be extended to Park City Heights and the Park and Ride).
- Cross walk across Richardson's Flat road.
- A 2,500 sf community center/club house area to be constructed by the developer with dedicated future support commercial. Two parcels for future daycare center and/or support commercial.
- Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.
- Transportation improvements to the Richardson's Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) as required to put the Park and Ride facility and Park City Heights on the City bus route, as required by the Annexation Agreement.
- Wildlife enhancements.
- Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley subdivision, or equivalent.
- No sound barrier walls or structures along US 40 within the MPD.
- Widened the overhead power line easement to sixty feet (60').

Background

On May 27, 2010, the Park City Council voted to adopt an ordinance approving the Park City Heights Annexation, including the Park City Heights Annexation Agreement and associated Water Agreement (Exhibit B). The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.

On June 17, 2010, the applicant submitted a pre-MPD application for a residential development on 239 acres of the Annexation area. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the pre-MPD application to be in initial compliance with applicable elements of the Park City General Plan.

On June 30, 2010 the City received a complete application for the Park City Heights MPD. A list of the MPD application documents is included as Exhibit C.

On September 22nd, October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011, the Planning Commission conducted work sessions and/or public hearings on the MPD (Exhibit D).

A summary of the discussion items is as follows:

- September 22nd, 2010 (work session)
 - Background and review of annexation agreement and pre-MPD findings from the Commission.
 - MPD process (flow chart from annexation to building permit).
 - Binder provided to the Commission with planning documents (annexation agreement, water agreement, CT zone, MPD criteria, task force recommendations, Quinn's planning principles, pre-MPD staff reports and minutes).
 - Revised site plan – incorporated Commission comments from the pre-MPD.
- October 13th, 2010 (work session and public hearing)
 - Traffic Study and update provided (traffic engineer answered questions regarding proposed mitigation, including signalized intersection at SR 248 – consistent with requirements of the annexation agreement) (Exhibit I).
 - Trails and pedestrian circulation (importance of a separated trail connection to the Quinn's area underpass and importance of connections to Jordanelle area).
 - Site plan elements- street system layout and connectivity of the neighborhood, entrance area and landscaping, park and amenities, mix of unit types, location of IHC units within phase I, support commercial options, visual analysis, sensitive lands, and buffering from US 40.
 - Compliance with and an overview of the CT zone requirements.
 - Affordable housing requirements and concept of mixing the deed restricted units within the neighborhood.
 - Overview of the utility plan
 - Public input regarding connections to Rail Trail, safety of Rail Trail crossing, size of trails to accommodate snow grooming equipment, and constraints due to wetlands along Rail Trail.
- November 10th, 2010 (public hearing and discussion)
 - Revised site plan (revised street layouts of phase 2, better integration of unit types, enhanced buffer along US 40, fewer cul-de-sacs, more connectivity, area within clubhouse for future support commercial uses

- and/or child care facilities, community garden area, enhanced public park, and bus shelter).
- Design guidelines and landscaping concepts were presented and discussed. Creativity in design to mitigate windy character of the area as well as solar access/easement considerations to take advantage of solar and wind energy resources.
- Revised trail plan showing connections to south, north, east and west. Trails separated from Richardson Flat Road.
- Access, emergency response, alley way configuration, public works issues, snow storage, and other issues were discussed. Applicant agreed to meet with City and service providers to work out details.
- Public input regarding no through roads from PC Heights to the Oaks in Deer Valley and the configuration of streets and alley ways of phase 1.
- December 8th, 2010 (work session and public hearing)
 - Design guideline concepts.
 - Photo study of architectural ideas for the different housing types.
 - No public input provided.
- February 9th, 2011 (work session and public hearing)
 - Revised site plan (revised streets more inline with existing topography, eliminated spine street and replaced it with a 60' wide pedestrian corridor/greenway, increased power line easement to 60' and brought all but 3 lots on west side of easement lower and towards the center of the project, snow storage areas shown, trails studied and modified for grades and access, and further integration of deed restricted units).
 - Physical and computer models of the project.
 - Draft design guidelines, including landscaping elements (importance of roof forms, solar design, best practices in planning and design, energy efficiency, address heated driveways, fencing, skylights, lighting, LEED requirements, and construction waste recycling).
 - Perspectives of the three housing concepts (park townhouses, cottage homes, and homestead homes/lots), including typical street sections with sidewalks/trails.
 - Public input regarding adding a dog park to bring the community together.
- February 23rd, 2011 (discussion and public hearing)
 - Preliminary plat and utility plans.
 - Additional visual analysis from various vantage points (248 at the intersection with Richardson Flat Road and at the intersection with Round Valley Way).
 - Setbacks demonstrated from SR 248 and US 40 and comparison to other projects in the area.
 - Perspectives of the housing types and street cross sections (design guidelines to incorporate specific massing and design criteria for some of the more visible edges- such as the units at the western end of the three short hammerhead streets and the buildings closest to Richardson Flat Road).

- Landscaping and perimeter plantings to buffer and soften the edges of the development. Additional landscaping information to be added to the design guidelines and also address noxious weeds.
- Wildlife study needs to be revised to address criteria in the LMC, including recommendations for mitigation of impacts and wildlife enhancements.
- Additional street cross sections requested to review cut and fill, slope disturbance, and other visual impacts of the proposed street design.
- Information on proposed phasing was requested.
- No public input provided.
- March 9th, 2011 (work session)
 - Street cross section study (cut and fill, slope disturbance, visual impacts). Roadway design objectives, constraints, revisions from previous site plan. Explore opportunities to lower the SW most cul-de-sac, work with adjacent property owner, transfer density to PC Heights, etc. Important to understand how much area outside of the roadway will be disturbed.
 - Design the roads and have details for review at time of final plats.
 - Re-vegetation need to specify material and methods.
 - Show a design for the integrating of trails, cul-de-sacs, driveways, streets, area of disturbance, re-vegetation, and materials proposed.
 - Revised wildlife study.
 - Explore area at other times of the year for other species.
 - What mitigations or enhancements can be done successfully for wildlife in the area? Need recommendations from the Wildlife study in form of conditions for the MPD.
 - Requested Fire Protection Report to understand hazards and impacts on fire ratings, etc.
 - Public input regarding large cranes observed on the site.

The information reviewed at these meetings is supplemental to the information included in the Park City Heights binder and exhibits to previous staff reports. See Exhibit C for a complete list of all submittal documents that make up the Park City Heights MPD application.

Analysis

Staff reviewed the application and provides the following analysis and recommendations regarding compliance with the General Plan and Land Management Code (Chapter 2.23- CT zoning requirements and Chapter 6- Master Planned Development criteria):

General Plan Discussion

The specific elements of the General Plan that apply to this project are included in the following analysis. The General Plan establishes goals designed to address foreseeable problems and express community aspirations. The following key goals are applicable:

Community Direction

- Preserve the mountain resort and historic character of Park City.

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

Community Character Element

The project is located within the Highway 40/248 SW planning area,

Applicable “Developing Areas Actions” include:

- Limit the size of new homes in relation to their lots.
- Promote the use of such building materials as wood siding, rock accents, earth tones, and metal roofs that have historic precedents in a mountain community context.
- Vary setbacks to avoid giving neighborhoods a suburban feeling.
- Minimize parking expanses between the street and the front facades of buildings. Require landscaped entries that connect with streets to provide easy, safe pedestrian access.
- Minimize architectural styles and signage that are clearly not in keeping with the mountain resort (and historic) character of the community.
- Provide trails and access to year round trails that connect with adjacent areas and to public trail systems.
- Require adequate, well-engineered streets that minimize the impact on the environment by avoiding excessive grading and cutting of hillsides.
- On development near City entries, enact special controls regarding setbacks, landscaping, building mass, and character.

Land Use Element

The General Plan’s Land Use Plan identifies the subject site as a possible low density residential receiving zone.

- The General Plan discusses the following elements for development: architectural character, controlling lighting and size, requiring well-engineered streets, maintain pedestrian linkages from neighborhoods to commercial areas minimize expanses of parking, enhance landscape buffers at street edge and at entrances, etc.

- Community Design policies encourage comprehensive, efficient developments that consider overall impacts on surrounding properties.

Open Space Element

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

- Demand special attention to the entryway areas, including Highways 40, 224, and 248 with site planning parameters that create open space corridors.
- Prohibit development of highly visible hillsides and ridge lines as viewed from Highway 40 and 248.
- Residential development in this area shall be clustered and surrounded by open space.

Environment Element

- This element focuses on policies and actions that protect and enhance the environment, aesthetics, and unique natural resources of the community.
- Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.
- Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project.
- Wildlife habitat and migration routes should be considered in developments.
- A balance must be maintained between development, recreational activities and the natural environment. It is important to work cooperatively with State and Federal government agencies to resolve issues.

Land Management Code- CT Zone

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

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

- (G) Preserve Park City’s scenic entry corridor by providing significant open space and landscape buffers between Development and the highway corridor;
- (H) Encourage transit-oriented Development and Uses;
- (I) Promote significant linkages to the broader community open space and trail network;
- (J) Encourage the Development of high quality public places such as parks, trails, and recreation facilities;
- (K) Encourage Development which preserves the natural setting to the greatest extent possible; and
- (L) Minimize curb cuts, driveways, and Access points to the highway.
- (M) Encourage sustainability, conservation, and renewable energy.

Staff finds the proposed MPD is consistent with the General Plan elements and purpose statements of the CT zone.

- The MPD is a low density, mixed housing type, residential development that integrates deed restricted units (of mixed type) and market units (also of mixed types) in the site plan.
- The MPD provides affordable housing in excess (35 units) of the required units.
- The units are clustered on 28% of the total site preserving the remaining 171 acres as open space.
- The development is located on the least environmentally sensitive areas of the 239 acre site.
- A significant buffer area of open space is provided between the development and the SR 248 entry corridor maintaining an open and scenic entry corridor.
- A landscaped buffer and grade difference along the east perimeter provide a buffers from the US 40 corridor.
- Bus shelters, project location on a future bus route, trail connections to the community trails system via the Rail Trail and a site plan that encourages pedestrian connectivity within the development encourages alternative modes of transportation and promotes linkages to community open space and trails.
- A dedicated public park and connections to the park from community and neighborhood trails provide recreation opportunities for the neighborhood and benefits the community.
- The MPD and associated Design Guidelines, encourage sustainability, conservation and renewable energy.

Staff reviewed the application for compliance with the Community Transition (CT) zone and summarizes the following findings:

	LMC Requirement	Proposed
Property/Lot Size	No minimum lot size	239 acres total, various lot sizes (1,787 sf to 48,400 sf) <u>Complies.</u>
Building Footprint	No maximum footprint	Footprint restricted by setbacks for park and cottage

		units. Footprint and or LOD limits shall be identified on final plat for homestead lots consistent with the Design Guidelines. <u>Complies.</u>
Uses	Residential uses allowed within an MPD in the CT zone. Support uses, such as City Parks, trails, neighborhood clubhouse/meeting space, bus shelters, etc. are allowed in the CT Zone as part of an MPD.	A mix of residential units, single family lots, cottage homes, townhouses. Deed restricted and market units integrated per the site plan approved with the MPD. Support uses include a City Park and community gardens; neighborhood clubhouse/meeting area, support commercial, bus shelters, and other neighborhood amenities. <u>Complies.</u>
Density	CT District Base Density is 1 unit per 20 acres MPD within CT zone allows PC to approve a Density of up to 1 unit per acre, excluding required affordable housing units.	Density of 1 unit per acre (239 units) as approved with the PC Heights Annexation Agreement. Excluding the required affordable units the density is 0.81 du/acre. <u>Complies.</u>
All Yard setbacks	25', <u>minimum</u> around perimeter of MPD. Within MPD setbacks may be reduced by the Planning Commission per LMC Section 15-6-5 (C). 200' Frontage Protection Zone no-build Setback required.	25' or greater around the perimeter (25' to 690'+). Setbacks within the MPD for lots will be identified on the final plats in compliance with the Uniform Building code and consistent with the Design Guidelines for the different units/lot types. Setbacks are greater than 200' from all Frontage Protection zone boundaries. <u>Complies.</u>
Height	28 feet above existing grade, with 5' exception for pitched roof elements. The Planning Commission may allow	No height exceptions are requested. <u>Complies.</u>

	additional building height for MPDs per LMC Section 15-6-5 (F).	
Parking	Two (2) spaces per dwelling unit for single family lots, cottage style dwelling units, and multi-family dwelling units greater than 1,000 sf. One (1) space per 650 sf unit and 1.5 spaces per unit greater than 650 sf but less than 1,000 sf unit.	Two (2) garage spaces per dwelling unit (for single family, cottage style, and townhouse units) are proposed. <u>Complies.</u>
Open Space	MPDs within the CT zone require a minimum of 70% open space for residential density of one unit per acre.	Approximately 171.5 acres of open space (71.75%) is proposed. Final plats will identify and dedicate all open space areas and proposed uses within open spaces. <u>Complies.</u>

Phasing

The applicants propose to develop the property in 2 primary phases.

Phase 1:

- Approximately 90 units located closest to Richardson Flat Road, within the first looped road, consistent with the Annexation Agreement and Water Agreement.
- Trail connections to the Rail Trail, trails and sidewalks.
- City park and neighborhood amenities in the lower area of the development.
- Approximately 28 IHC deed restricted townhouses.
- Approximately 40 market rate cottage units.
- A portion of the PCMC deed restricted units.

Staff recommends a condition of approval that the park and trails be completed within 3 years of the date of issuance of the first building permit, or as otherwise directed by the City Council. This phase may be further phased.

Phase II (may be further phased):

- Remaining cottage units
- Homestead lots
- PC Heights required deed restricted units
- Remaining PCMC deed restricted units.

The Development Agreement will finalize the phasing. Final subdivision plats for the phases will have to be submitted to the City for review by the Planning Commission and City Council before they are recorded and prior to issuance of building permits for these units. Final plats will need to be substantially consistent with the approved MPD.

Master Planned Development Criteria

In accordance with Section 15-6-5 of the Land Management Code, all Master Planned Developments shall 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.*

Complies. The Annexation Agreement set the density for the Park City Heights at 239 units based on the CT zone and Site Suitability Analysis conducted at the time of annexation. The MPD does not exceed the maximum density in the zone. Density is located in the most appropriate locations on the site.

(B) **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable- not in the HR-1 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.*

Complies. For all structures, the MPD meets and exceeds the minimum Setbacks of 25' around the exterior boundary.

(D) **OPEN SPACE.** *All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.*

Complies. The MPD includes 171.5 acres of dedicated open space contiguous to large tracts of adjacent natural open space (71.75%). This open space does not include open space area around the units.

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

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

Complies. All off-street parking within the MPD is provided in accordance with requirements of the Code. All parking is located within garages.

(F) **BUILDING HEIGHT.** *The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination.*

Complies. No height exceptions are proposed with the Master Planned Development.

*(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.

Complies. The lots are clustered on the most developable and least visually sensitive portions of the Site. Common open space is used to separate groups of units and provide open space corridors around and through the site. The MPD is designed to maintain Significant Vegetation to the greatest extent possible.

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

Complies. The proposed plan does not include or require large retaining structures. The natural grade in the developable area is not steep (less than 30%). Low retaining structures (in steps of 4' to 6') are recommended in areas to minimize cut and fill slopes for roads and driveways, minimize disturbance of existing vegetation, and mitigate visual impacts of these areas. Final road design will be provided to the Planning Commission for review with the final subdivision plats.

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

Complies. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the preliminary plat. Areas of permanent cut and fill are recommended to utilize low retaining walls to minimize cut and fill slopes, disturbance of existing vegetation, and to mitigate visual impacts. The Park City Heights Design Guidelines include language requiring houses to be designed to work with the existing Grades to the greatest extent possible and to minimize cut and fills by stepping foundation with the slope. Final plats shall be reviewed by the City for compliance with this requirement.

(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.

Complies. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. The MPD includes 1) a paved connector trail separated from Richardson Flat Road, from the project to the Rail Trail on the south side of Richardson Flat Road, 2) a paved connector trail separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail on the north

side of Richardson Flat Road, and several miles of paved and hard surfaced trails throughout the development. All trails will be constructed 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.

Complies. Paved and soft surface trails, paths, and sidewalks are provided throughout the MPD. Trail connections separated from Richardson Flat Road connecting the project to the Rail Trail are part of the MPD.

(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.

Complies. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.

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

Complies. All trash and recycling is individual containers placed at the curb by the residents. No dumpsters or common trash/recycling facilities are proposed. Park style trash receptacles will be installed at the City Park.

(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.

Complies. A bus shelter is proposed within the MPD located at the entry to the project on the south side of Richardson Flat Road.

(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.

Complies. No commercial service and delivery are anticipated. A loading/unloading area for the clubhouse area is provided along with parking for the public park.

*(H) **LANDSCAPE AND STREETSCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent*

(75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of the LMC Chapter 15-5, Architectural Review.

Complies. The Park City Heights Design Guidelines specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines. A landscape plan, including all exterior lighting and a limit of disturbance plan are required to be submitted with all building plans.

*(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.*

Complies. A Sensitive Lands Analysis was conducted by the applicant and provided at the time of the Annexation. The applicant provided a steep slope analysis, identified sensitive ridgelines, provided a wetlands delineation and wildlife study, presented a visual analysis and models of the site, and demonstrated that the MPD as conditioned conforms to the Sensitive Lands Provisions of the LMC. The visual analysis demonstrates that while the units are visible they are not visually obtrusive and the mountain back drop further diminishes visual impacts (see Exhibits F, G, and H).

*(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.*

Complies. The Annexation Agreement includes requirements for affordable housing mitigation. Staff recommends a condition of approval that a final Affordable Housing Plan, consistent with the Annexation Agreement, be approved by the Park City Housing Authority, prior to issuance of any building permits for the MPD. Staff also recommends as a condition precedent to receiving a certificate of occupancy for any market rate unit that the City shall be provided with proof of compliance with the approved Affordable Housing Plan.

*(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.*

Complies. The MPD provides two sites that are suitable for development of a Child Care Center at the entrance to the project. These include Parcel I (10,224 sf) or Parcel J (16,331 sf) as shown on the preliminary subdivision plat as future development parcels.

Department Review

The project has been reviewed by the Planning, Building, Engineering, Sustainability, Public Works, Recreation, and Legal departments as well as by local and state utility providers (Snyderville Basin Water Reclamation District, Questar, Rocky Mountain

Power, Fire District, Park City School District, Qwest, and Comcast). Issues raised during the review process have been adequately addressed and/or mitigated by revisions to the plans or by conditions of approval.

Public Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.

Alternatives

- The Planning Commission may approve the Park City Heights MPD as conditioned and/or amended; or
- The Planning Commission may deny Park City Heights MPD and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Significant Impacts

Fiscal impacts outlined in the Fiscal Impact Analysis, reviewed by the Planning Commission and City Council at the time of annexation, conclude that the proposed MPD does not create negative fiscal impacts on the City. Environmental impacts are discussed in the Sensitive Lands Compliance section above. As conditioned the MPD mitigates potential environmental impacts.

Consequences of not taking the Suggested Recommendation

The property would remain within the Park City Municipal Boundary, zoned Community Transition, and subject to the Park City Annexation Agreement.

Future Process

Approval of the MPD application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Approval of the final subdivision plat, including phasing and associated utility plans, is required for the project to move forward. Subdivision plats require final action by the City Council (Exhibit E).

Recommendations

Staff recommends the Planning Commission conduct a public hearing, consider any input, discuss and provide input on 1) discussion items highlighted in the report and 2) draft findings of fact, conclusions of law, and conditions of approval. Staff recommends the Commission continue the item to April 27, 2011 to allow staff and applicants time to address any remaining issues and return with final findings of fact, conclusions of law, and conditions of approval.

DRAFT Findings of Fact

1. The MPD includes the items:

- a. 160 market rate units in a mix of cottage units on smaller lots (approximately 6,000 to 8,600 sf) and single family detached units on approximately 8,000 sf to 27,000 sf lots (two upper lots are approximately 44,000 and 48,000 sf).
- b. 28 deed restricted townhouse units (44.78 affordable unit equivalents) (AUE) - required IHC affordable units configured as seven four-plexes.
- c. c.16 deed restricted units (32 AUE) - required CT zone affordable configured as a mix of single family detached, cottage homes, and townhouse units.
- d. 35 additional non-required deed restricted units in a mix of unit types.
- e. All units (including all deed restricted units) constructed to LEED for Homes Silver rating at a minimum with each unit achieving a minimum combined 10 points for water efficiency/conservation with Third Party inspection required prior to certificate of occupancy.
- f. 171.5 acres of dedicated open space (large tracts of contiguous natural open space that does not include open space area around the units) (71.75%).
- g. 5 acres additional dedicated open space on Round Valley Drive adjacent to US 40 south of the Park City Medical Center (in exchange for 28 IHC deed restricted townhouse units transferred to PC Heights neighborhood).
- h. A dedicated 3.55 acre (155,000 sf) public City Park with field, tot lot, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City.
- i. A dedicated 15,000 sf (approx.) community gardens area within the PC Heights neighborhood.
- j. 3 to 4 miles of soft surface trails within and around the property and additional mile or so of hard surfaced sidewalks and paths along the streets.
- k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connection to the south property line for future connections to the Jordanelle area. Trail easement on north side of Richardson Flat Road from Rail Trail to east property line.
- l. Transit bus shelters along Richardson Flat road (City bus service expected to be extended to Park City Heights and the Park and Ride).
- m. Cross walk across Richardson Flat road.
- n. A 2,500 sf community center/club house area to be constructed by the developer with dedicated future support commercial or possible daycare center tenant spaces (Parcels I and J as shown on the preliminary plat).
- o. Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.
- p. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) as required to put the Park and Ride facility and Park City Heights on the City bus route, as required by the Annexation Agreement.

- q. Wildlife enhancements as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.
 - r. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.
 - s. No sound barrier walls or structures along US 40 within the MPD.
2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.
 3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.
 4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.
 5. On June 30, 2010, the applicants submitted a revised MPD application.
 6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.
 7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011.
 8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone.
 9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. Access is also proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
 10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans.

11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed consistent with the Park City Trails Master Plan.
12. The MPD includes a dedicated public park to be constructed by the developer according to the City's parks plan, or as otherwise directed by the City Council.
13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood club house/meeting area.
14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement.
15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.
16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as dedicated open space and all required entry corridor setbacks are complied with.
17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as dedicated open space areas and all required wetland and stream setbacks are complied with.
18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 2, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of wildlife conflicts and wildlife enhancement.
19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (and greater to the south property line).
20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.
21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248.
22. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.
23. A traffic study was conducted and a report was prepared by Hales Engineering in 2007 and updated in 2008. This study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. An updated traffic volume and trip generation report was

provided by Hales Engineering on September 27, 2010. The updated report concludes that the reduced density of the current MPD and the slight increase in background traffic volumes from those utilized in the 2007/2008 studies indicate that the TIS does not need to be updated for the MPD and that the recommendations for transportation and traffic mitigation as required by the Annexation Agreement are still valid.

24. Construction traffic is required to be addressed in the Construction Mitigation Plan.
25. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study.
26. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review plans for compliance with recommendations of the Fire Protection Report. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.
27. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units. These affordable units are configured as a mix of single family detached, duplexes, cottage units, and attached townhouse units. An additional 35 non-required deed restricted units in a mix of unit types are proposed as part of this MPD.
28. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.
29. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.
30. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.
31. Off-site improvements will create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.
32. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash

- management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.
33. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.
 34. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management Plan and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.
 35. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance, with the exception of restoration permits for the historic structures, as determined by the City.
 36. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot.
 37. A master sign plan is required for Planning Department review and approval and all individual signs require a sign permit prior to installation.
 38. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. Sound mitigation may be provided with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.
 39. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.
 40. The applicant stipulates to the conditions of approval.
 41. The discussion in the Analysis section is incorporated herein.

Conclusions of Law

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.

6. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The MPD provides amenities to the community so that there is no net loss of community amenities.
8. The MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
10. The MPD promotes the Use of non-vehicular forms of transportation through design and by providing trail connections to existing community trails, a walkable interconnected site plan, a city park and neighborhood amenities, and a bus shelter and cross walk.
11. The MPD has been noticed and public hearings held in accordance with the LMC.

DRAFT Conditions of Approval

1. All standard project conditions shall apply (Exhibit A).
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council prior to issuance of building permits. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval.
3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.
4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.
5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to comply with the Park City Heights Design Guidelines and shall comply, at a minimum, with the LEED for Homes Silver rating (or equivalent) and each unit shall achieve a minimum combined 10 points for water efficiency/conservation. Third Party inspection is required to confirm compliance prior to certificate of occupancy for each unit.
6. A final landscaping and irrigation plan for all common areas shall be submitted with the final plats for each phase. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.
7. All exterior building materials, colors and final design details must be in substantial compliance with the final Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
8. All exterior lighting, including any street and/or path lighting shall be subdued in nature and shall conform to the LMC Sections 15-5-5-(l) and 15-3-3(c) and the Park City Heights Design Guidelines.
9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.

10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed limit of disturbance plan shall be submitted as part of the CMP.
12. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.
13. Maintenance of sidewalks, trails, lighting, and landscaping within the rights of way and common areas, with the exception of the city park, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included and/or dedicated on the final subdivision plat.
14. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
15. The City Engineer shall review and approve all associated utility, public improvements, grading and drainage plans for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation.
16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team.
17. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes.

Above ground utility boxes must be shown on the final utility plans and shall be screened to minimize visual impacts.

18. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
19. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).
20. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.
21. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
22. A fire protection plan shall be submitted for review by the Building Department for each building permit. The fire protection plan shall include any required fire sprinkler systems and landscaping restrictions within Wildland interface zones. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.
23. Fire protection plans for building permits shall comply with recommendations of the Fire Protection Report (March 2011).
24. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands and water ways.
25. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan.
26. The public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, the entrance and perimeter landscaping and other neighborhood amenities associated with the first phase, shall be completed within 3 years of the date of issuance of the first building permit, or as otherwise directed by the City Council or as stated in the Final Development Agreement. In subsequent phases, trails, amenities, landscaping, and wildlife corridor enhancements shall be completed prior to issuance of 50% of the certificates of occupancy for the units in that phase, or as otherwise stated in the Development Agreement.
27. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD.
28. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.

29. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
30. No sound barrier walls or structures along US 40 are permitted within the MPD. Sound mitigation shall be provided with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.
31. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
32. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
33. The Park City Soils Boundary shall be identified on the final plats (if applicable).
34. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
35. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.
36. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.
37. A re-vegetation plan for Parcels I and J shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the first certificate of occupancy for the Park City Heights MPD.
38. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs.

Exhibits

- Exhibit A- Park City Heights MPD plans, perspectives, plat, setbacks, visual analysis, affordable housing integration, snow storage, trails, vegetation and wetlands.
- Exhibit B- Annexation Agreement and water agreement (previously provided)
- Exhibit C- List of documents completing the PC Heights MPD submittal
- Exhibit D- Minutes (separate pdf available online)
- Exhibit E- Process Flow Chart
- Exhibit F- Wildlife recommendations
- Exhibit G- Fire Protection Report (under separate cover)
- Exhibit H- Gordon Spilker Huber Geotechnical Report
- Exhibit I- Interplan technical Memo - update of transportation



TRAIL LINKAGE
ROAD CONNECTION TO
BYER PROPERTY

TRAIL CONNECTION TO
EXISTING PEDESTRIAN/TRAIL
UNDERPASS
60' UTILITY EASEMENT

HOMESTEADS

EXISTING RAIL TRAIL

TRAIL CORRIDOR CONNECTION
TO EXTERIOR TRAIL

NEIGHBORHOOD
GREEN

COMMUNITY PARK

CENTRAL TRAIL
CORRIDOR

PROPOSED BUS STOPS

NEIGHBORHOOD
TRAIL ACCESS

COMMUNITY CLUBHOUSE

COTTAGE HOMES

PARK HOMES

NEIGHBORHOOD GREEN

COMMUNITY GARDENS

PROJECT LOOP TRAIL

RICHARDSON FLATS ROAD

MEANDERING DETENTION
BASIN SYSTEM WITH
LANDSCAPE BERMING

MEANDERING EDGE OF
DEVELOPMENT WITHIN
HIGHWAY CORRIDOR FRONTAGE

PARK CITY HEIGHTS

NEIGHBORHOOD MASTER PLAN

FEBRUARY 9, 2010



PARK CITY HEIGHTS

PARK HOMES PERSPECTIVE

FEBRUARY 9, 2010



PARK CITY HEIGHTS

COTTAGE HOMES PERSPECTIVE

FEBRUARY 9, 2010



PARK CITY HEIGHTS

HOMESTEADS PERSPECTIVE

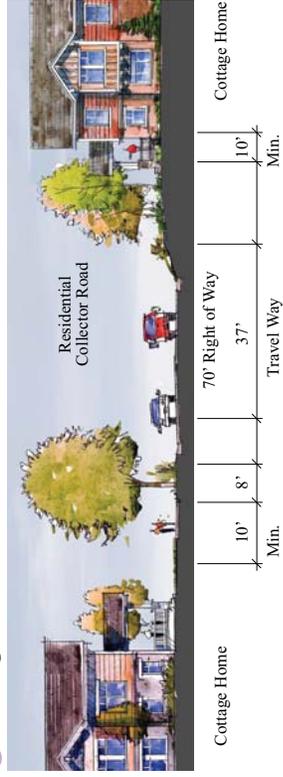
A Park Homes Section



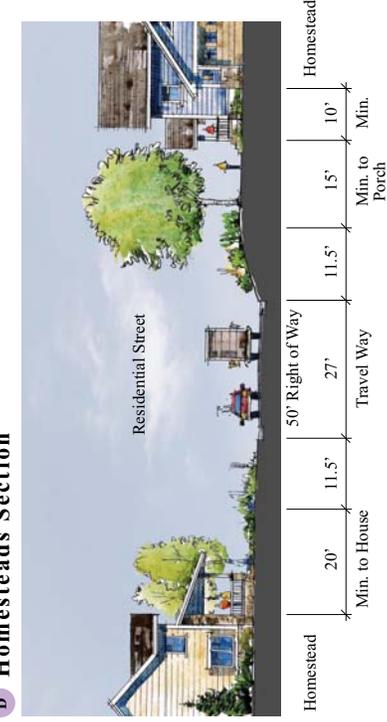
B Cottage Homes Section



C Cottage Homes Section



D Homesteads Section



PARK CITY HEIGHTS

STREET SECTIONS



SALT LAKE CITY
 90 E. Fort Union Blvd
 Suite 100
 Salt Lake City, UT 84102
 Phone: 801.255.2529
 Fax: 801.255.5449

LAYTON
 Phone: 801.547.1100

PLEASANT GROVE
 Phone: 801.796.8142

TOOLE
 Phone: 801.443.1500
 www.ensign.com

PROFESSIONAL ENGINEER
 STATE OF UTAH
 LICENSE NO. 10000
 PROJECT NO. 10000
 DATE: 01/01/08

PARK CITY HEIGHTS
PARK CITY, UTAH



OVERALL GRADING PLAN

LEGEND

PROPOSED	EXISTING

C.2.0



BENCHMARK
 THE PLANNING COMMISSION IS A "SUPPORTIVE" AGENCY.
 THE PLANNING COMMISSION DOES NOT HAVE THE AUTHORITY TO APPROVE OR DENY ANY PROJECT.



ENSGN

SALT LAKE CITY
 801 East 1000 South
 Suite 100
 Midvale UT 84047
 Phone: 801.255.4400
 Fax: 801.255.4400

LAYTON
 Phone: 801.947.1100

PLEASANT GROVE
 Phone: 801.776.6148

TOOELE
 Phone: 435.843.3590

WWW.ENSGN.COM

REGISTERED PROFESSIONAL ENGINEER
 SALT LAKE CITY, UTAH
 LICENSE NO. 36883

REGISTERED PROFESSIONAL ENGINEER
 SALT LAKE CITY, UTAH
 LICENSE NO. 36884

PARK CITY HEIGHTS
PARK CITY, UTAH



UTILITY PLAN

DATE: 03/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]

C 3.1



BENCHMARK
 METROPOLITAN WATER SUPPLY
 BENCHMARK
 BENCHMARK

NO CONSTRUCTION
 THIS AREA IS A BENCHMARK POINT AND SHALL REMAIN UNDISTURBED AT ALL TIMES. NO CONSTRUCTION OR ANY OTHER ACTIVITY IS PERMITTED IN THIS AREA.

CONNECT TO EXISTING MAIN

N

©2010 Google

Eye alt. 10086 ft

HWY 40

40

350'

350'

425'

425'

Richardson Flat Rd

1735'

1365'

PARK CITY HEIGHTS

©2011 Google

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



View 1



Exit ground-level view



©2010 Google

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Image State of Utah
Image USDA Farm Service Agency

Imagery Date: 6/17/2010 1993

Eye alt 6704 ft



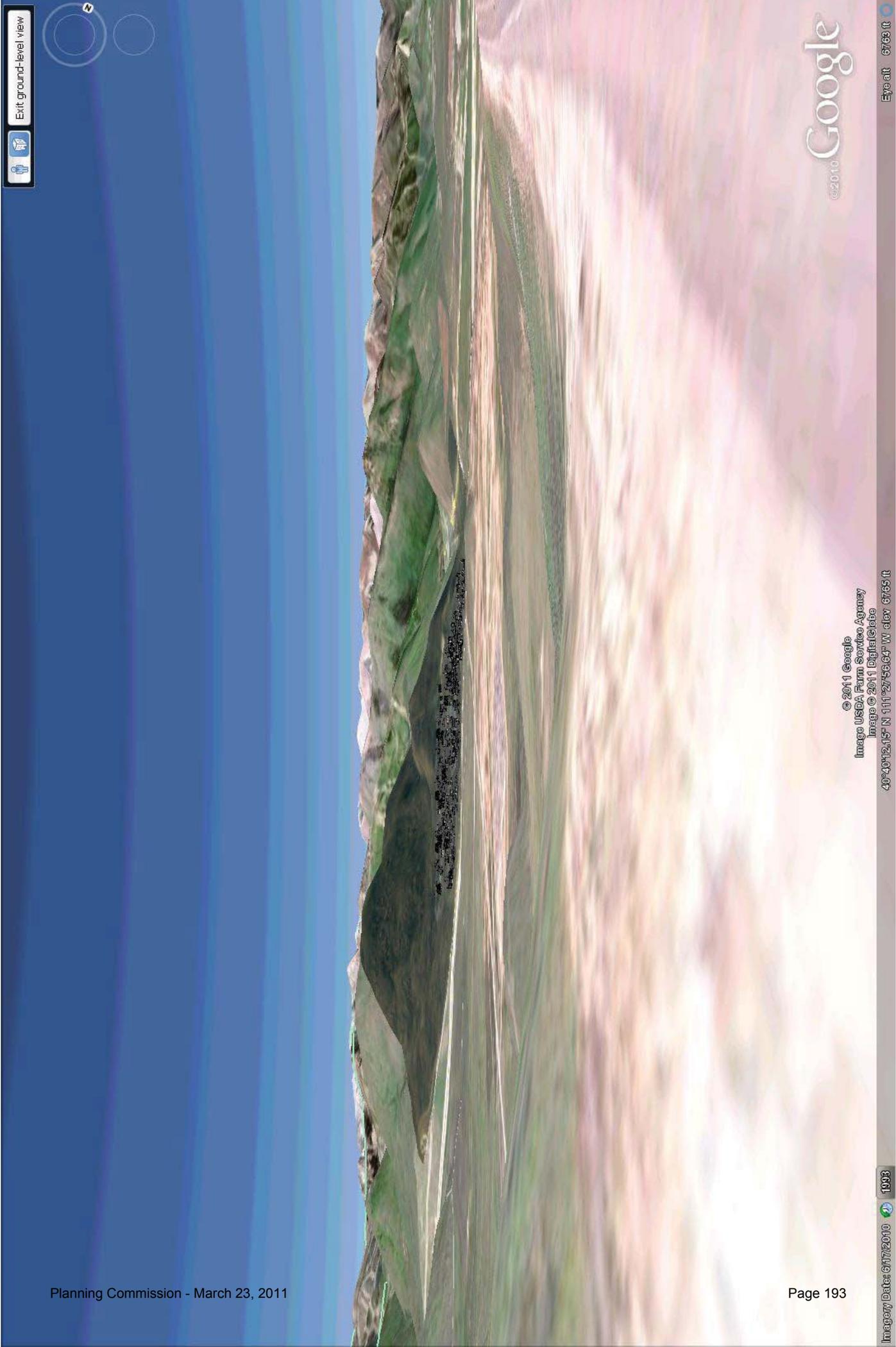
Planning Commission - March 23, 2011



View 2



Exit ground-level view



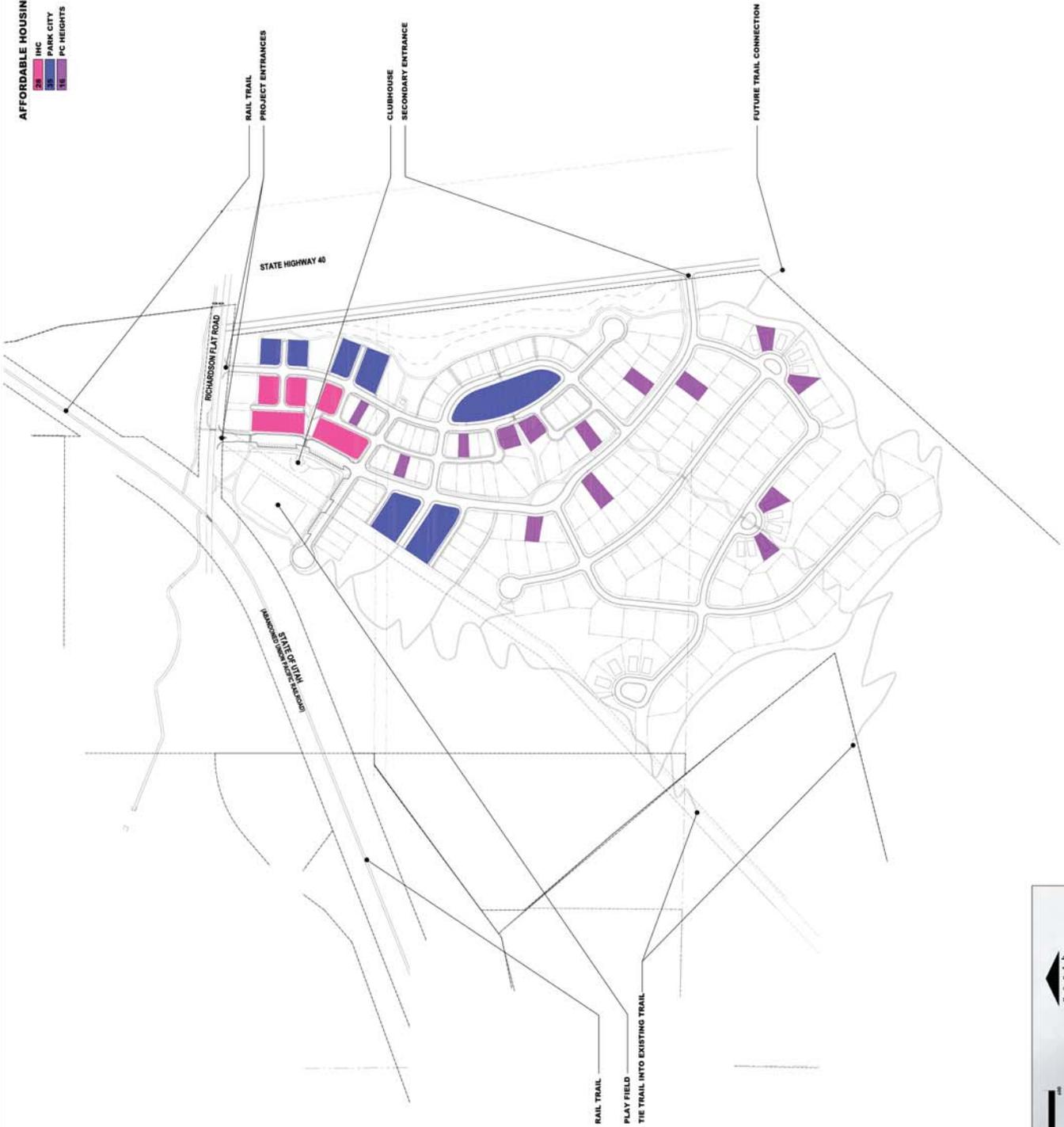
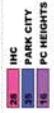
©2010 Google

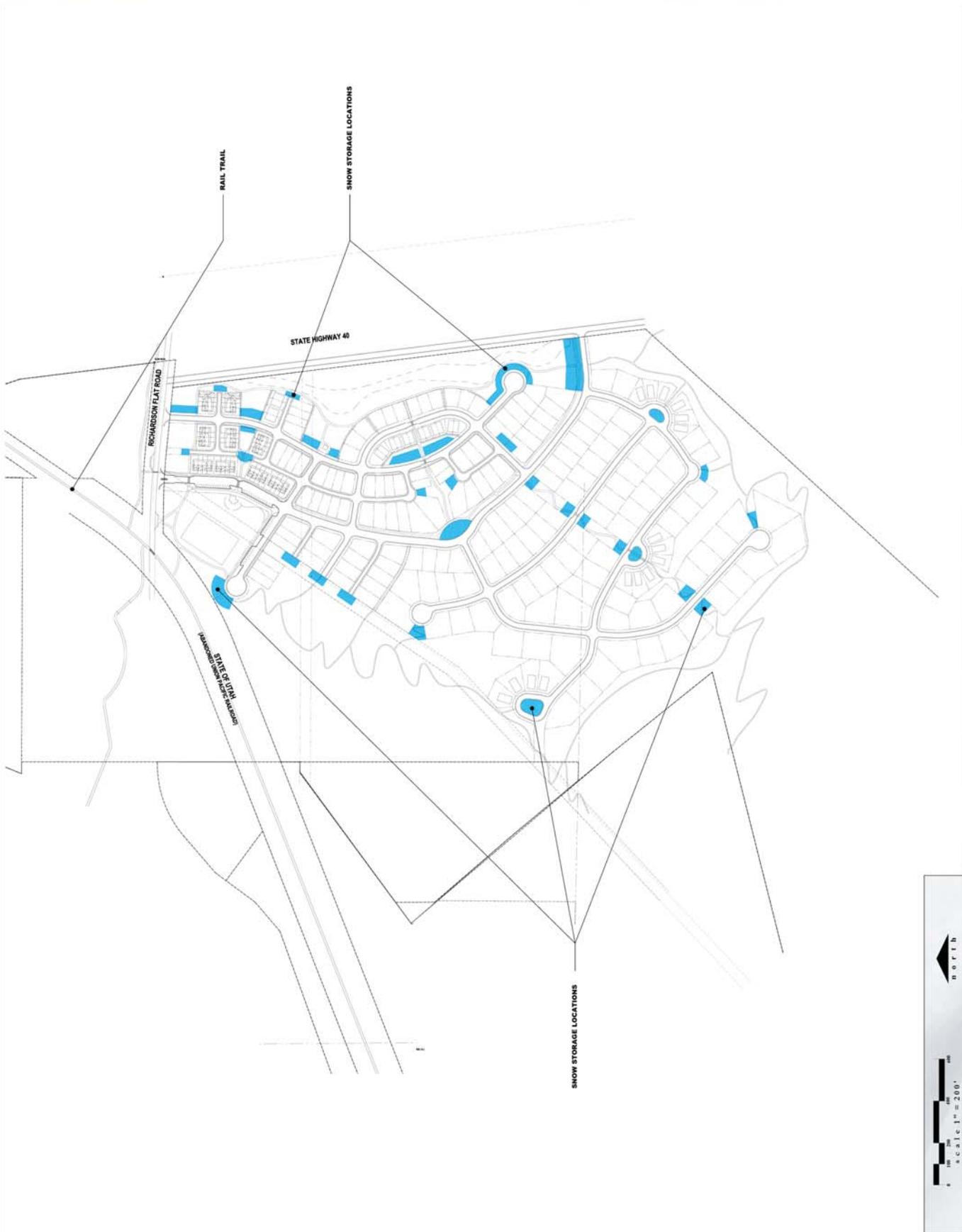
© 2011 Google
Image USDA Farm Service Agency
Image © 2011 DigitalGlobe

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

Imagery Date: 6/17/2010 1993

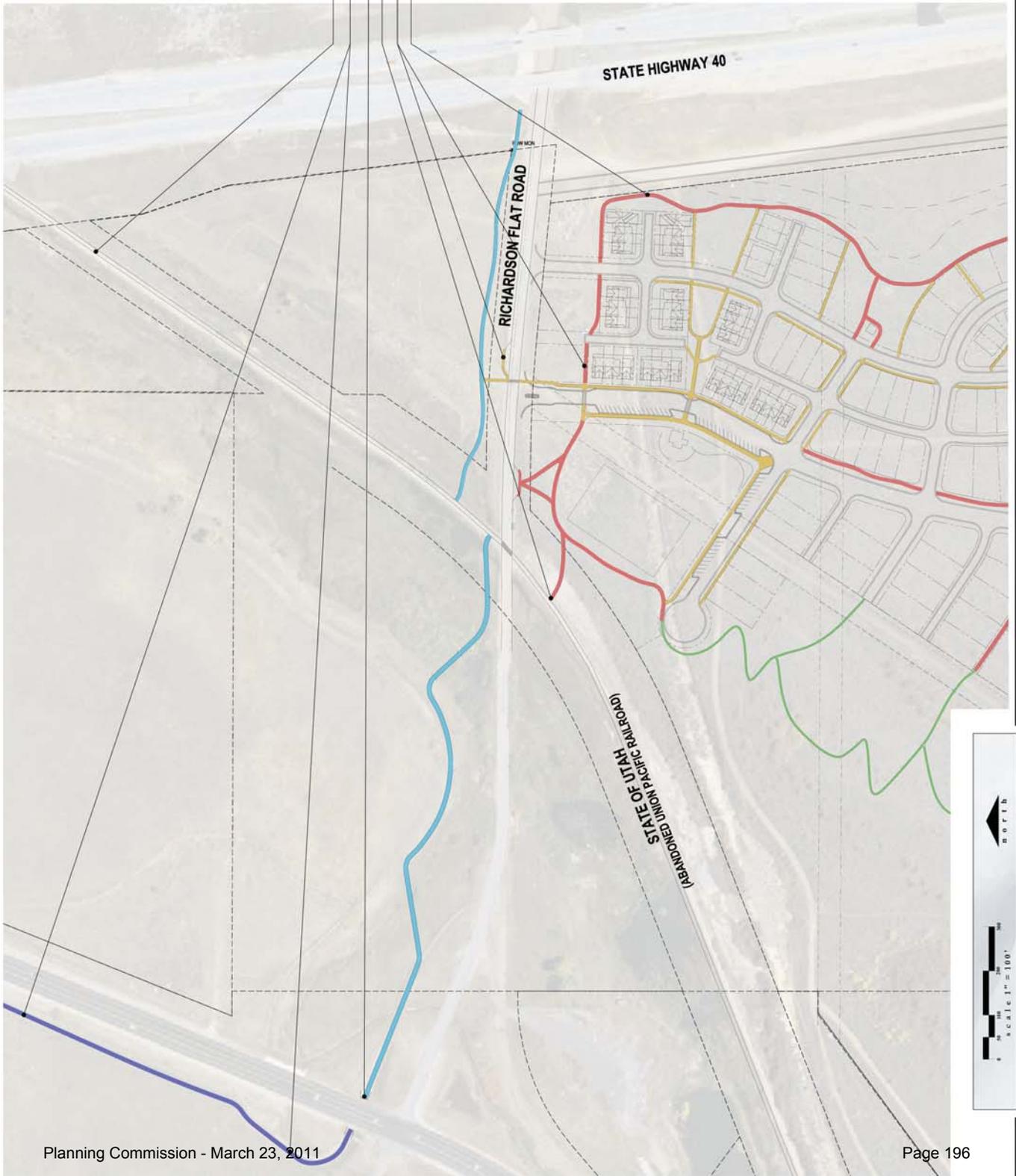
AFFORDABLE HOUSING LEGEND





- TRAIL LEGEND**
- 8' ASPHALT TRAIL
 - 5' SIDEWALK
 - 4' SOFT TRAIL
 - FUTURE CONNECTION

- RAIL TRAIL
- EXISTING PAVED TRAIL TO CITY FIELDS COMPLEX TUNNEL
- CONNECT TO RAIL TRAIL
- BUS STOPS
- NEW 8' PAVED TRAIL ALONG FRONTAGE WITH CONNECTION TO RAIL TRAIL



TRAIL LEGEND

- 8' ASPHALT TRAIL
- 5'-6" SIDEWALK
- 4' SOFT TRAIL
- FUTURE CONNECTION

PUBLIC COMMUNITY TRAILS
NEW 8' PAVED TRAIL ALONG FRONTAGE
WITH CONNECTION TO RAIL TRAIL

FUTURE TRAIL CONNECTION
TIE INTO EXISTING TRAIL CONNECTION
FUTURE TRAIL CONNECTION





Park City Heights Master Planned Development Submittal Documents

1. Site Plan (revised January 14, 2011)
2. Preliminary plat, utility plan, roadway grading/cross sections (January 2011)
3. Annexation Agreement and related support documents (annexation file)
4. Water Agreement (annexation file)
5. Preliminary housing breakdown (on site plan) and phasing plan
6. Design Guidelines (includes landscape plan, noxious weeds, re-vegetation, sustainability, water conservation, architectural design, screening for utility installations, and lighting)
7. Traffic Impact Study and update (June 2007 and 2008) and Traffic Volume Trip Generation update (Sept 2010) (annexation file)
8. Wildlife Study December 2010 and updates (March 2011)
9. Wetlands delineation prepared by Granite Environmental, Inc (August 31, 2004) (annexation file)
9. Cul-de-sac cross section study (March 2011)
10. Visual Analysis
11. Physical model
12. Computer model
13. Trail plan
14. Snow storage plan
15. Sensitive lands analysis (slopes, ridgelines, wetlands, wildlife maps)
16. Soils and geotechnical study (annexation file)
17. Stantec Hydrology report (annexation file)
17. Open Space plan
18. Existing conditions and ownership map
19. ALTA/ACSM Land Title survey
20. Perspectives
21. Park City Heights Task Force findings and recommendations
22. Fiscal Impacts Analysis prepared by Lodestar West, Inc (June 12, 2007) (annexation file)
23. Fire protection report (March 2011)

Review Process

The overall review process was described in greater detail in the August 11, 2010 staff report (see binder/tool kit). A simplified review process flow chart is as follows:

- Annexation and Zoning (PC and CC) (completed May 27, 2010)
▼
- Pre-Master Planned Development meeting (PC) (completed August 11, 2010)
▼
- Master Planned Development and preliminary plat/site plan submittal and review (PC) (initial work session conducted on September 22, 2010, initial public hearing October 13, 2010, subsequent public hearings on ??? and March 23, 2011)
▼
- Final subdivision plat (may be phased) and utility plan (may be phased) submittal and review (PC and CC)
▼
- Conditional Use Permit (CUP) review for certain uses/buildings if required by the MPD and/or CT zoning (PC or Staff)
▼
- Grading and Site work permits (Building, Planning, and Engineering Staff)
▼
- Building permits (Building, Planning, and Engineering Staff)
▼
- Occupancy permits (Building, Planning, and Engineering Staff)

non-riparian meadows with sedges and grasses under 1.5 feet tall (BLM 2006), rather than the tall cattail and willow vegetation present along adjacent the reach of Silver Creek. The nearest available foraging habitat would be agricultural fields, which are outside the project area.

Connections

The proposed development would occur on approximately one-third (70-80 acres) of the developable property. As proposed, the development would be confined to mountain big sagebrush habitat and areas of ruderal vegetation. The project would result in a reduction in low quality wildlife habitat. Undeveloped lands on the developable property are contiguous with conservation easements on adjacent properties, thus provide interconnected habitats for wildlife occurring in the project vicinity. Species that currently occupy open space habitat are not likely to be substantially affected by a reduction in mountain sagebrush habitat. In addition, there are large areas of open space adjacent to undeveloped land within the developable property.

Wildlife conflicts

No wildlife conflicts are expected to occur with future occupants of the proposed development.

7. Recommendations

- Follow-up studies. Two additional site visits will occur by knowledgeable biologists during May/June 2011 to a) validate the observations of the biological report, b) determine if/how data from peak bird and wildlife breeding seasons may influence the findings of the report, and c) verify that the recommendations made in this study are still valid. Special considerations will be made to identify wildlife movement corridors, coyote/fox den sites, and any areas of high native species diversity (plants, animals, and/or insects).
- Animal movement corridors. Five site visits were conducted between December 2010 and March 2011 to ascertain movement corridors for animals. Winter movement corridors were determined by observations of tracks in snow, deer pellet concentrations, discussions with residents, and analysis of animal/vehicle collision rates per highway milepost. The lack of forage and protective cover in the mountain sagebrush community, along with its northeast facing slopes and deeper snows, makes it non-preferred habitat for the movement of animals larger than fox, bobcat, coyotes, and rabbits. Thus, the proposed development would have negligible effect on large animal movement. Mule deer and elk cross the property area on the ridgeline and, when shallower snow depths allow, the steep oak shrublands along the edge of and outside the area of the development. These areas will remain in natural condition. West of the property area are many pathways through oak shrubland to Silver Creek where animals find water. The lane divider on SR 248 and the eight feet high fence

north of the highway discourage movement of animals along that stretch of highway, but it does direct animals to the west and east where the fence is lower or missing. Of the few animals which cross, more animals cross to the west. Due to the degraded condition of habitat, presence of contaminated soils, and potential of animal/vehicle conflicts due to surrounding roads, no actions to encourage the presence of large ungulates (e.g., moose, elk, and deer) should be undertaken. Landscaping plans associated with the development, especially for lots that open to undeveloped lands, will consider the use of plants that are less desirable to wildlife. No additional fences to guide large mammals through the mix of development and open space are recommended. The animals that are present can be expected to readily adapt to the changing urban/open space landscape with most wildlife use focused on the western and southern facing open space slopes away from the proposed development. All development would be limited to the designed footprint in order to assure that wildlife areas remain in suitable condition and that wildlife that enters the area has safe passage around the development, especially following the Silver Creek corridor.

- Site Plan. The development project should be limited to the existing site plan, as shown in Appendix A. That site plan leaves most of the non-sagebrush habitat and cover in place.
- Wetlands. The housing development avoids all wetlands. However, the extension of the rail trail passes through/around wetland areas. Direct impacts to wetlands will be avoided or fully mitigated by assuring the trail does not impede the flow of water or impact the function of the wetland. The trail system provides opportunities to educate the public concerning the importance of wetlands (see Nature Study below).
- Noxious and invasive weed control. The mountain sagebrush community has cheatgrass, an invasive grass which established when the land was grazed by livestock. Controlling established cheatgrass is futile without extensive and repeated treatment with herbicides or prescribed fires. Much of the land with cheatgrass invasion is within the project area, and will ultimately be controlled by land grading. Due to the close proximity of US Highway 40 and SR 248 there is a likelihood for noxious and invasive weeds to colonize sagebrush habitat disturbed by construction activity. Therefore, any noxious weeds which become established on graded land in the project area should be physically removed or herbicide treated to prevent their spread throughout the project area and into adjacent areas.
- Bird nesting. Due to the project area's small size and the minimal availability of habitat for nesting by birds, few avian species are anticipated to occur; however, vegetation clearing and grubbing would still be minimized from April through July to avoid disturbance to nesting birds. No mass grading of open areas would occur during the avian nesting season, though clearing and grubbing

limited to streets and buildable pads could occur during this time period if a detailed search for active bird nests is conducted. If a nest is found it would either be avoided until it is no longer in use, or a licensed bird rehabilitation center would recover the nestlings, meeting compliance requirements of the Migratory Bird Treaty Act. Bluebird nesting boxes could be erected along the oak shrubland edge to attract bluebirds to the development.

- Nature study. Signage that highlights the opportunities for wildlife watching or ecological discovery could be provided, resulting in an enhanced recreational experience for residents using the trail system in the development. This could specifically include identification of major plants, ecological processes, wetland ecology, potential animal species, and insights into seasonal changes to the landscape. The trail system would be an ideal location for placement of bluebird nest boxes.
- Motorized vehicle disturbances in open space. There are five two-tracks unpaved roadways extending from the mountain sagebrush habitat into the oak shrubland. To enhance the value of the shrubland as open space and provide a secluded place for wildlife, it is recommended that the trails be closed to motorized vehicles. One two-track provides access to an adjacent parcel and a utility line. That road should remain maintained and available only for landowner access, with vehicle access beyond the parcel limited for emergency purposes only.
- Silver Creek. The existing riparian areas along Silver Creek have toxic soils, toxic ballast along the rail trail, and a sewage line through the riparian corridor topped with fill soil. The vegetation has been degraded and the wetland hydrology modified due to a road crossing and beaver activity. Both contribute to a long succession of deep pools and mucky soils. Over the course of three site visits in March 2011, no evidence (e.g., animals, tracks, or scat) of the movement of large mammals was observed at Silver Creek between US 40 and a construction company staging area just west of Richardson Flat Road. Additionally, small animal movement between the project area and Silver Creek is impeded by paved roads and the rail trail. No habitat enhancement of Silver Creek is recommended because a) it could attract large mammals and result in an increase in animal/vehicle collisions along Richardson Flat Road and SR.248, and b) due to heavy metal toxicity, the use of the area by large ungulates should be discouraged and preclude its management as a natural area.

8. Coordination

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



**REPORT
GEOTECHNICAL STUDY
PROPOSED PARK CITY HEIGHTS DEVELOPMENT
SOUTHWEST OF THE INTERSECTION OF
US HIGHWAY 40 AND HIGHWAY 248
(KEETLEY JUNCTION)
PARK CITY, SUMMIT COUNTY, UTAH**

Submitted To:

Plumb and Dalton
809 Edgehill Road
Salt Lake City, Utah 84103

Submitted By:

Gordon Spilker Huber Geotechnical Consultants, Inc.
4426 South Century Drive, Suite 100
Salt Lake City, Utah 84123

June 9, 2006

Job No. 0013-007-05

June 9, 2006
Job No. 0013-007-05

Plumb and Dalton
809 Edgehill Road
Salt Lake City, Utah 84103

Attention: Mr. Walter Plumb

Gentlemen:

Re: Report
Geotechnical Study
Proposed Park City Heights Development
Southwest of the Intersection of US Highway 40
and Highway 248 (Keetley Junction)
Park City, Summit County, Utah

1. INTRODUCTION

1.1 GENERAL

This report presents the results of our geotechnical study performed at the site of the proposed Park City Heights Development, which is located southwest of the intersection of US Highway 40 and Highway 248 (Keetley Junction) in Park City, Summit County, Utah. The general location of the site with respect to major topographic features and existing facilities, as of 1999, is presented on Figure 1, Vicinity Map. A more detailed layout of the site showing the proposed locations of lots and roadways, site-specific topography, and existing facilities is presented on Figure 2, Site Plan. The locations of the test pits excavated in conjunction with this study are also presented on Figure 2.

1.2 OBJECTIVES AND SCOPE

The objectives and scope of our study were planned in discussions between Mr. Walter Plumb of Plumb and Dalton, and Mr. Bill Gordon of Gordon Spilker Huber Geotechnical Consultants, Inc. (GSH).

In general, the objectives of this study were to:

1. Define and evaluate the subsurface soil, bedrock, and groundwater conditions across the site.

Gordon Spilker Huber Geotechnical Consultants, Inc.
4426 South Century Drive, Suite 100
Salt Lake City, Utah 84123
Tel: (801) 293-3478 Fax: (801) 685-2990
www.gshgeotech.com

2. Provide appropriate foundation, earthwork, and pavement recommendations to be utilized in the design and construction of the proposed development.

In accomplishing these objectives, our scope has included the following:

1. A field program consisting of the excavation, logging, and sampling of 20 test pits.
2. A laboratory testing program.
3. An office program consisting of the correlation of available data, engineering analyses, and the preparation of this summary report.

1.3 AUTHORIZATION

Authorization was provided by returning a signed copy of our Professional Services Agreement No. 05-1118 dated November 22, 2005.

1.4 PROFESSIONAL STATEMENTS

Supporting data upon which our recommendations are based are presented in subsequent sections of this report. Recommendations presented herein are governed by the physical properties of the soils encountered in the exploration test pits, projected groundwater conditions, and the layout and design data discussed in Section 2., Proposed Construction, of this report. If subsurface conditions other than those described in this report are encountered and/or if design and layout changes are implemented, GSH must be informed so that our recommendations can be reviewed and amended, if necessary.

Our professional services have been performed, our findings developed, and our recommendations prepared in accordance with generally accepted engineering principles and practices in this area at this time.

2. PROPOSED CONSTRUCTION

The proposed development will consist of a total of 150 single-family residential structures. The structures will be one- to two-stories above grade. Full-depth and partial-depth basements are desired. Above grade, the structures will be of wood-frame construction with wood, brick, stucco, or stone wall veneer. The estimated vertical structural loads are 1 to 3 kips per lineal foot for continuous wall foundations and 15 to 25 kips for isolated column footings.

Overall site development for roadways and general grading will require a moderate amount of earthwork in the form of cuts and fills. We estimate that maximum site grading cuts and fills will generally be on the order of five to six feet.

Long-term traffic over the roadways will consist of a moderate volume of automobiles and light trucks, and a light volume of medium- and heavy-weight trucks (typical subdivision traffic). Truck traffic will be high during "build out."

3. SITE INVESTIGATIONS

3.1 FIELD PROGRAM

In order to define and evaluate the subsurface soil, bedrock, and groundwater conditions, a total of 20 test pits were explored to depths ranging from 4 to 15 feet below existing grade. The test pits were excavated using a rubber-tired backhoe. Approximate locations of the test pits are presented on Figure 2.

The field portion of our study was under the direct control and continual supervision of an experienced member of our geotechnical staff. During the course of the excavation operations, a continuous log of the subsurface conditions encountered was maintained. In addition, relatively undisturbed and small disturbed samples of the typical soils encountered were obtained for subsequent laboratory testing and examination. The soils were classified in the field based upon visual and textural examination. These classifications have been supplemented by subsequent inspection and testing in our laboratory. Detailed graphical representation of the subsurface conditions encountered is presented on Figures 3A through 3T, Log of Test Pits. Soils were classified in accordance with the nomenclature described on Figure 4, Unified Soil Classification System. Bedrock was classified in accordance with the nomenclature described on Figure 5, Rock Description Terminology.

Following completion of excavating and logging, each test pit was backfilled. Although an effort was made to compact the backfill with the backhoe, backfill was not placed in uniform lifts and compacted to a specific density. Consequently, settlement of the backfill with time is likely to occur. It is recommended that test pit backfill be removed and recompacted to the requirements of structural fill prior to the construction of improvements over these areas.

Following completion of drilling operations, one and one-quarter-inch diameter slotted PVC pipe was installed in Test Pit TP-1 to a depth of nine and one-half feet in order to provide a means of monitoring the groundwater fluctuations.

3.2 LABORATORY TESTING

3.2.1 General

In order to provide data necessary for our engineering analyses, a laboratory testing program was initiated. The program included moisture and density, Atterberg limits, collapse/swell-consolidation, gradation, and chemical tests. The following paragraphs describe the tests and summarize the test data.

3.2.2 Moisture and Density Tests

To aid in classifying the soils and to help correlate other test data, moisture and density tests were performed on selected undisturbed samples. The results of these tests are presented to the right on the test pit logs, Figures 3A through 3T.

3.2.3 Atterberg Limits Test

To further aid in classifying and in determining the expansive potential of the site soils, an Atterberg limits test was performed on a selected sample. Results of the tests are as follows:

Test Pit No.	Depth (feet)	Liquid Limit (percent)	Plastic Limit (percent)	Plasticity Index (percent)	Soil Type
TP-1	5.5*	43	24	19	CL
TP-2	2.0	51	21	30	CH
TP-9	1.5	80	13	68	CH
TP-12	1.5	57	33	24	MH
TP-12	10.5*	46	19	27	CL
TP-19	10.0*	45	19	26	CL

* Test performed on portion of the GC sample passing the No. 40 sieve.

3.2.4 Collapse/Swell-Consolidation Tests

To provide data necessary for our settlement analyses, collapse/swell-consolidation tests were performed on a representative sample of the fine-grained soils encountered at the site. The collapse/swell portion of the overall test was performed in accordance with the following procedure:

1. The sample is loaded to a specified axial pressure at in-situ moisture content.
2. The resulting axial deflection is measured and recorded.
3. The sample is saturated.
4. The resulting collapse/swell is measured and recorded.

A tabulation of the results of the collapse/swell portion of the tests are presented below:

Test Pit No.	Depth (feet)	Soil Type	Axial Pressure At time of Saturation (psf)	Swell (+) (percent)	Swell Pressure (psf)
TP-13	1.5	CL	1,600	4.68	3,500

The test results indicate that the soils are generally highly over-consolidated and will exhibit expansive characteristics under the anticipated loading conditions. Detailed results of the tests are maintained within our files and can be transmitted to you, at your request.

3.2.5 Gradation Test

Gradation tests were performed to aid in classifying soils. The tests results are tabulated below:

Sieve Size	Percent Passing		
	TP-1 @ 5.5'	TP-12 @ 10.5'	TP-19 @ 10.0'
2"	-	-	-
1-½"	100	100	100
1"	-	-	-
¾"	53.7	44.8	78.3
½"	-	-	-
⅜"	36.7	41.0	59.4
No. 4	28.1	38.0	47.7
No. 10	24.2	34.9	39.3
No. 20	-	-	-
No. 40	21.3	30.8	32.1
No. 100	18.2	26.2	27.3
No. 200	15.8	22.6	24.5
Soils Classification	GC	GC	GC

3.2.6 Chemical Tests

To determine if the site soils will react detrimentally with concrete, chemical tests were performed on a representative sample of the silty clay soils encountered in Test Pit TP-6 at a depth of two feet below existing grade. The results of the chemical tests are presented below:

Test Pit No.	Depth (feet)	pH	Total Water Soluble Sulfate (ppm)
TP-19	2.0	7.18	36

4. SITE CONDITIONS

4.1 SURFACE

The Park City Heights Development is located southwest of the intersection of US Highway 40 and Highway 248 (Keetley Junction) in Park City, Summit County, Utah. The development is irregularly shaped and consists of two parcels. The northern parcel shown on Figure 2 contains 23.6 acres will be used for open space, and was not included in this study. The south parcel contains 98.4 acres that will be used for open space, 150 single-family residential lots, and access roadways.

The planned residential parcel is approximately 2,000-feet by 3,000-feet. The site consists of open areas with grasses and brush covering the majority of the site. Some scattered trees are located across the site. The site is bounded by roadways to the north and east. Undeveloped land and residential structures primarily bounds the site to the south and west.

The site slopes downward to the northeast with an overall elevation change of approximately 200 feet. The slope is approximately 12 horizontal to 1 vertical. Some drainage swales bisect the site. No signs of past or eminent slope instability were noted.

4.2 SUBSURFACE SOIL AND GROUNDWATER

The subsurface sequence generally consists of surficial clays underlain by clayey gravels with some sands and generally occasional cobbles. The clays generally extend to depths ranging from 2.5 to 9.5 feet. These soils contain trace to some sands and gravels and are moderately to highly plastic. These soils exhibit high expansive characteristics. The upper as much as 6 to 12 inches of the soils contain major roots which have been classified as topsoil. The upper 9 to 12 inches are generally loose as the result of normal weathering. Clays below the loose surface zone will exhibit moderate strength and compressibility characteristics.

The surface clays are, in turn, generally underlain by a fairly thick sequence of medium dense to dense clayey gravels with some sand containing occasional cobbles and in areas occasional boulders. These soils generally extend to the maximum depths penetrated and will exhibit high strength and low compressibility characteristics. Tests run on the fine-grained portion of the sands and gravels indicate that these soils are non-expansive.

Bedrock was encountered at some of the test pit locations. The bedrock appears to consist of quartzite and will exhibit relatively high strength and low compressibility characteristics. Excavation refusal was encountered at some of the test pit locations. The test pits were excavated with a rubber-tired backhoe (JCB 214 S) with a 30-inch bucket. Depth to granular soils, and depth to refusal (or near refusal) in bedrock are presented. Depth of refusal or near-refusal is defined as the depth at which the 30-inch bucket was either scrapping on fractured bedrock or progress was significantly slowed due to the presence of large particles of bedrock. The following table summarizes the soil/bedrock conditions encountered:

Test Pit No.	Depth to Dense Granular Soils (feet)	Depth to Refusal or Near Refusal (feet)
TP-1	3.0	-
TP-2	4.5	-
TP-3	4.0	-
TP-4	3.0	4.5
TP-5	-	9.0
TP-6	-	6.0
TP-7	-	5.0
TP-8	-	4.0
TP-9	5.0	5.5
TP-10	4.5	12.0
TP-11	2.5	-
TP-12	3.5	-
TP-13	9.5	-
TP-14	6.0	-

Test Pit No.	Depth to Dense Granular Soils (feet)	Depth to Refusal or Near Refusal (feet)
TP-15	9.0	-
TP-16	3.0	6.0
TP-17	4.0	-
TP-18	5.0	6.5
TP-19	7.5	-
TP-20	4.0	-

During and immediately following excavation, groundwater was not encountered to the depths penetrated.

5. DISCUSSIONS AND RECOMMENDATIONS

5.1 SUMMARY OF FINDINGS

The most significant geotechnical aspects of the site are:

1. The expansive clays encountered in the upper two and one-half to nine and one-half feet encountered across the site.
2. Shallow bedrock within portions of the site.

Under no circumstances should the foundations and primary at-grade slabs be established directly upon the expansive soils. In most cases basements will penetrate through these deposits. Where the clays are deeper, they must be over-excavated and replaced with non-expansive structural fills. In garage areas as a minimum the clays beneath the slabs must be removed to a depth of at least three feet and replaced with non-expansive structural fill. Similar procedures are recommended for outside slabs (sidewalks, stairways, driveways, etc.). With partial replacement, some vertical movements could still occur if the clays experience significant moisture variations. We recommend that the unsuitable soils be removed and used as non-structural fill.

The proposed structures may then be supported on conventional spread and continuous wall foundations established on suitable natural soils or bedrock and/or structural fill extending to suitable natural soils or bedrock.

Some excavations for the below grade portions of the structures will be difficult due to the presence of bedrock.

horizontal to one vertical. If clean granular soils are encountered, or if excessive sloughing occurs, the sideslopes must be flattened to one horizontal to one vertical.

To reduce disturbance, we recommend that excavations for footings be accomplished utilizing a backhoe with a smooth-lip bucket.

In bedrock cuts up to 12 feet can be established with slopes no steeper than one-quarter horizontal to one vertical. Loose and raveling bedrock and soils are anticipated from deep steep cuts. Therefore, the face of the deeper-steeper slopes must be protected by anchoring chain-link fencing from the crest to the toe. Field data and past experience in the area indicates excavations into bedrock, 5 to 10 feet, can generally be accomplished using heavy construction equipment or a "stringer." Drilling and blasting could possibly be required for localized deeper areas.

All excavations must be inspected periodically by qualified personnel. If any signs of instability or excessive sloughing are noted, immediate remedial action must be initiated.

5.2.3 Structural Fill

Structural fill is defined as all fill that will ultimately be subjected to structural loadings, such as those imposed by footings, floor slabs, pavements, etc. Structural fill will be required as backfill over foundations and utilities, and as replacement fill beneath some footings and floor slabs. All structural fill must be free of sod, rubbish, topsoil, frozen soil, and other deleterious materials. Structural site grading fill is defined as fill placed over relatively large open areas to raise the overall grade. For structural site grading fill, the maximum particle size should generally not exceed four inches; however, occasional larger particles, not exceeding eight inches in diameter, may be incorporated if placed randomly in a manner such that "honeycombing" does not occur and the desired degree of compaction can be achieved. The maximum particle size within structural fill placed within confined areas should generally be restricted to two inches.

Because of the expansive nature of the fine-grained soils, these soils will need to be removed and stockpiled for subsequent landscaping purposes. Fine-grained soils with a Plasticity Index (PI) less than 18 percent may be used as structural site grading fill. It should be noted that unless moisture control is maintained, utilization of soils with a relatively high fines content as structural fill will be difficult, if not impossible, during wet and cold periods of the year. Only granular soils are recommended as structural fill in confined areas, such as around foundations and within utility trenches. We recommend that all granular structural fill including the on-site soils consist of a well-graded mixture of sands and gravels with at least 20 percent fines (material passing the No. 200 sieve). The purpose of the minimum fines percentage is to provide a fill when compacted that will exhibit low permeability characteristics.

Non-structural site grading fill is defined as all fill material not designated as structural fill or unsuitable material, and may consist of any cohesive or granular soils not containing excessive amounts of degradable material.

5.2.4 Fill Placement and Compaction

All structural fill should be placed in lifts not exceeding eight inches in loose thickness. Beneath buildings, the fill should be compacted to at least 95 percent of the maximum dry density as determined by the AASHTO¹ T-180 (ASTM² D-1557) compaction criteria. If the fill is more than 7 feet thick, the fill must be compacted to at least 97 percent of the above-defined criteria. Structural fills less than 5 feet thick, outside the building areas, and beneath outside flatwork and pavements, should be compacted to at least 90 percent of the above-defined criteria. If over 5 feet thick, they should be compacted to at least 92 percent.

Prior to the placement of structural site grading fill, pavements, floor slabs, or footings, the exposed subgrade should be prepared as discussed in Section 5.2.1, Site Preparation, of this report. In confined areas, subgrade preparation should consist of the removal of all loose or disturbed soils.

Non-structural fill may be placed in lifts not exceeding 12 inches in loose thickness and compacted by passing construction, spreading, or hauling equipment over the surface at least twice.

5.2.5 Utility Trenches

All utility trench backfill material below structurally loaded facilities (flatwork, floor slabs, roads, etc.) should be placed at the same density requirements established for structural fill. If the surface of the backfill becomes disturbed during the course of construction, the backfill should be proofrolled and/or properly compacted prior to the construction of any exterior flatwork over a backfilled trench. Proofrolling may be performed by passing moderately loaded rubber tire-mounted construction equipment uniformly over the surface at least twice. If excessively loose or soft areas are encountered during proofrolling, they should be removed to a maximum depth of two feet below design finish grade and replaced with structural fill.

Most utility companies and City-County governments are now requiring that Type A-1 or A-1a (AASHTO Designation – basically granular soils with limited fines) soils be used as backfill over utilities. Because of the expansive soils, we strongly recommend that the fills used as backfill meet the requirements stated in Section 5.2.3 of this report. These organizations are also requiring that in public roadways the backfill over major utilities be compacted over the full depth of fill to at least 96 percent of the maximum dry density as determined by the AASHTO T-180 (ASTM D-1557) method of compaction. We recommend that as the major utilities continue onto the site that these compaction specifications are followed.

¹ American Association of State Highway and Transportation Officials
² American Society for Testing and Materials

5.3 SPREAD AND CONTINUOUS WALL FOUNDATIONS

5.3.1 Design Data

The proposed structure may be supported upon conventional spread and continuous wall foundations established on suitable non-expansive natural soils and/or structural fill extending to suitable natural soils. For design, the following parameters are provided:

Minimum Recommended Depth of Embedment for Frost Protection	- 36 inches
Minimum Recommended Depth of Embedment for Non-frost Conditions	- 15 inches
Recommended Minimum Width for Continuous Wall Footings	- 18 inches
Minimum Recommended Width for Isolated Spread Footings	- 24 inches

Recommended Net Bearing Pressure for Real Load Conditions

Suitable Natural Soils and/or Structural Fill Extending to These Soils	- 3,000 pounds per square foot
Bedrock	- 5,000 pounds per square foot
Bearing Pressure Increase for Seismic Loading	
Soils	- 50 percent
Bedrock	- 100 percent

No specific minimum depth of embedment will be required for footings established upon massive bedrock; although, the footings must be appropriately “tied” to the underlying bedrock to provide appropriate lateral resistance.

The term “net bearing pressure” refers to the pressure imposed by the portion of the structure located above lowest adjacent final grade. Therefore, the weight of the footing and backfill to lowest adjacent final grade need not be considered. Real loads are defined as the total of all dead plus frequently applied live loads. Total load includes all dead and live loads, including seismic and wind.

5.3.2 Installation

Under no circumstances should the footings be founded on expansive soil, non-engineered fill, loose or disturbed soils, sod, rubbish, construction debris, other deleterious materials, frozen soils, or within ponded water. If unsuitable soils are encountered, they must be completely removed and replaced with structural fill. If the natural soils upon which the footings are to be established become loose or disturbed, they must be removed and replaced with structural fill. If the structural fill upon which the footings are to be established becomes disturbed, it should be recompacted to the requirements of structural fill or be removed and replaced with structural fill.

The width of structural replacement fill, as required below footings, should be extended laterally at least six inches beyond the edges of the footings in all directions for each foot of fill thickness beneath the footings. For example, if the width of the footing is two feet and the thickness of the structural fill beneath the footing is one foot, the width of the structural fill at the base of the footing excavation would be a total of three feet.

5.3.3 Settlements

Maximum settlements of foundations designed and installed in accordance with recommendations presented herein and supporting maximum anticipated loads as discussed in Section 2., Proposed Construction, are anticipated to be on the order of one-quarter to one-half of an inch.

Approximately 60 percent of the quoted settlement should occur during construction.

5.4 ALTERNATE FOUNDATIONS

Under most structures the basement excavations will penetrate through the expansive clays. In some areas, over-excavation beyond the base of the basement excavation will be required to remove the unsuitable clay. If the over-excavation exceeds six to eight feet, alternate systems may be considered. One alternate would consist of helical piers extending to the underlying non-expansive soils. A two-inch void is recommended between the base of the pier cap and grade beams and the underlying expansive soils. Helical piers can also be utilized to support outside columns.

Footings in garage areas must be installed as per the recommendation for the primary building.

5.5 SUBDRAINS

A permanent foundation/chimney subdrain system will be required around the outside of subgrade wall.

The perimeter subdrain pipe should consist of a minimum of four-inch diameter, slotted or perforated pipe with the invert established at least 18 inches below the top of the lowest adjacent

slab. The pipe should be encased in a one-half to one-inch minus clean gap-graded crushed gravel extending two inches below, laterally, and up continuously at least 12 inches above the top of the lowest adjacent slab. The same granular material could be utilized as the chimney drain against the subgrade walls. In all cases, the gravels must be separated from the natural soils or finer-grained backfill with a geotextile, such as Mirafi 140N or equivalent. As an alternate a synthetic drain board, such as Miradrian or equivalent, can be used for the chimney subdrain. The slope of the pipe should be at least 0.25 percent to a suitable point of gravity discharge; such as a sump within or outside the perimeter of the below-grade portion of the structure or by gravity down-gradient. Prior to the installing the gravels, we recommend that the outside walls adjacent to habitable areas be appropriately waterproofed. If the areas are mechanical areas or parking dampproofing should be adequate.

5.6 LATERAL RESISTANCE

Lateral loads imposed upon foundations due to wind or seismic forces may be resisted by the development of passive earth pressures and friction between the base of the footings and the supporting soils. In determining frictional resistance, a coefficient of 0.45 should be utilized. Passive resistance provided by properly placed and compacted granular structural fill above the water table may be considered equivalent to a fluid with a density of 300 pounds per cubic foot. Below the water table, this granular soil should be considered equivalent to a fluid with a density of 150 pounds per cubic foot.

A combination of passive earth resistance and friction may be utilized provided that the friction component of the total is divided by 1.5.

5.7 LATERAL PRESSURES

The lateral pressure parameters as presented within this section assume that the backfill will consist of granular soil placed and compacted in accordance with the recommendations presented herein. The lateral pressures imposed upon subgrade facilities will therefore be basically dependent upon the relative rigidity and movement of the backfilled structure. For active walls, such as retaining walls which can move outward (away from the backfill), granular backfill may be considered equivalent to a fluid with a density of 45 pounds per cubic foot in computing lateral pressures. For more rigid basement walls that are not more than 10 inches thick and 12 feet or less in height, granular backfill may be considered equivalent to a fluid with a density of 55 pounds per cubic foot. For very rigid non-yielding walls, granular backfill should be considered equivalent to a fluid with a density with at least 75 pounds per cubic foot. The above values assume that the surface of the soils slope behind the wall is horizontal and that the granular fill has been placed and lightly compacted, not as a structural fill. If the fill is placed as a structural fill, the values should be increased to 60 pounds per cubic foot, 75 pounds per cubic foot, and 130 pounds per cubic foot, respectively. If the slope behind the wall is two horizontal to one vertical, the values for purely active walls and basement walls should increase to 57 pounds per cubic foot and 67 pounds per cubic foot, respectively.

The above equivalent fluid pressures are for static loading conditions. For seismic loading, a uniform pressure of 100 pounds per square foot should be added. It should be noted that the lateral pressures as quoted assume that the backfill materials will not become saturated. If the backfill becomes saturated, the above values may be decreased by one-half; however, full hydrostatic water pressures will have to be included.

5.8 FLOOR SLABS

Floor slabs are recommended to be established upon properly prepared existing suitable non-expansive soils and/or upon structural fill extending to suitable natural soils. Topsoil, expansive clay, and non-engineered fills are considered suitable. If proper moisture control can be provided and some movement tolerated, at-grade slabs in garage areas can be supported upon three feet of suitable structural fill extending to expansive soils. Settlements of lightly loaded floor slabs not affected by expansive soils should be negligible. Upward movements of possibly one inch could occur if underlying expansive soils were to experience a significant increase in moisture content.

Floor slabs within habitable areas and not underlain by expansive soils should be immediately underlain by a minimum four-inch layer of "free-draining" clean gap-graded gravel. When at-grade slabs are underlain by some deeper expansive soils a four-inch layer of aggregate base should be used.

5.9 PAVEMENTS

The natural fine-grained soils will exhibit poor pavement support characteristics when saturated or nearly saturated. Considering the clay as the design subgrade soils and the projected traffic conditions, the following pavement sections are recommended:

Primary Roadway Areas

(Moderate Volume of Automobiles and Light Trucks
with Occasional Medium and Heavy Trucks)
[50 equivalent 18-kip axle loads per day]*

4.5 inches	Asphalt concrete
6.0 inches	Aggregate base
10.0 inches	Granular subbase**
Over	natural clay subgrade

* This is based upon the "build-out" traffic over a period of three to five years.

** Natural granular soil and/or granular structural fill will satisfy this requirement.

For short cul-de-sac roadways, a thinner section may be applicable.

Asphalt concrete and base course components should meet the requirements and be placed in accordance with the Summit County specifications.

5.10 GEOSEISMIC SETTING

5.10.1 General

Utah municipalities have adopted the International Building Code (IBC) 2003 and International Residential Code for One- to Two-Family Dwellings 2003. The IBC 2003 determines the seismic hazard for a site based upon regional mapping of bedrock accelerations prepared by the United States Geologic Survey (USGS) and the soil site class (formerly soil profile type). The USGS values are presented on maps incorporated into the IBC and are also available based on latitude and longitude coordinates (grid points). In comparison, the former UBC (Uniform Building Code) generally placed the entire Wasatch front into a single seismic zone (Seismic Zone 3).

The structures must be designed in accordance with the procedure presented in Chapter 16 of the IBC 2003 edition.

5.10.2 Faulting

Based on our review of available literature, no active faults pass through or immediately adjacent to the site. The nearest mapped active fault is the Wasatch fault approximately 18 miles to the west (Hacker, 1993).

5.10.3 Liquefaction

Liquefaction is defined as the condition when loose, saturated granular soils lose their support capabilities due to excess pore water pressure buildup that develops during a seismic event. The on-site cohesive soils and granular soils which are not saturated will not liquefy.

5.10.4 Soil Class

For dynamic structural analysis, the Site Class "D" as defined in Table 1615.1.1, Site Class Definition of the IBC 2003, can be utilized.

5.10.5 Ground Motions

The IBC 2003 code is based on 1997 USGS (United State Geologic Survey) mapping, which provides values of short and long period accelerations for the Site Class "B"- "C" boundary for

the 2 percent in 50 year event (2,475 year return period). This Site Class "B"- "C" boundary represents a hypothetical bedrock surface and must be corrected for local soil conditions. The following table summarizes the peak horizontal and short and long period accelerations for a 2 percent in 50-year event and incorporates a soil amplification factor for a Site Class "D" soil profile. Based on the site latitude and longitude (40.6683 north and 11.4638 degrees west, respectively), the values for this site are tabulated below:

Spectral Acceleration Value, T Seconds	MCE 2% in 50 Yr event (2,475 yr return), % g
Peak Horizontal Ground Acceleration	40.1
0.2 Seconds, (Short Period Acceleration, S _S)	100.3
1.0 Seconds (Long Period Acceleration, S _L)	52.9

MCE – Maximum considered earthquake

The IBC 2003 site accelerations are based on taking the above short and long period accelerations for the Maximum Considered Earthquake Event, and multiplying by two-thirds ($\frac{2}{3}$).

5.11 CEMENT TYPES

Laboratory tests indicate that the site soils contain negligible amounts of water soluble sulfates. Therefore, all concrete which will be in contact with the site soils may be prepared using Type I or IA cement.

5.12 WATER CONTROL

To reduce the possibility of water infiltration into expansive soils, as a minimum the following are recommended:

1. There should be a minimum 2 percent downward slope maintained away from the building for a distance at least 15 feet.
2. Water discharged from downspouts must be collected and discharged downslope at least 15 feet from the proposed structures.
3. All water-conveying utilities should be checked for leakage prior to backfilling and installed with flexible connections and joints.

4. Sprinkler heads should not be installed around the immediate perimeter of the structures.

5.13 REVIEW

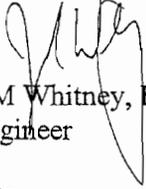
Because of the expansive soils and their potential detrimental affects of proposed structures, pavements, etc., we request the opportunity of reviewing the site grading places and earthwork and pavement specifications prior to initiation of construction. In addition, periodic site observations during initial earthwork are recommended.

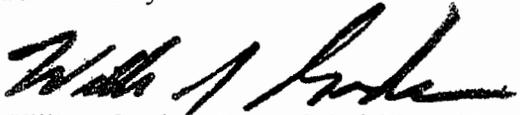
We appreciate the opportunity of providing this service for you. If you have any questions or require additional information, please do not hesitate to contact us.

Respectfully submitted,

GSH Geotechnical Consultants, Inc.

Reviewed by:


Joshua M Whitney, EIT
Staff Engineer


William Gordon, State of Utah No. 146417
Professional Engineer

JMW/WJG:sn

Encl. Figure 1, Vicinity Map
Figure 2, Site Plan
Figures 3A through 3T, Log of Test Pits
Figure 4, Unified Soil Classification System
Figure 5, Rock Description Terminology

Addressee (6)

InterPlan



7719 South Main Street
Midvale, Utah 84047

TECHNICAL MEMORANDUM

To: Kent Cashel, Park City

From: Matt Riffkin, InterPlan Co.
Rob Eldredge, InterPlan Co.

Date: October 31, 2008

Subject: *Review and update of Park City Heights TIS*

Introduction

The purpose of this memo is to review and provide a brief update of the Park City Heights Traffic Impact Study (TIS) and to identify when recommended traffic mitigation measures are required based upon current development plans for Park City Heights. The Park City Heights Traffic Impact Study (TIS) used industry accepted trip generation procedures and did not assume any trip reductions for internal capture or pass-by trips, etc. Additionally, the vehicle trip distribution appears reasonable based upon existing traffic patterns.

Based upon traffic volumes from the Park City Heights TIS and updated traffic forecasts for the development by phase, it is estimated that:

- The intersection of SR-248 and Old Landfill Road will meet the Warrant 3, Peak Hour Volume with Phase II of the development,
- Turn lanes from SR-248 will be required for Phase I as governed by UDOT's *Administrative Rule 930-6*, and
- A right-turn pocket on Old Landfill Road should be constructed for Phase I as described in the TIS.

Park City Heights Trip Generation

The Park City Height TIS dated June 2007 assumed that Park City Heights will have a total of 317 residential units composed of 207 single family dwelling units and 110 condominiums. However, since then the proposed number of residential units has been reduced. Currently, Phase I of Park City Heights will have 90 unit equivalents and Phase II will have an additional 121 unit equivalents. Based upon these revised numbers trip generation for Park City Heights was recalculated. Table 1 shows the trip generation used for the 2007 TIS and Table 2 presents the revised trip generation for Park City Heights. The number of pm peak hour trips with the

number of currently planned residential units is slightly smaller than what was assumed for the 2007 TIS.

Table 1 – 2007 Traffic Impact Study Trip Generation

Land Use	Units	Code	Total	Entering	Exiting
Condominium	110	230	65	44	21
Single Family Detached	207	210	206	130	76
Total	317		271	174	97

Source: Park City Heights Traffic Impact Study, 2007

Table 2 – Revised Trip Generation with Current Number of Planned Units

Project Phase	Units	Code	Total	Entering	Exiting
Phase I (2009)	90	210	97	61	36
Phase II (November 30, 2010 or later)	121	210	127	80	47
Total	211		224	141	83

Source: Trip Generation Manual, 7th Edition, 2003

Percent of Traffic on SR-248 from Park City Heights

The revised trip generation was used to estimate the percent of total peak hour traffic on SR-248 by development phase. In 2008, Phase I of Park City Heights would account for 2.3% to 2.9% of total peak hour traffic on SR-248. While both Phase I & II of Park City Heights would account for 5.3% to 6.6% of total peak hour traffic in 2008. In the future, Phase I would be approximately one and half percent of total traffic on SR-248 and Phase I & II would be roughly three and half percent of total peak hour traffic.

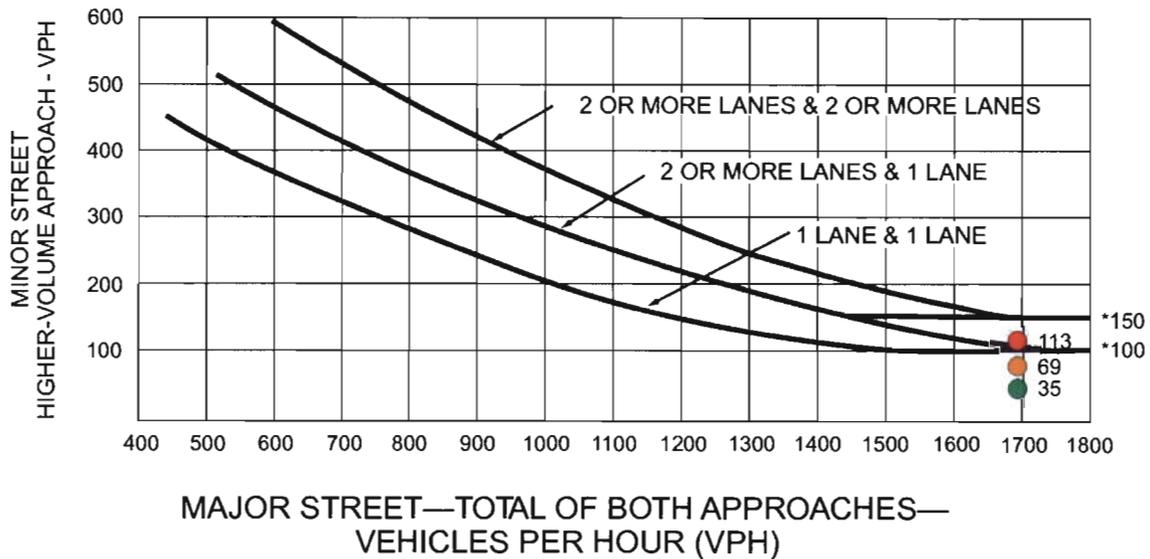
Table 3 – Percent of Traffic on SR-248 from Park City Heights

	2008 ¹	2008 with IHC/USSA	2014 ²	2020 ²
Phase I	2.9%	2.3%	1.6%	1.4%
Phase I & II	6.6%	5.3%	3.7%	3.3%

1. 2008 traffic volumes are estimated from 2006 intersection counts at Old Dump Road in Park City Heights TIS and UDOT Automatic Traffic Recorder station 606 data.
2. Future traffic volumes assume the IHC Hospital, Richardson Flat Park and Ride, and Wasatch County developments as estimated in the Park City Heights TIS

Table 4 shows the percentage of traffic growth on SR-248 that is attributable to each planned development or project. Based upon this analysis if every project was completed in 2008 Park City Heights would account for 11% (5% from Phase I and 6% from Phase II) of new traffic growth. In 2014, Park City Heights would account for 9% (4% from Phase I and 5% from Phase II) of traffic growth from 2008. By 2020, Park City Heights would be only 7% (3% from Phase I and 4% from Phase II) of new traffic growth from 2008.

Figure 1 – Warrant 3, Peak Hour Volume



*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

- Existing
- Phase I
- Phase II

Source: *Manual on Uniform Traffic Control Devices, US Department of Transportation, 2003*

SR-248 Turn-Lanes

The 2007 Park City Heights TIS recommended that on SR-248:

- A eastbound right-turn pocket should be added (150-feet in 2006 lengthened to 250-feet in 2020), and
- A westbound left-turn pocket should be added (250-feet in 2020).

The use of auxiliary turn lanes on state highways is governed by UDOT’s *Administrative Rule 930-6, Accommodation of Utilities and the Control and Protection of State Highway Rights of Way*. SR-248 is classified as a Category 4 roadway, and as such the intersection of Old Landfill Road requires:

1. a westbound left turn lane, deceleration lane and taper to accommodate more than 10 vehicles per hour making this movement,
2. a eastbound right turn pocket, deceleration lane and taper to accommodate more than 25 vehicles per hour making this movement, and
3. a northbound to eastbound right turn acceleration lane and taper to accommodate more than 50 vehicles per hour on roadways with speed limits greater than 40 mph.

US-248 - Richardson Flats Road Improvements

September 3, 2008

