



**PARK CITY REGULAR PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
September 15, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Park City, Utah will hold its Regular Planning Commission Meeting at the www.parkcity.org/public-meetings for the purposes and at the times as described below on Wednesday, September 15, 2021.

MEETING CALLED TO ORDER AT 5:30 PM.

Notice of Electronic Meeting and How to Comment Virtually

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location.

Planning Commission members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

1.ROLL CALL

2.PUBLIC COMMUNICATIONS

3.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4.REGULAR AGENDA

- 4.A. Land Management Code Amendments - The Planning Commission will Review Stopgap Amendments for Internal Accessory Dwelling Units to Prepare for State Pre-Emption of Certain Accessory Apartment Regulations that are Effective October 1, 2021.

PL-21-04889

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on September 23, 2021

[Staff Report](#)

[Exhibit A: Draft Ordinance](#)

[Exhibit B: Ordinance No. 94-4](#)

[Exhibit C: Ordinance No. 02-07](#)

[Exhibit D: Ordinance No. 07-49](#)

5.WORK SESSION

- 5.A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session- Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss Off-Site Parking and Transportation, Draft Findings of Fact, Draft Conditions of Approval and Other Issues Raised in the Staff Report. PL-20-04475.

Public Input will be taken via e-comments and Zoom

(A) Work Session, No Action Will Be Taken

[PEG Staff Report](#)

[Exhibit A: PCMR Off-Site Parking Evaluation](#)

[Exhibit B: Draft FOF CLEAN](#)

[Exhibit B: Draft FOF Redlines](#)

[Exhibit C: Draft Conditions of Approval CLEAN](#)

[Exhibit C: Draft Conditions of Approval Redlines](#)

[Exhibit D: Public Comment](#)

[Exhibit E: MPD Process Summary](#)

[Exhibit F: Project Background Information](#)

[Exhibit G: CVMA Offsite Parking Reservation Agreement](#)

6.ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

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

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Internal Accessory Dwelling Units (IADUs)
Application: PL-21-04889
Author: Rebecca Ward
Date: September 15, 2021
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Review the proposed Land Management Code amendments, (II) conduct a public hearing, and (III) consider forwarding a positive recommendation for City Council’s consideration on September 23, 2021, based on the Draft Ordinance (Exhibit A).

Description

Applicant: Planning Department

Zoning Districts: Primarily Residential Zoning Districts: Historic Residential – Low Density; Historic Residential – 1; Historic Residential – 2; Historic Residential – Medium Density; Rural Estate; Estate; Single Family; Residential – 1; Residential Development; Residential Development – Medium Density; Residential – Medium Density

Land Management Code: Amending

- § 15-2.1-2 *Historic Residential – Low Density*
- § 15-2.2-2 *Historic Residential – 1*
- § 15-2.3-2 *Historic Residential – 2*
- § 15-2.4-2 *Historic Residential – Medium Density*
- § 15-2.9-2 *Rural Estate*
- § 15-2.10-2 *Estate*
- § 15-2.11-2 *Single Family*
- § 15-2.12-2 *Residential – 1*
- § 15-2.13-2 *Residential Development*
- § 15-2.14-2 *Residential Development – Medium Density*
- § 15-2.15-2 *Residential – Medium Density*
- § 15-15-1 *Definitions*
- § 15-15-2 *Defined Terms*

Enacting

§ 15-4-7.1 *Internal Accessory Dwelling Units*

Reason for Review: The Commission has the primary responsibility of reviewing Land Management Code amendments and forwarding a recommendation for City Council’s consideration. The City Council holds a public hearing and takes Final Action.

Acronyms

IADU	Internal Accessory Dwelling Unit
LMC	Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

Accessory Apartments—dwelling units within or attached to a Single-Family Dwelling or detached garage—have been allowed in most Zoning Districts in Park City since 1994. In 2018, the City Council directed Planning staff to evaluate reduced regulations to incentivize affordable Accessory Apartment development. Planning staff is working to finalize amendments based on work session input from both the Planning Commission and City Council by the end of the year, which is Goal 2 of the [2021 Update to the Housing Assessment and Plan](#).

However, the City’s plans were disrupted by [H.B. 82](#), *Single-Family Housing Modifications*, which pre-empts certain Accessory Apartments the State defines as Internal Accessory Dwelling Units (IADUs) – apartments built within the footprint of an existing Single-Family Dwelling. State pre-emption goes into effect October 1, 2021.

As a result, staff recommends a phased approach. The proposed amendments for Planning Commission consideration at this time include restrictive regulations to prepare for State pre-emption as a stopgap to mitigate impacts to the community:

- Restricting IADUs to Lots greater than 6,000 square feet
- Requiring one parking space per IADU in addition to the parking requirement for the Single-Family Dwelling
- Requiring an Administrative Permit for IADUs
 - Requiring additional Administrative Conditional Use review for IADUs proposed for a Single-Family Dwelling designated Significant or Landmark on the Park City Historic Sites Inventory to ensure compliance with the Historic District Design Guidelines and to mitigate impacts in the Historic Districts
- Requiring the property owner live on site
- Prohibiting sale of the IADU separate from the Single-Family Dwelling
- Prohibiting Nightly Rentals in the Single-Family Dwelling and IADU
- Requiring a deed restriction outlining prohibitions on Nightly Rentals
- Requiring notice to the Homeowner Association
- Outlining a permit revocation process for non-compliance

Staff proposes returning to the Planning Commission on October 13 and November 10 for continued discussion and public input to implement a second phase of Accessory Apartment amendments tailored to Park City neighborhoods based on the values, goals, objectives, and strategies identified in the Park City General Plan, Vision 2020, public input, and Planning Commission and City Council input, to achieve the City’s goals that have been in motion since 2018.

Background

Amendments to Accessory Apartment regulations are part of the City’s Adopted *Housing Assessment and Plan* to attain the goal of 800 Affordable Units by 2026.

On November 17, 2016, the City Council adopted [HA 01-2016](#), *A Resolution Establishing an Affordable Housing Production Goal for the Park City Housing Authority*. The Resolution states

“[t]he Mayor and City Council do hereby proclaim an affordable housing goal of 800 units by 2026 with an interim goal of 220 units by 2020.” The purposes of this goal include promoting a range of affordable, quality housing opportunities within Park City for persons of all economic levels, meeting the socio-economic needs of those who live and work here, maintaining a community with a broad diversity of owner-occupied and rental housing types, and promoting energy-efficient, environmentally sensitive housing that blends with the City’s natural environment.

To date, 133 affordable units are completed, and 372 units are in development. To attain the goal of 800 affordable units by 2026, 295 affordable units must be constructed.

To help achieve the housing goal, the City Council directed Planning staff to identify barriers within the Land Management Code (LMC) to affordable housing development, and to amend the LMC to incentivize private development and public-private partnerships for the development of affordable housing.¹

In 2018, Planning staff began evaluating LMC regulations for Accessory Apartments—dwelling units within or attached to a Single-Family Dwelling or detached garage—to identify barriers to development to help address the need for affordable long-term rentals in the community.

On July 12, 2018, the City Council directed staff to pursue Accessory Apartment amendments and to return with a list of options to remove barriers, including the possibility of removing parking requirements in exchange for recordation of a deed restriction capping the Accessory Apartment rent to an affordable rate ([Staff Report](#); [Minutes](#), p. 3 – 4).

On November 7, 2019, the City Council adopted the [2020 Housing Assessment and Plan](#). Goal 3 was in part to amend the Land Management Code to incentivize the construction and rental of affordable Accessory Apartments through reduced parking requirements ([Staff Report](#); [Minutes](#), p. 16).

To explore possible amendments, the City hired a consultant to further assess incentives to Accessory Apartment development. On May 6, 2020, Sudbury Consulting, LLC submitted an [Accessory Apartment Unit Policy Research Report](#). The report recommends eliminating restrictions, establishing by-right approval for projects that meet certain standards, reducing application and impact fees, partnering with local banks to explore financing programs, and creating user-friendly manuals, materials, workshops, and technical assistance for community members.

On June 24, 2020, the Planning Commission reviewed the consultant’s report, conducted a work session, and expressed support to:

- Allow Accessory Apartments in the Community Transition Zoning District

¹ In February of this year, the City Council adopted [Ordinance No. 2021-10](#), to enact Affordable Master Planned Developments, developments that qualify for reduced open space, setbacks, and parking restrictions, and increased height, for projects wherein at least 50% of the Residential Unit Equivalents are deed restricted to be affordable to those at 80% AMI ([Staff Report](#); [Minutes](#), p. 18).

- Expand the Land Management Code to allow detached Accessory Dwelling Units in some Zoning Districts
- Extend the minimum rental timeline from 31 days to 90 days
- Reduce the minimum square footage to as low as 280 square feet
- Evaluate the proximity prohibitions and eliminate them in certain Zoning Districts ([Staff Report](#); [Minutes](#), p. 9).

On November 19, 2020, the City Council adopted the [2021 Update to the Housing Assessment and Plan](#). Goal 2 of the Plan is to complete the Accessory Apartment amendments and to allow detached Accessory Dwelling Units in appropriate neighborhoods by the end of 2021 ([Staff Report](#); [Minutes](#), p. 7).

State Pre-Emption Disrupted the City’s Plans.

On December 30, 2020, the Utah Legislature made H.B. 82 *Single-Family Housing Modifications* available to the public. [The first draft](#), sponsored by [Representative Raymond Ward](#) and [Senator Jacob Anderegg](#), prohibited cities from establishing limitations on the size of an Accessory Dwelling Units or from requiring additional parking. The Legislature considered five substitute bills, and each created more autonomy for cities.

On March 16, 2021, the Governor signed the [5th Substitute of H.B. 82](#), which allows property owners of Single-Family Dwellings in primarily residential Zoning Districts to create an Internal Accessory Dwelling Unit (IADU) within the footprint of an existing Single-Family Dwelling in certain circumstances.

H.B. 82, codified in Utah Code Chapter 10-9a, establishes the following:

- An IADU is created within the footprint of an existing Single-Family Dwelling occupied as a primary residence by the owner of record, that is offered for long-term rental of 30 consecutive days or longer²
- Cities may not establish restrictions or requirements for IADUs regarding
 - the size of the IADU in relation to the Single-Family Dwelling,
 - the total lot size, or
 - street frontage³
- Cities may
 - prohibit the installation of a separate utility meter for an IADU,
 - require that the IADU be designed in a manner that does not change the appearance of the Single-Family Dwelling
 - require one additional on-site parking space for an IADU
 - require replacement of parking spaces contained within a garage if an IADU is created within the garage
 - require the owner of the Single-Family Dwelling to obtain a permit or license to rent the IADU

² Utah Code [§ 10-9a-530\(1\)\(a\)](#).

³ Utah Code [§ 10-9a-530\(2\)](#).

- prohibit IADUs in an area equivalent to 25% of the total area zoned for primarily residential use
- prohibit the creation of an IADU if the Single-Family Dwelling is served by a failing septic tank
- prohibit IADUs for lots 6,000 square feet or less
- prohibit the rental for less than 30 consecutive days
- prohibit rental of the IADU if the Single-Family Dwelling is not occupied as the owner's primary residence⁴
- hold a lien against a property that contains an IADU that violates the code⁵
- require recordation of restrictions regarding the IADU with the County Recorder's Office⁶

In addition to pre-empting municipalities, H.B. 82 pre-empts certain Homeowner Association regulations.

Effective October 1, 2021, H.B. 82 prohibits a Homeowner Association formed under the Community Association Act from restricting or prohibiting the owner of a residential Lot from constructing or renting an IADU that complies with local land use regulations and building, health, and fire codes.⁷

The Planning Commission reviewed Accessory Apartment regulations in the context of State pre-emption and provided input.

On April 28, 2021, the Planning Commission conducted a work session on H.B. 82 and the impacts the State pre-emption will have on current Accessory Apartment regulations and on the LMC amendments that are in progress ([Staff Report](#); [Minutes](#), p. 14).

Staff requested input regarding whether the City should prohibit IADUs from primarily residential Historic Zoning Districts or any other area that is 25% or less of the total primarily residential Zoning Districts.

- The Planning Commission recommended allowing IADUs in primarily residential Zoning Districts without limitation

Staff requested input regarding whether the City should prohibit IADUs for lots with 6,000 square feet or less.

- The Planning Commission recommended allowing IADUs on lots of all sizes within primarily residential Zoning Districts

Staff requested input on whether the City should require the property owner to live on site to rent an IADU.

⁴ Utah Code [§ 10-9a-530\(4\)](#)

⁵ Utah Code [§ 10-9a-530\(5\)](#)

⁶ Utah Code [§ 10-9a-530\(6\)](#)

⁷ Utah Code [§ 57-8a-209](#) and [§ 57-8a-218](#).

- Some Commissioners recommended considering long-term rental requirements for the Single-Family Dwelling rather than requiring the property owner to live on site, while others voiced preference for requiring the property owner to live on site.

The Commission also raised the following:

- What is the City doing to address rental needs for those below 80% AMI, specifically for those at 30 or 40% AMI? The Commission encouraged staff to look to other communities for inspiration.
- How will the City track IADU compliance to ensure IADUs do not become Nightly Rentals?
- Is the goal to increase the Accessory Apartment stock, or to increase affordable Accessory Apartment stock?
- Is market-rate rent for an Accessory Apartment comparable to an affordable rent?

In addition to City Council and Planning Commission input to date, staff continues to evaluate:

- Market-rate rent compared with rents capped at 80% AMI or below
- Detached Accessory Dwelling Units in certain Zoning Districts
- Potential residential parking permits to mitigate parking impacts in certain neighborhoods
- Reductions for parking for affordable Accessory Apartments near transit
- Impacts for reducing requirements that owners live on-site
- Impacts to Single-Family Dwellings designated Significant or Landmark on the Park City Historic Sites Inventory that may be exempt from parking requirements and impacts to the Historic Districts
- Impacts to allowing Accessory Apartments for Single-Family Dwellings that are deed restricted to protect affordability
- Tracking Accessory Apartments and IADUs for compliance with long-term rental requirements

Staff is also seeking public input and thanks the community members who have requested additional information and have provided input to date. Staff encourages continued public participation and is working to create an online survey that will be available September 20 – November 4. The results will be presented to the Planning Commission prior to the Commission’s recommendation to City Council on November 10 for the second phase of amendments.

Analysis

Staff recommends the Planning Commission consider forwarding a positive recommendation for City Council’s consideration for stopgap Land Management Code amendments to prepare for State pre-emption.

The City has considered Accessory Apartments an avenue to address affordable housing needs since 1994 and has carefully crafted land use regulations to ensure Accessory Apartments are appropriately located and integrated into neighborhoods, mitigating impacts.

On February 3, 1994, the City Council adopted [Resolution No. 3-94](#) to establish priorities and identified affordable housing and accessory units as a top priority. On February 17, 1994, the City Council adopted Ordinance No. 94-4 to establish Accessory Apartments in the Land Management Code (LMC) (Exhibit B). The original regulations established Accessory Apartments—apartments within or additions to Single-Family Dwellings or detached garages—as an allowed use in residential Zoning Districts and a conditional use in Historic residential Zoning Districts.

The purpose of Accessory Apartments outlined in the 1994 LMC was to

encourage accessory apartments as an affordable housing opportunity while protecting the existing quality of life found in single-family zones throughout the community. While preservation of the single-family zone is of paramount importance, increasing affordable housing opportunities will benefit the community in its entirety.

The 1994 Accessory Apartment code was restrictive and only allowed Accessory Apartments between 400 and 800 square feet that were no more than one-quarter the size of the Single-Family Dwelling, capped Accessory Apartments to three within a 300-foot radius, and required:

- a parking space for each bedroom
- the property owner to live on site
- at least a six-month rental term for the Accessory Apartment
- recordation of a deed restriction that terminated with the sale or transfer of property, requiring each property owner to re-apply for an Accessory Apartment permit
- a one-year review for each Accessory Apartment permit to evaluate complaints

In 2002, the City Council adopted Ordinance No. 02-07, adopting a comprehensive and substantive revision to the LMC (Exhibit C). Accessory Apartment regulations were loosened:

- Accessory Apartments could be one-third of the size of the Single-Family Dwelling, up to 1,000 square feet, but capped at two bedrooms
- The driveway length required for tandem parking was reduced
- The rental term of Accessory Apartments was reduced from six months to 30 days or more

In 2007, the City Council adopted Ordinance No. 07-49 to amend Accessory Apartment regulations to:

- Allow approvals and recorded deed restrictions to run with the land
- Prohibited Nightly Rental of both the Single-Family Dwelling and Accessory Apartment
- Allowed the Planning Department to impose reasonable conditions to mitigate any impacts to the surrounding neighborhood
- Removed the required one-year review (Exhibit D)

Before implementing reduced regulations to the existing carefully crafted code, staff recommends stopgap Internal Accessory Dwelling Unit (IADU) amendments while further amendments are considered in October and November. The stopgap amendments include the following:

Amend [§ 15-15-1 Definitions](#) and [§ 15-15-2 Defined Terms](#) to distinguish Accessory Apartments and IADUs and to define the term IADU:

ACCESSORY APARTMENT. A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created ~~either by converting part of and/or~~ by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

.....

INTERNAL ACCESSORY DWELLING UNIT. An accessory dwelling unit created within the Building Footprint of a Single-Family Dwelling that is occupied as the primary residence of the owner of record and for the purpose of offering a long-term rental of 30 consecutive days or longer.

Amend the Use Table to establish IADUs as Allowed Uses in the following primarily residential Zoning Districts, with Single-Family Dwellings designated Significant or Landmark on the Historic Sites Inventory an Administrative Conditional Use:

§ 15-2.1 *Historic Residential – Low Density*

§ 15-2.1 *Historic Residential – 1*

§ 15-2.3 *Historic Residential – 2*

§ 15-2.4 *Historic Residential – Medium Density*

§ 15-2.9 *Rural Estate*

§ 15-2.10 *Estate*

§ 15-2.11 *Single Family*

§ 15-2.12 *Residential – 1*

§ 15-2.13 *Residential Development*

§ 15-2.14 *Residential Development – Medium Density*

§ 15-2.15 *Residential – Medium Density*

Enact § 15-4-7.1, *Internal Accessory Dwelling Units*, to mirror certain Accessory Apartment regulations for IADUs, to distinguish Accessory Apartments and IADUs, to

establish a staff-level Administrative Permit review, and to restrict IADUs to the extent allowed pursuant to H.B. 82 as a stopgap while further amendments are finalized:

15-4-7.1 Internal Accessory Dwelling Units

Internal Accessory Dwelling Units are subject to the following criteria:

A. CRITERIA FOR USE.

1. SIZE. One Internal Accessory Dwelling Unit may be constructed on a Lot that is 6,000 square feet or greater and contains one Single-Family Dwelling subject to Zoning and this Section.

2. PARKING. One (1) Parking Space per Internal Accessory Dwelling Unit must be provided in addition to the existing requirement for the Single-Family Dwelling. Parking Spaces for Internal Accessory Dwelling Units need not be covered and may be provided in tandem subject to one of the following criteria:

a. One (1) Parking Space for an Internal Accessory Dwelling Unit may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

b. One (1) Parking Space for an Internal Accessory Dwelling Unit may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

c. **Historic District Zones.** One (1) tandem Parking Space, parking one vehicle behind another, for an Internal Accessory Dwelling Unit proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

1. Tandem Parking will not create an undue hardship for the neighborhood.

2. Other parking options are less desirable than the proposed tandem space.

3. Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

3. SINGLE-FAMILY DWELLINGS DESIGNATED SIGNIFICANT OR HISTORIC ON THE PARK CITY HISTORIC SITES INVENTORY. Internal Accessory Dwelling Units are an Administrative Conditional Use for Single-Family Dwellings designated Significant or Historic on the Park City Historic Sites Inventory. The Planning Department shall review Internal Accessory Dwelling Units proposed for Single-Family Dwellings designated Significant or Landmark on the Park City Historic Sites Inventory for compliance with

Chapter 15-13 *Design Guidelines for Historic Districts and Sites* and Section 15-1-10(E), *Conditional Use Permit Criteria*.

4. REQUIREMENTS FOR REVIEW. The Applicant for an Internal Accessory Dwelling Unit must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

5. OWNERSHIP. The Single-Family Dwelling shall be occupied by the Owner and the Internal Accessory Dwelling Unit shall not be sold separately.

6. DEED RESTRICTION. A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

"A permit for an Internal Accessory Dwelling Unit was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7.1XX. Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner.

The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days."

7. NIGHTLY RENTALS. Neither the Single-Family Dwelling or Internal Accessory Apartment may be rented for periods of time less than thirty (30) days.

8. HOMEOWNERS ASSOCIATION NOTIFICATION. All Internal Accessory Dwelling Units shall be subject to the Homeowners Association notification requirements established in Section 15-1-12(F).

B. REVIEW. Applicants shall submit a complete Administrative Permit application to the Planning Department for an Internal Accessory Dwelling Unit and pay the Application fee as established by the fee schedule. The Planning Department shall review and take Final Action on applications for Internal Accessory Dwelling Units pursuant to Section 15-1-8.

C. PERMIT REVOCATION. The Planning Department may revoke an Administrative Permit for an Internal Accessory Dwelling Unit for non-compliance with the criteria of this Section. The permittee may appeal the determination pursuant to Section 15-1-18.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on September 1, 2021. Staff mailed courtesy notice to property owners within primarily residential

Zoning Districts on September 1, 2021. The *Park Record* published notice on September 1, 2021.⁸

Public Input

Staff received several calls and emails from interested community members, but no formal input was submitted when this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council;
- The Planning Commission may forward a negative recommendation to the City Council;
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance

Exhibit B: Ordinance No. 94-4

Exhibit C: Ordinance No. 02-07

Exhibit D: Ordinance No. 07-49

⁸ LMC [§ 15-1-21](#).

ORDINANCE NO. 2021-XX

**AN ORDINANCE AMENDING PRIMARILY RESIDENTIAL ZONING DISTRICTS
IN THE LAND MANAGEMENT CODE SECTIONS § 15-2.1-2; § 15-2.2-2; § 15-2.3-2;
§ 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2;
§ 15-2.15-2; § 15-15-1; and § 15-15-2 AND ENACTING SECTION 15-4-7.1,
*INTERNAL ACCESSORY DWELLING UNITS***

WHEREAS, the Utah Legislature enacted the 5th Substitute of H.B. 82 *Single-Family Modifications*;

WHEREAS, on March 16, 2021, the Governor signed H.B. 82;

WHEREAS, on October 1, 2021, H.B. 82 pre-empts certain municipal regulations regarding what the state defines as Internal Accessory Dwelling Units, an accessory dwelling unit created within the Building Footprint of a Single-Family Dwelling that is occupied as the primary residence of the owner of record and for the purpose of offering a long-term rental of 30 consecutive days or longer;

WHEREAS, the City has allowed Accessory Apartments—dwelling units within a Single-Family Dwelling, attached to a Single-Family Dwelling, or added to a detached garage—in most primarily residential Zoning Districts since 1994;

WHEREAS, the City is in the process of amending land use regulations for Accessory Apartments to incentivize private development of affordable units;

WHEREAS, Land Management Code amendments regarding Internal Accessory Dwelling Units are proposed as a stopgap to prepare for State pre-emption while the final Accessory Apartment amendments are reviewed by the Planning Commission with public hearings in October, and November, and the City Council in December;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on September 15, 2021 and forwarded a _____ recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on September 23, 2021.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Municipal Code of Park City § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2 are hereby amended as outlined in Attachment 1. Section 15-4-7.1 *Internal Accessory Dwelling Units* is hereby enacted as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 23rd day of September 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

1 **ATTACHMENT 1**

2 **15-2.1-2 Uses**

3 Uses in the HRL District are limited to the following:

4 A. **ALLOWED USES.**

- 5 1. Single Family Dwelling
- 6 2. Home Occupation
- 7 3. Child Care, In-Home Babysitting
- 8 4. Child Care, Family¹
- 9 5. Child Care, Family Group¹
- 10 6. Accessory Building and Use
- 11 7. Conservation Activity
- 12 8. Agriculture
- 13 9. Residential Parking Area or Structure with four (4) or fewer spaces
- 14 10. Internal Accessory Dwelling Unit⁹

15

16 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
17 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
18 subject to an Administrative Conditional Use Permit.

19 **15-2.2-2 Uses**

20 Uses in the HR-1 District are limited to the following:

21 A. **ALLOWED USES.**

- 22 1. Single Family Dwelling
- 23 2. Lockout Unit¹
- 24 3. Nightly Rental¹
- 25 4. Home Occupation
- 26 5. Child Care, In-Home Babysitting²

- 27 6. Child Care, Family²
- 28 7. Child Care, Family Group²
- 29 8. Accessory Building and Use
- 30 9. Conservation Activity
- 31 10. Agriculture
- 32 11. Residential Parking Area or Structure, with four (4) or fewer spaces
- 33 12. Internal Accessory Dwelling Unit¹⁰

34

35 (Footnote 10) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
36 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
37 subject to an Administrative Conditional Use Permit.

38 **15-2.3-2 Uses**

39 Uses in the HR-2 District are limited to the following:

40 A. **ALLOWED USES.**

- 41 1. Single Family Dwelling
- 42 2. Lockout Unit¹
- 43 3. Nightly Rental²
- 44 4. Home Occupation
- 45 5. Child Care, In-Home Babysitting³
- 46 6. Child Care, Family³
- 47 7. Child Care, Family Group³
- 48 8. Accessory Building and Use
- 49 9. Conservation Activity
- 50 10. Agriculture
- 51 11. Residential Parking Area or Structure with four (4) or fewer spaces
- 52 12. Recreation Facility, Private

53 13. Internal Accessory Dwelling Unit¹²

54

55 (Footnote 12) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
56 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
57 subject to an Administrative Conditional Use Permit.

58 **15-2.4-2 Uses**

59 Uses in the HRM District are limited to the following:

60 A. **ALLOWED USES.**

- 61 1. Single Family Dwelling
- 62 2. Duplex Dwelling
- 63 3. Secondary Living Quarters
- 64 4. Lockout Unit¹
- 65 5. Accessory Apartment²
- 66 6. Nightly Rental³
- 67 7. Home Occupation
- 68 8. Child Care, In-Home Babysitting
- 69 9. Child Care, Family⁴
- 70 10. Child Care, Family Group⁴
- 71 11. Accessory Building and Use
- 72 12. Conservation Activity
- 73 13. Agriculture
- 74 14. Parking Area or Structure with four (4) or fewer spaces
- 75 15. Internal Accessory Dwelling Unit¹¹

76

77 (Footnote 11) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
78 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
79 subject to an Administrative Conditional Use Permit.

80 **15-2.9-2 Uses**

81 Uses in the E-40 District are limited to the following:

82 A. **ALLOWED USES.**

- 83 1. Single Family Dwelling
- 84 2. Secondary Living Quarters
- 85 3. Lockout Unit¹
- 86 4. Accessory Apartment²
- 87 5. Nightly Rental³
- 88 6. Home Occupation
- 89 7. Child Care, In-Home Babysitting
- 90 8. Child Care, Family⁴
- 91 9. Child Care, Family Group⁴
- 92 10. Accessory Building and Use
- 93 11. Conservation Activity
- 94 12. Agriculture
- 95 13. Raising, grazing of horses
- 96 14. Residential Parking Area or Structure, with four (4) or fewer spaces
- 97 15. Internal Accessory Dwelling Unit⁹

98

99 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units.

100 **15-2.10-2 Uses**

101 Uses in the Estate (E) District are limited to the following:

102 A. **ALLOWED USES.**

- 103 1. Single Family Dwelling
- 104 2. Duplex Dwelling
- 105 3. Secondary Living Quarters
- 106 4. Lockout Unit¹
- 107 5. Accessory Apartment²
- 108 6. Nightly Rental^{1,3}
- 109 7. Home Occupation
- 110 8. Child Care, In-Home Babysitting⁴
- 111 9. Child Care, Family⁴
- 112 10. Child Care, Family Group⁴
- 113 11. Accessory Buildings and Uses
- 114 12. Conservation Activity
- 115 13. Agriculture
- 116 14. Raising, grazing of horses
- 117 15. Parking Area or Structure with four (4) or fewer spaces
- 118 16. Internal Accessory Dwelling Unit¹²

119

120 (Footnote 12) See Section 15-4-7.1, Internal Accessory Dwelling Units.

121 **15-2.11-2 Uses**

122 Uses in the SF District are limited to the following:

123 A. **ALLOWED USES.**

- 124 1. Single Family Dwelling
- 125 2. Duplex Dwelling¹
- 126 3. Secondary Living Quarters²
- 127 4. Accessory Apartment³
- 128 5. Nightly Rental⁴

- 129 6. Home Occupation
- 130 7. Child Care, In-Home Babysitting⁵
- 131 8. Child Care, Family⁵
- 132 9. Child Care, Family Group⁵
- 133 10. Accessory Building and Use
- 134 11. Conservation Activity
- 135 12. Agriculture
- 136 13. Parking Area or Structure with four (4) or fewer spaces
- 137 14. Internal Accessory Dwelling Unit¹⁰

138

139 (Footnote 10) See Section 15-4-7.1, Internal Accessory Dwelling Units.

140 **15-2.12-2 Uses**

141 Uses in the R-1 District are limited to the following:

142 A. **ALLOWED USES.**

- 143 1. Single Family Dwelling
- 144 2. Duplex Dwelling
- 145 3. Secondary Living Quarters
- 146 4. Lockout Unit¹
- 147 5. Accessory Apartment²
- 148 6. Nightly Rental³
- 149 7. Home Occupation
- 150 8. Child Care, In-Home Babysitting⁴
- 151 9. Child Care, Family⁴
- 152 10. Child Care, Family Group⁴
- 153 11. Accessory Building and Use
- 154 12. Conservation Activity

- 155 13. Agriculture
- 156 14. Parking Area or Structure with four (4) or fewer spaces
- 157 15. Internal Accessory Dwelling Unit¹¹

158

159 (Footnote 11) See Section 15-4-7.1, Internal Accessory Dwelling Units.

160 **15-2.13-2 Uses**

161 Uses in the RD District are limited to the following:

162 A. **ALLOWED USES.**

- 163 1. Single-Family Dwelling
- 164 2. Duplex Dwelling
- 165 3. Secondary Living Quarters
- 166 4. Lockout Unit¹
- 167 5. Accessory Apartment²
- 168 6. Nightly Rental³
- 169 7. Home Occupation
- 170 8. Child Care, In-Home Babysitting⁴
- 171 9. Child Care, Family⁴
- 172 10. Child Care, Family Group⁴
- 173 11. Accessory Building and Use
- 174 12. Conservation Activity Agriculture
- 175 13. Parking Area or Structure with four (4) or fewer spaces
- 176 14. Recreation Facility, Private
- 177 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 178 16. Food Truck Location¹⁶
- 179 17. Internal Accessory Dwelling Unit¹⁷

180

181 (Footnote 17) See Section 15-4-7.1, Internal Accessory Dwelling Units.

182 **15-2.14-2 Uses**

183 Uses in the RDM District are limited to the following:

184 A. **ALLOWED USES.**

- 185 1. Single Family Dwelling
- 186 2. Duplex Dwelling
- 187 3. Triplex Dwelling
- 188 4. Secondary Living Quarters
- 189 5. Lockout Unit¹
- 190 6. Accessory Apartment²
- 191 7. Nightly Rental³
- 192 8. Home Occupation
- 193 9. Child Care, In Home Babysitting⁴
- 194 10. Child Care, Family⁴
- 195 11. Child Care, Family Group⁴
- 196 12. Accessory Building and Use
- 197 13. Conservation Activity
- 198 14. Agriculture
- 199 15. Parking Area or Structure with four (4) or fewer spaces
- 200 16. Recreation Facility, Private
- 201 17. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 202 18. Food Truck Location¹⁴
- 203 19. Internal Accessory Dwelling Unit¹⁵

204

205 (Footnote 15) See Section 15-4-7.1, Internal Accessory Dwelling Units.

206 **15-2.15-2 Uses**

207 Uses in the RM District are limited to the following:

208 A. **ALLOWED USES.**

- 209 1. Single Family Dwelling
- 210 2. Duplex Dwelling
- 211 3. Triplex Dwelling
- 212 4. Secondary Living Quarters
- 213 5. Lockout Unit¹
- 214 6. Accessory Apartment²
- 215 7. Nightly Rental³
- 216 8. Home Occupation
- 217 9. Child Care, In-Home Babysitting⁴
- 218 10. Child Care, Family⁴
- 219 11. Child Care, Family Group⁴
- 220 12. Accessory Building and Use
- 221 13. Conservation Activity
- 222 14. Agriculture
- 223 15. Bed and Breakfast Inn
- 224 16. Parking Area or Structure with four (4) or fewer spaces
- 225 17. Internal Accessory Dwelling Unit⁹

226

227 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units.

228 **15-4-7.1 Internal Accessory Dwelling Units**

229 Internal Accessory Dwelling Units are subject to the following criteria:

230 A. **CRITERIA FOR USE.**

231 **1. SIZE.** One Internal Accessory Dwelling Unit may be constructed on a Lot that is 6,000
232 square feet or greater and contains one Single-Family Dwelling subject to Zoning and
233 this Section.

234 **2. PARKING.** One (1) Parking Space per Internal Accessory Dwelling Unit must be
235 provided in addition to the existing requirement for the Single-Family Dwelling. Parking
236 Spaces for Internal Accessory Dwelling Units need not be covered and may be provided
237 in tandem subject to one of the following criteria:

238 a. One (1) Parking Space for an Internal Accessory Dwelling Unit may be
239 provided in tandem if the existing driveway length equals or exceeds twenty-five
240 feet (25') as measured from the Property Line. Parking is permitted only within
241 approved garages and on paved driveways.

242 b. One (1) Parking Space for an Internal Accessory Dwelling Unit may be
243 provided in tandem in an effort to preserve existing Significant Vegetation and
244 when all other parking alternatives are undesirable.

245 c. **Historic District Zones.** One (1) tandem Parking Space, parking one vehicle
246 behind another, for an Internal Accessory Dwelling Unit proposed in any
247 residential Historic District Zone may be provided when the Applicant has
248 secured a Conditional Use permit and the Planning Commission has made the
249 following findings:

250 1. Tandem Parking will not create an undue hardship for the
251 neighborhood.

252 2. Other parking options are less desirable than the proposed tandem
253 space.

254 3. Reasonable efforts, such as automatic garage door openers, lease
255 provisions and/or limitation of garage storage, have been made to
256 encourage the Use of all Off-Street Parking.

257 **3. SINGLE-FAMILY DWELLINGS DESIGNATED SIGNIFICANT OR HISTORIC ON**
258 **THE PARK CITY HISTORIC SITES INVENTORY.** Internal Accessory Dwelling Units are
259 an Administrative Conditional Use for Single-Family Dwellings designated Significant or
260 Historic on the Park City Historic Sites Inventory. The Planning Department shall review
261 Internal Accessory Dwelling Units proposed for Single-Family Dwellings designated
262 Significant or Landmark on the Park City Historic Sites Inventory for compliance with
263 Chapter 15-13 *Design Guidelines for Historic Districts and Sites* and Section 15-1-10(E),
264 *Conditional Use Permit Criteria*.

265 **4. REQUIREMENTS FOR REVIEW.** The Applicant for an Internal Accessory Dwelling
266 Unit must submit a floor plan, architectural elevations, and Site plan showing any
267 proposed changes to the Structure or Site.

268 **5. OWNERSHIP.** The Single-Family Dwelling shall be occupied by the Owner and the
269 Internal Accessory Dwelling Unit shall not be sold separately.

270 **6. DEED RESTRICTION.** A deed restriction “Notice to Purchaser” must be filed with the
271 County Recorder, which states:

272 “A permit for an Internal Accessory Dwelling Unit was issued to _____,
273 the current Owner of this Property on _____. This permit runs with the land
274 and is automatically transferred to the new owner by the sale or transfer of this Property,
275 provided however, if the Use by the new Owner does not continue to comply with the
276 conditions of approval, the permit may be invalidated by the Planning Department
277 pursuant to Section 15-4-7.1XX. Prospective purchasers should be advised that only
278 one (1) unit on the Property may be rented; the other must be occupied by the Owner.
279 The Owner shall strictly adhere to all the conditions of approval and the prohibition of the
280 rental of either Dwelling Unit for short term rentals of less than thirty (30) days.”

281 **7. NIGHTLY RENTALS.** Neither the Single-Family Dwelling or Internal Accessory
282 Apartment may be rented for periods of time less than thirty (30) days.

283 **8. HOMEOWNERS ASSOCIATION NOTIFICATION.** All Internal Accessory Dwelling
284 Units shall be subject to the Homeowners Association notification requirements
285 established in Section 15-1-12(F).

286 **B. REVIEW.** Applicants shall submit a complete Administrative Permit application to the
287 Planning Department for an Internal Accessory Dwelling Unit and pay the Application fee as
288 established by the fee schedule. The Planning Department shall review and take Final Action on
289 applications for Internal Accessory Dwelling Units pursuant to Section 15-1-8.

290 **C. PERMIT REVOCATION.** The Planning Department may revoke an Administrative Permit for
291 an Internal Accessory Dwelling Unit for non-compliance with the criteria of this Section. The
292 permittee may appeal the determination pursuant to Section 15-1-18.

293 **15-15-1 Definitions**

294

295 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and
296 sanitary facilities, created ~~either by converting part of and/or~~ by adding on to a Single-
297 Family Dwelling or detached garage. Accessory Apartments do not increase the
298 residential Unit Equivalent of the Property and are an Accessory Use to the primary
299 Dwelling.

300

301 **INTERNAL ACCESSORY DWELLING UNIT.** An accessory dwelling unit created within
302 the Building Footprint of a Single-Family Dwelling that is occupied as the primary
303 residence of the owner of record and for the purpose of offering a long-term rental of 30
304 consecutive days or longer.

305 **15-15-2 List Of Defined Terms**

306

- 307 -I-
- 308 Impact Analysis
- 309 Impervious Surface
- 310 Inaction
- 311 Incidental Retail Sales
- 312 Indoor Entertainment Facility
- 313 Internal Accessory Dwelling Unit
- 314

AN ORDINANCE RENUMBERING CERTAIN SECTIONS AND AMENDING SECTIONS 2, 7.19, AND 8.19 OF THE PARK CITY MUNICIPAL CORPORATION LAND MANAGEMENT CODE REGARDING THE ALLOWANCE OF ACCESSORY APARTMENTS.

WHEREAS, public notice and opportunity to comment were provided pursuant to the Land Management Code (LMC); and

WHEREAS, the Planning Commission of Park City, after public hearing on November 17, 1993, voted unanimously on December 15, 1993, to recommend amending the LMC to allow accessory apartments in Park City; and

WHEREAS, the City Council of Park City, after public hearing on February 3, 1994, has determined that allowing accessory apartments in Park City pursuant to the criteria established below will help provide alternative housing options in Park City; and

WHEREAS, the City Council adopted Resolution No. 3-94 establishing long term goals and a policy agenda and action agenda for 1994-1996; and

WHEREAS, Resolution No. 3-94 identifies "Diverse housing opportunities with quality, affordable housing" as a High Priority Long-term goal and "Affordable Housing," including policy determinations such as allowing accessory units, as a Top Priority Action Target for 1994-1996; and

WHEREAS, the City Council has determined that allowing accessory apartments in Park City pursuant to the criteria established below is in the best interest of the community;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. Chapter 2 of the Land Management Code ("LMC") is hereby amended to include the following definition:

Accessory Apartment. A self-contained apartment, containing cooking, sleeping, and sanitary facilities, created either by converting part of and/or adding on to an existing detached single-family home or detached garage or by building a separate apartment into a new home or detached garage on a single-family lot. Accessory apartments are prohibited in multi-unit structures.

SECTION II. LMC § 7.19 (Land Use Table) is hereby amended as follows:

(a) Apartments Designated for Affordable Housing shall be permitted uses in the following zone:

- LI

(b) Accessory apartments shall be regulated uses in the following (residential) zones:

- E,
- SF,
- SF-N,
- RD,
- RDM,
- R-1, and
- RM

(c) Accessory apartments shall be conditional uses in the following (historic) zones:

- HR-1
- HRL

SECTION III. Subsections 8.19 to 8.28 of the LMC are hereby renumbered to subsections 8.20 to 8.29 respectfully and subsection 8.19 is hereby amended to read as follows:

8.19 REGULATION OF ACCESSORY APARTMENTS. The intent and purpose of this section is to encourage accessory apartments as an affordable housing opportunity while protecting the existing quality of life found in single-family zones throughout the community. While preservation of the single-family zone is of paramount importance, increasing affordable housing opportunities will benefit the community in its entirety. The following provisions are intended to facilitate accessory apartments while minimizing land use conflicts and environmental degradation. Accessory apartments shall be subject to the following criteria:

(a) Criteria For Use.

1. Size. Accessory apartments may be no more than one fourth of the dwelling size and shall be limited to a maximum unit size of 800 square-feet and shall be no less than 400 square-feet with no more than two bedrooms. An accessory apartment may not increase the size of a structure over the maximum specified in the Land Management Code or subdivision approval."

2. Parking. One parking space per bedroom must be provided in addition to the existing requirement for the primary residence. Parking spaces for

accessory apartments need not be covered and may be provided in tandem subject to one of the following criteria:

i. One parking space for an accessory apartment may be provided in tandem if the existing driveway length exceeds thirty-feet as measured from the property line. No parking shall be permitted within the front yard setback area.

ii. One parking space for an accessory apartment may be provided in tandem in an effort to preserve existing significant vegetation and when all other parking alternatives are undesirable. Significant vegetation is vegetation which has a caliper (diameter) in excess of two inches as measured four inches above grade or other vegetation providing desirable visual screening between properties.

iii. Historic District Zones. One parking space for an accessory apartment proposed in any Historic District Zones may be provided when the applicant has secured a Conditional Use Permit and the Planning Commission has made the following findings:

a. Tandem parking will not create an undue hardship for the neighborhood.

b. Other parking options are less desirable than the proposed tandem space.

c. Reasonable efforts (such as automatic garage door openers, lease provisions and/or limitation of garage storage) have been made to encourage the use of all off-street-parking.

3. Apartments Per Lot. No more than one accessory apartment may be located on a lot.

4. Requirements For Review. The applicant for an accessory apartment must submit a floor plan and site plan showing the proposed changes.

5. Density Limits. A permit for an accessory apartment may not be granted if more than three of the homes within 300-feet of the applicant's property boundary contain other established accessory apartments.

6. Ownership. One unit shall be occupied by the owner of the structure and the accessory apartment shall not be sold separately.

7. Deed Restriction. A deed restriction must be filed with the County Recorder which states:

"A permit for an accessory apartment was issued to _____, the current owner of this property on _____. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one unit on the property may be rented; the other must be occupied by the owner. Prospective purchasers who intend to reside in one of the units on the property may apply to the Planning Department for an accessory apartment permit. If the apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The owner shall strictly adhere to the prohibition of the use of the accessory structure as a nightly rental.

8. Nightly Rentals. Accessory apartments are intended for long term rental of six-months or more and may not be used for nightly rentals.

9. Homeowners Association Registration and Notification. All accessory apartments shall be subject to the Homeowners Association and Notification requirements established in Chapter 1, Section 1.15 (d).

- (b) One-year Review. Both regulated use permits and conditional use permits for accessory apartments shall be subject to a one-year review by the Community Development Department. The review shall occur one year after issuance of the accessory apartment permit. If no complaints have been filed and the Community Development Department finds that the owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the property is transferred. If complaints have been filed, the Community Development Department shall ensure that the owner of the property is complying with the requirements of the accessory apartment permit.

- (c) Regulated Use Review. The Community Development Department shall review accessory apartments in those zones where the apartments are a regulated use. After payment of the application fee as established by the Fee Schedule, the Community Development Department shall approve a permit if the requested use complies with the

criteria established herein.

1. Permit Revocation. The accessory apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(d) Conditional Use Review. In those zones where accessory apartments are subject to a conditional use permit, the Planning Commission shall review the requested use. After payment of the application fee as established by the Fee Schedule, the Planning Commission shall approve a permit if the requested use complies with the criteria established herein. In addition, prior to issuance of a conditional use permit, the Planning Commission shall determine that parking and other impacts as outlined in §1.13(j) have been mitigated. The conditional use permit shall be subject to the one-year review outlined in §8.19(b).

1. Permit Revocation. The accessory apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(e) Existing Non-Conforming Accessory Apartments. Existing non-conforming accessory apartments may be approved by the Community Development Department provided that the apartment meets all of the criteria outlined in Section 8.19 (a). If the existing apartment does not meet the criteria as specified, the Planning Commission shall review the use. Permits for non-conforming accessory apartments shall be subject to the one-year review provisions of Sections 8.19 (a), (7) and 8.19 (b). The Planning Commission shall approve the request only if the following findings can be made:

1. The apartment contains no more than two bedrooms.

2. One parking space per bedroom is provided for use by the accessory apartment occupants. On-street parking shall not be counted to fulfill parking requirements.

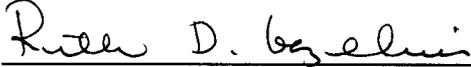
3. One unit is owner-occupied.

4. Impacts of the use can be mitigated.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 17th day of February, 1994.

Park City Municipal Corporation


Ruth D. Gezelius, Mayor *Pro Tem*

Attestation by:


Anita Sheldon, City Recorder

Approved as to Form:


Jodi Hoffman, City Attorney

Ordinance No. 02-07

**AN ORDINANCE APPROVING A COMPREHENSIVE
AND SUBSTANTIVE RE-WRITE OF THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, SPECIFICALLY FOR:
CHAPTER 4- HISTORIC DISTRICT COMMISSION
CHAPTER 6- PLANNING AND ZONING ADMINISTRATION,
CHAPTER 8- SUPPLEMENTAL REGULATIONS,
CHAPTER 10- MASTER PLANNED DEVELOPMENTS
CHAPTER 11- MASTER PLANNED DEVELOPMENTS- AFFORDABLE HOUSING
CHAPTER 14- DAYCARE REGULATIONS
TITLE 15, CHAPTER 1- GENERAL PROVISIONS
TITLE 15, CHAPTER 15- DEFINITIONS
AS RENUMBERED AND INCLUDED IN THE BODY OF THE
MUNICIPAL CODE AS FOLLOWS:
CHAPTER 6 BECOMES TITLE 15, CHAPTER 14
CHAPTERS 8 AND 14 ARE COMBINED TO BECOME TITLE 15, CHAPTER 4
CHAPTERS 10 AND 11 ARE COMBINED TO BECOME TITLE 15, CHAPTER 6
CHAPTER 4 BECOMES TITLE 15, CHAPTER 11
AND ADOPTING THE ZONING MAP OF PARK CITY DATED 5-01.**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, in January of 1998 the City Council directed staff to undertake a comprehensive and substantive re-write of the Land Management Code;

WHEREAS, the City is in the process of a comprehensive rewrite of the entire Land Management Code to reorganize the document's structure, clarify and resolve inconsistencies, update regulations to be consistent with the General Plan, and provide self-contained and user-friendly Chapters;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on January 24, February 28, June 13 and 22, and November 14, 2001 and forwarded to City Council a positive recommendation on Chapters 4, 6, 8, 10, 11, and 14, with additional changes to previously amended Chapters 15-1 and 15-15;

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on November 29, 2001 and April 25 and May 23, 2002 ; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code and adopt the most current zoning map, to be consistent with the General Plan and the values and identified goals of the Park City community, to protect health and safety, to maintain the quality of life for its residents; and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby deleted and replaced by LMC Title 15, Chapter 14 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 6 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 14 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTERS 8 AND 14 OF THE LAND MANAGEMENT CODE. Chapters 8 and 14 are hereby deleted and replaced by LMC Title 15, Chapter 4 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 and 14 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 4 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 3. AMENDMENT TO CHAPTERS 10 AND 11 OF THE LAND MANAGEMENT CODE. Chapters 10 and 11 are hereby deleted and replaced by LMC Title 15, Chapter 6 attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapters 10 and 11 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 6 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 4. AMENDMENTS TO TITLE 15, CHAPTER 1 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 1- General Provisions, is hereby revised to include Section 15-1-13, Completion of Site Improvement Work Prior to the Approval of Plats or Issuance of Certificates of Occupancy, as stated on attached hereto Exhibit D and as deleted from Chapter 8. Any conflicts or cross references from other provisions in the LMC to Section 8.21 of Chapter 8 shall be resolved by the Community Development Director. Defined terms in Section 15-1-13 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 5. AMENDMENTS TO TITLE 15, CHAPTER 15 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 15- Definitions, is hereby revised to include new definitions and revised definitions as stated on attached hereto Exhibit E.

SECTION 6. AMENDMENT TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby deleted and replaced by LMC Title 15, Chapter 11 attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 11 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 7. ADOPTION OF THE ZONING MAP DATED 5-01. The Park City Zoning Map, dated May 2001, is hereby adopted as presented at the May 23, 2002 Council Meeting.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 23 rd day of May 2002

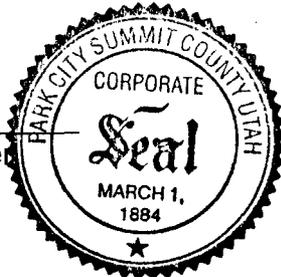
PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney

PARK CITY MUNICIPAL CODE
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Draft - 11/29/01

for adoption 5/23/02



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND
ENFORCEMENT

Chapter adopted by Ordinance No. 01-

**CHAPTER 14 - ZONING
ADMINISTRATION AND
ENFORCEMENT.**

**15-14-1. ADMINISTRATION AND
ENFORCEMENT.**

The provisions of this Ordinance shall be administered by the Community Development Department under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Community Development Director shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land use related ordinances or regulations. The Community Development Director, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a development is in substantial compliance with this Code, ~~or when strict compliance should be demanded or excused,~~ or other enforcement actions taken. The failure of any person to properly interpret or apply this code or any provision of it shall not operate

to waive or estop the City from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building under improperly issued permits do so at their own risk.

~~**15-14-2. ZONING AND BUILDING
PERMITS.**~~

~~Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the Uniform Building Code, shall not be commenced except upon clearance by the City staff for compliance with this Code and issuance of a building permit by the Building Official.~~

15-14-2. OCCUPANCY PERMIT.

Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit certificate of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this and all related

ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit certificate is needed whenever use or character of any building or land is to be changed.

15-14-3. INSPECTION.

The City, through its designated officials, shall, upon presentation of evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

~~15-14-4. SITE PLAN REQUIRED:~~

~~A detailed site plan, drawn to scale, shall be filed with the City, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:~~

- ~~(A) — Scale and north arrow:~~
- ~~(B) — Lot lines and their dimensions:~~
- ~~(C) — Adjacent streets, roads, rights-of-way, and easements:~~
- ~~(D) — Location of all existing structures on subject property and adjoining properties; completely dimensioned, including utility lines, poles, fences, etc:~~

~~(E) — Existing utility line locations and sizes:~~

~~(F) — Existing and proposed grading, drainage, and landscaping plans:~~

~~(G) — Location of proposed construction and improvements, including location of all landscape elements retaining walls, drainage works, and signs:~~

~~(H) — Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location:~~

~~(I) — Necessary explanatory notes:~~

~~(J) — Name, address, and telephone number of builder and owner:~~

~~(K) — Other information which may be requested by the City or in this Code:~~

15-14-4. TIME LIMIT.

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Zoning Administrator, the plan approval for a permitted use shall expire.

15-14-5. PENALTIES/ ENFORCEMENT.

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the City, or by

affected property owners in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that construction has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Building Official, Planning Department and other designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

(C) **THIRD PARTY ACTIONS.** Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

15-14-6. VIOLATIONS.

Violations of this Code are Class "B" misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that

corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the owner of the property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

OLD CHAPTERS 8 & 14.
for adoption 5/23/02

PARK CITY MUNICIPAL CODE
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Draft - 11/29/01

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TITLE E 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS

Chapter adopted by Ordinance No. 00-

**CHAPTER 4 - SUPPLEMENTAL
REGULATIONS.**

15-4 -1. PURPOSE.

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

15-4 -2. SUBSTANDARD LOTS.

Nothing in this Code shall be construed as preventing the division of approved and platted duplex Lots into separate ownership under the terms of either a Condominium ownership Structure, a Planned Unit Development ownership Structure, or a party wall agreement. No new Lots may be platted or created by deed which do not comply with the minimum Lot size requirements established for that zone. *This language is now in individual zoning districts and in Chapter 15.*

**15-4 -3. REDUCED SITE
REQUIREMENTS.**

~~Any Lot under separate ownership of record prior to April 4, 1968, which has dimensions which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set back required by the zone in which the Lot is located, and any Lot which has been approved by the City Council prior to the effective date of this Code which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set backs required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Uniform Building Code for Development on construction on or near Lot lines must be met. *This has already been addressed in the non-conforming use chapter and with the BOA/variance procedure.*~~

(A) ~~Notwithstanding the above, in the HR-1 zone for single unit dwellings, the Side Yards shall be no less than three feet (3') and if reduced pursuant to this section, then no Side Yard exceptions as provided in Section 15-4-14 shall be permitted; and in the RD zone for single unit dwellings, namely in Thaynes Canyon Subdivision I and II, Prospector Village, the Front Yard for Main Buildings shall not be less than twenty feet (20'), and the Front Yard for garages shall~~

not be less than ten feet (10'), and the Side Yard shall be not less than five feet (5') except on Corner Lots. On Corner Lots, the Side Yards abutting the Street shall not be less than ten feet (10'), and the Rear Yard may be reduced to ten feet (10'). In the Prospector Square Commercial Subdivision, Lots 2 to 38 in the GC zone, front, side, and Rear Yards may be reduced to zero feet except for commercial Lots which front on state highways.

This language was incorporated into zoning districts.

(B) — This section is not intended to conflict with Subsection 15-4-9 nor shall it be interpreted as taking precedence over the requirements of Subsection 15-4-9.

This language was incorporated into the specific zoning districts.

15-4-4. — LOT STANDARDS:

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot shall have Area, width, and depth as required by the regulations for the zone in which the Lot is located, and the Lot has Frontage on a Street shown as a City Street on the Official Streets Master Plan, or on private easements connecting the Lot to a Street shown on the Official Streets Master Plan.

This language was incorporated into the specific zoning districts.

15-4-5. — SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard Area, coverage, parking, or other requirements of this Code for Lot or Building may be sold or leased away from such Lot or Building. *This language has been deleted as it is duplicative.*

15-4-6. — SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:

No Parcel of land which has less than the minimum width and Area requirements for the district in which it is located may be created from a larger Parcel of land for the purpose, whether immediate or future, of Building or Development as a Lot. *This language is in Chapter 1 and 15.*

15-4-27. FENCES, WALLS, BERMS, AND/OR HEDGES.

(A) Fences, walls, berms and hedges higher than six feet (6') may be erected or allowed within the buildable Area, provided that Any fence or wall greater than six feet (6') in height requires shall receive administrative conditional use approval and a Building permit. Fences, walls, berms, and hedges shall not exceed four feet (4') in height within any required Front Yard or side Street Side Yard and shall not exceed six feet (6') within any required Rear Yard or interior Side Yard. Where a Fence or wall occurs along a Property Line separating two Lots and there is a difference in the Grade of the properties, the Fence or wall or hedge

may be erected or allowed to the maximum height permitted on either side of the Property Line.

This language will be incorporated into The Design Chapter 9 at a later date.

(B) **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following exceptions which must be approved by the Community Development Director.

- (1) For recreational facilities such as tennis courts,
- (2) As temporary vegetation protection during construction as directed by the Community Development Department.
- (3) Chain link Fences may be permitted in other circumstances by the Community Development Director when it is found that the Fence is necessary in the interest of security or public safety, and when the fencing needs cannot be reasonably met with any other type of fencing.

(C) Berms may be constructed no higher than six feet subject to the following:

- (1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

- (2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander their entire length.

This language will be incorporated into the Design Guidelines Chapter at a later date.

~~15-4-8. FRONTAGE PROTECTION, LIMITED ACCESS TO HIGHWAYS.~~

~~The Frontage along both sides of Park Avenue (SR 224) from 15th Street north to the north City limits, both sides of Marsae Avenue (SR 224) from its upper intersection with Prospect Avenue to the south City limits, both sides of Kearns Boulevard (SR 248) from Park Avenue east to the east City limits, and Deer Valley Drive from Park Avenue to Heber Avenue (U-224 Belt Route) are subject to special review for protection of the highway Frontage. These Areas are shown as a supplement to the zoning district map. Any Building proposal within a distance of one hundred feet (100') back from the nearest Right-of-Way line of these highways is subject to review by the Community Development Department. The highway Frontage review shall be limited to the following factors:~~

- ~~(A) To the extent possible to minimize Access points and driveways to the highways, Access shall be from existing City Streets that join with the highways rather than direct highway Access. Common driveways between adjoining projects shall be used when possible, and driveways that~~

are required in order to provide Access shall be placed where they create the least interference with through traffic on the highways:

(B) — The Department shall review proposals for pedestrian and bicycling pathways through the Frontage Property, proposals for open space, buffered Areas, and preservation of view corridors:

(C) — Regardless of the zone Setbacks in Chapter 7, no Structure shall be erected within thirty feet (30') of the nearest highway Right-of-Way line in order to preserve view corridors, buffer Areas, and allow for possible future improvements of the highway themselves. The Board of Adjustment may grant variances of this Setback.

(D) — All construction in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line is a conditional use, and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone:

This language has been incorporated into Chapter 2.20 as the FPZ district.

15-4-9. — CLEAR VIEW OF INTERSECTING STREETS.

In all zones, no obstruction to view in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within a triangular Area formed by the Streets at

Property Line and a line connecting them at points twenty five feet (25') from the intersection of the Street lines, except a reasonable number of trees pruned low enough to permit automobile drivers an unobstructed view. This shall not require changes in the Natural Grade on the Site. *This language was incorporated into the individual zoning districts and Chapter 15-Subdivisions.*

15-4-10. — PUBLIC UTILITY STRUCTURES.

Public utility Structures may be permitted on less than the required size Lots in any district as approved by the Community Development Department. These facilities are conditional uses.

This language was incorporated into the zoning districts.

15-4-11. — ZERO SIDE YARD REQUIREMENTS.

In Subdivisions or Master Planned Developments where the arrangement and placement of Buildings are fixed and so designated on both the preliminary and Final Plats, the Planning Commission may, after review, approve the Subdivision or Planned Unit Development waiving one of the required Side Yards. In the Prospector Square Commercial Subdivision, Lots 2 through 38 in the GC Zone, the front, side, and Rear Yard set backs may be reduced to zero set back, except those Lots fronting on a state highway, if any, or if the set back is necessary to comply with Section 15-4-9 of

~~this Code. This reduction in the Prospector Square Commercial Subdivision is predicated on the preservation of the Common Areas, pedestrian malls, and common parking Lots. If those Common Areas do not exist for the use and benefit of a Lot on which Development is proposed, the normal GC Zone requirements shall apply.~~

This language was incorporated into the specific zoning districts.

15-4 -123. HOME OCCUPATION.

A Home Occupation is a ~~lawful use~~ permitted accessory use, conducted and carried on entirely within a dwelling by Persons residing in the dwelling, which use is clearly incidental and secondary to the use of the Dwelling for dwelling purposes and does not change the residential character thereof.

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-site sale of goods or merchandise except those which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the use of any outdoor yard space to conduct the business, with the exception of permitted agricultural and horticultural products. ~~or~~ Activity outside of the Buildings, related to the Home Occupation, that is not normally associated with a residential use is not permitted.

Incidental retail sales means the sale of common items not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for a item of clothing, etc.

The use of mechanical equipment shall be limited to small tools whose use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the premises of the dwelling.

The total area used for the Home Occupation shall be limited to no more than one-half (1/2) of the Floor Area of the first floor and shall not change the residential character of the building. This does not require the Home Occupation to occupy only the first floor.

Outdoor storage of equipment, materials, and supplies associated with a Home Occupation is prohibited. Storage of equipment, materials, and supplies associated with a Home Occupation, within a garage, shall not displace required off-street parking.

~~In all cases, There shall be no exterior advertising of said Home Occupation businesses on the premises by window displays or signs. , and no one outside of the immediate family may be employed.~~

This language conflicts with paragraph 2 and removing it allows roommates or others commonly living in a dwelling unit as their primary dwelling to have a home occupation in that dwelling, as currently allowed in the second paragraph.

No traffic may be generated by such Home Occupation in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the residential parking requirements or which is inconsistent with the normal parking usage of the district.

Home Occupation will not allow a resident, professional or otherwise, to use the dwelling for his general practice when that practice is normally associated with some other zoning district. Home Occupation will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone or automatic answering device related to the Home Occupation, but shall not allow frequent or constant visitation to the residence by clients to transact Business.

This language is vague and has been confusing to applicants in the past, i.e. can a professional engineer use his home as a home occupation when professional engineering offices are associated with general commercial zoning. The following language is recommended instead:

A Home Occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (A) arts and crafts studio;
- (B) culinary products kitchen or studio;
- (C) dressmaking or millinery work;
- (D) professional office;

- (E) home office for insurance or real estate sales or telemarketing; or
- (F) teaching and tutoring.

A Home Occupation shall not be interpreted to include the following:

- (A) animal hospital;
- (B) long term care facility;
- (C) restaurants, bars, cafes and other general commercial retail uses;
- (D) bed and breakfast inns; or
- (E) Child Care or Group Care Facilities.

Home Occupation shall include the care of fewer than three (3) children other than members of the family residing in the dwelling. *This language moved to Section xx-xx Child Care Regulations.*

15-4-14. SIDE YARD EXCEPTIONS:

The Area of a required Side Yard shall be open and unobstructed except for the following and similar uses:

- (A) The ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than four inches (4").
- (B) The projection of an eave not more than two feet (2').
- (C) The projection of a step not over two feet (2').

(D) — Awnings projecting over doorways and windows not more than three feet (3').

(E) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2'), provided such extension maintains the minimum Side Yard allowable for the smallest Side Yard in that district.

(F) — A light or window well not over two feet (2') in width.

(G) — Walls or Fences not more than six feet (6') in height.

(H) — A driveway leading to a properly located garage or Parking Area; however, a Side Yard cannot be used for a Parking Area except as hereinafter provided, nor for storage, nor can it be hard-surfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a properly located Parking Area in the Rear Yard.

(I) — A detached garage may be located in a Side Yard provided said garage meets the requirements specified for the district in which it is located, and the requirements of the Building and Fire Codes for Buildings in close proximity to the Lot lines.

(J) — Hot tubs, decks or similar uses at ground level shall be allowed in a Side Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line.
Language incorporated in each zoning district.

15-4-15. REAR YARD EXCEPTIONS:

The Area of a required Rear Yard shall be open and unobstructed except for the following which are permitted:

(A) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2').

(B) — Window wells extending not more than four feet (4').

(C) — The projection of an eave or cornice not more than two feet (2').

(D) — Private swimming pools, tennis courts, and similar uses shall be allowed in a Rear Yard provided they are located at least thirty feet (30') from any dwelling on an adjoining Lot and at least ten feet (10') from any Property Line.

(E) — Garages and other Accessory Buildings as hereinafter provided. Such Structures shall not cover over fifty percent (50%) of the Rear Yard Area.

(F) — Hard-surfaced Parking Areas subject to the same location requirements of a garage.

(G) — Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet (4') from any Property Line and also that they conform to all requirements established by

the Civil Defense Agency for approved shelters:

(H) — Air conditioners:

(I) — Fences not over six feet (6') in height:

(J) — Hot tubs or similar uses shall be allowed in a Rear Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line:

Language incorporated into zoning districts.

15-4-16. — FRONT YARD EXCEPTIONS:

The Area of a required Front Yard shall be open and unobstructed except for the following which are permitted:

(A) — A Fence or wall not more than four feet (4') in height; no Fence more than three feet (3') in height shall be allowed within thirty feet (30') of the intersection on any Corner Lot:

(B) — Uncovered steps leading to the Main Building; provided, however, that they are not more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection. Any portion of any steps; covered or uncovered, that are more than four feet (4') above Grade must maintain the required Setback line:

(C) — Eaves or cornices projecting not more than two feet (2').

(D) — A driveway leading to a properly located garage or Parking Area; provided, however, no portion of a Front Yard as required in this Code except for those approved driveways, shall be Hard-surfaced or graveled so as to encourage or make possible the parking of automobiles; nor shall the City allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located Parking Areas. Hard-surfaced parking may be permitted in the Front Yard of HR-1 and R-1 properties subject to compliance with the zone district requirements. Such parking shall not be permitted in the required Side Yard extended forward to the Front Property Line:

(E) — Circular driveways shall be permitted in required Front Yard Areas of single-family dwellings leading to and from a properly located garage or carport on the Property subject to the following conditions:

— (1) — Such drives shall be Hard-surfaced:

~~(2) Such drives shall not be over sixteen feet (16') in width.~~

~~(3) There shall be an Area in landscaping at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.~~

~~(4) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.~~

~~(5) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.~~

Language incorporated into zoning districts.

15-4-17. HEIGHT PROVISIONS:

The total height of the Building shall be measured as the vertical distance from Natural Grade or Final Grade, whichever yields the smaller/shorter Building, at a point three feet (3') out from the foundation wall, as defined in this Code, to the highest point of a flat roof or to the deck line of a mansard roof or to the highest ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen inches (18") above the deck line. Roofs not clearly fitting any of the above three classifications shall be classified by the Community Development Department in accordance with the roof

~~classification it most resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the Structure, the following exceptions apply:~~

~~(A) In all but the HR-1 and HRL Districts, the ridge of a gable, hip, gambrel or similarly pitched roof may extended up to five feet (5') above the specific maximum height limit for the zone.~~

~~(B) Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the specified maximum height limit for the zone.~~

~~(C) Water towers and mechanical equipment may extend up to five feet (5') above the specified maximum height limit.~~

~~(D) Church spires, bell towers, flag poles, and like architectural features as permitted under the Historic District Guidelines, may extend over the specified maximum height limit by up to fifty percent (50%) of the height limit, but shall not contain any Habitable Spaces above the maximum zone height stated.~~

~~(E) In order to accommodate a one-story element and pitched roof with a ridge design running perpendicular to the Street, the Community Development Department may permit a Building Height increase, not to exceed eighteen feet (18') to the ridge line when measured from the~~

~~midpoint of the front/Street-side Property Line. Additional Building Height, pursuant to this exception, shall not be permitted for portions of the Structure further back than thirty four feet (34') from the Street-Front Property Line. Prior to granting any additional Building Height, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines and results in a better overall architectural design and neighborhood Compatibility.~~

~~(F) — In order to accommodate a pitched roof running with a ridge design running perpendicular to the Street, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the ridge line exceeds the height requirements. Prior to granting any additional Building Height, pursuant to this exception, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines; results in a better overall architectural design, and does not substantially interfere with sight lines of adjacent properties. This is intended to promote more Historic roof forms and to prevent the proliferation of non-Historic, long-sloping roof forms that run parallel to the Slope.~~

Language incorporated into zoning districts or deleted during LMC Phase I amendments.

15-4 -184. REGULATION OF SECONDARY LIVING QUARTERS WITHIN RESIDENTIAL DWELLINGS.

Secondary Living Quarters are a permitted accessory use in all Districts except the HRL, HR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for Secondary Living Quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to Building Permit or Certificate of Occupancy issuance:

(A) **SIZE.** The maximum size for Secondary Living Quarters shall be 800 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.

(B) **PARKING.** One (1) on-Site Parking Space for each secondary living quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.

(C) **SINGLE UTILITY METERS.** The main Dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main Dwelling.

Nightly Rentals and other seasonal rentals are prohibited. Secondary Living Quarters are for the use of the Owner of the main Dwelling for guests, household help, relatives, and other similar uses.

~~(F) — **PROHIBITED IN HISTORIC DISTRICT.** Secondary living quarters will not be approved in the Historic District. See first paragraph.~~

15-4 -5. LOCKOUT UNITS.

Lockout Units are a Conditional Use in the HR-L District and are an Allowed Use in all other Zoning Districts, except in the ROS, SF, and LI Districts where they are not permitted. A Lock Out Unit is an area of a Dwelling with a separate exterior access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

15-4-6. GUEST HOUSES.

Guest Houses are a Conditional Use in zoning Districts where they are permitted and must be reviewed against the Conditional Use Permit regulations in Section 15-1-10. Guest Houses are only permitted on lots of one acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, RCO, GC, or LI zoning Districts. Guest Houses may be attached or detached from the Main House and may not

be sold or leased separate from the Main House. Prior to Building Permit or Certificate of Occupancy issuance a deed restriction stating that the Guest House may not be sold or leased separate from the Main House, shall be recorded at the County Recorders Office.

15-4 -197. — REGULATION OF ACCESSORY APARTMENTS.

The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the community. While preservation of the single family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety. ~~The following provisions are intended to facilitate Accessory Apartments while minimizing land use conflicts and environmental degradation.~~ Accessory Apartments shall be are subject to the following criteria:

(A) **CRITERIA FOR USE.**

- (1) **SIZE.** Accessory Apartments may be no more than one ~~fourth~~ third of the dwelling size, shall be limited to a maximum Floor Area of ~~size of 800~~ 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the size Floor Area of a

Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds ~~thirty~~ twenty-five feet (30/25') as measured from the Property Line. ~~No parking shall be permitted within the Front Yard Setback Area.~~ Parking is permitted only within approved garages and on paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable. ~~Significant Vegetation is vegetation~~

~~which has a caliper (diameter) in excess of two inches (2") as measured four inches (4") above Grade or other vegetation providing desirable visual Screening between properties. Significant Vegetation is a defined term.~~

(c) **Historic District Zones.** One tandem (1) Parking Space for an Accessory Apartment proposed in any residential Historic District Zones may be provided when the Applicant has secured a Conditional Use Permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage

door openers, lease provisions and/or limitation of garage storage, have been made to encourage the use of all off-Street-parking.

(3) **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.

(4) **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any the proposed changes to the Structure or Site.

(5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There maybe no more than four (4) Accessory Apartments within a 300' radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.

(7) **DEED RESTRICTION.** A deed restriction must be filed with the County Recorder which states:

"A permit for an Accessory Apartment was issued to

_____,
the current Owner of this Property on

_____. This permit does not run with the land and is automatically invalidated by the sale or transfer of this Property. Prospective purchasers should be advised that only one unit on the Property may be rented; the other must be occupied by the Owner. Prospective purchasers who intend to reside in one of the units on the Property may apply to the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The Owner shall strictly adhere to the prohibition of the use of the accessory Structure as a Nightly Rental.

(8) **NIGHTLY RENTALS.**
Accessory Apartments are intended for long term rental of ~~six (6) months~~ thirty (30) days or more and may not be used for Nightly Rentals.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and Notification requirements established in Section 15-1-12 (E). ~~Chapter 1, Section 1.15 (D).~~

(~~EB~~) **REGULATED USE REVIEW.**
The Community Development Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all zoning districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After submission of a complete application and payment of the application fee as established by the Fee Schedule, the Community Development Department shall approve a permit if the requested use Accessory Apartment complies with the criteria for use in Section 15-4-7 (A), established herein. The Regulated Use permit shall be subject to the one-year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**
The Accessory Apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this

Chapter. The permittee may appeal the determination to the Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(~~DC~~) **CONDITIONAL USE REVIEW.**
In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested use. After submission of a complete application and payment of the application fee as established by the Fee Schedule, the Planning Commission shall approve a permit if the requested use Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in Section ~~1.13(j)~~ 15-1-10 have been mitigated. The Conditional Use permit shall be subject to the one-year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the

Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(BD) **ONE-YEAR REVIEW.** Both regulated use permits and conditional use permits for Accessory Apartments shall be subject to a one-year review by the Community Development Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Community Development Department finds that the Owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the Property is transferred. If complaints have been filed, the Community Development Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.

(E) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Community Development Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the use. Permits for non-conforming Accessory Apartments shall be subject to the one-year review provisions of Sections 15-4-7 (D). The

Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms.
- (2) One (1) Parking Space per Bedroom is provided for use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements.
- (3) One (1) unit is Owner-occupied.
- (4) Impacts of the use can be mitigated.

15-4-8. GROUP CARE FACILITIES.

A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these Facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the site can accommodate adequate off-street parking; where the structures are designed to be compatible with the character of the adjacent neighborhood; and where the type of use, activities, and services provided by

the Group Care Facility are substantially consistent with the activities otherwise permitted in the District.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use Permit prior to occupancy. A business license and certificate of occupancy for the Group Care Facility is also required. No certificate of occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations, provided that the maximum number of foster children in any given home shall not exceed four (4).

Child Care homes and facilities are regulated in Section 15-4-9.

Elder care homes are exempt from these regulations, provided that the maximum number of elderly persons receiving care, protection and supervision in any such home shall not exceed four (4) at any given time.

Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB zoning districts; twelve (12) in the RCO, GC, and LI zoning districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two such facilities to be located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Community Development Department shall review all Group Care Facilities applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed Section 15-1-10 (Conditional Use Permit review) herein:

- (1) Whether the adjacent street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.

(2) Whether the Group Care Facility has made on-site accommodations for all parking and circulation requirements.

(3) Whether the architectural design of the Facility is compatible with the character of the adjacent neighborhood.

(4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the District. No person shall make a Group Care facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled persons.

(5) Whether there are other such facilities located within 750 feet of the proposed location.

(D) **NOTICE.** A notice of any Group Care Facility Conditional Use Permit granted by the City, and any

conditions imposed upon such Facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the property upon which the Group Care Facility is permitted.

(E) **PROHIBITED.** Group Care Facilities are prohibited in the HRL, POS, and ROS Districts.

15-4-9. CHILD CARE AND CHILD CARE FACILITIES.

~~CHAPTER 14. CHILD CARE REGULATIONS~~

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage ~~through the private sector~~ the provision of Child Care which meets the fluctuating needs and demands of the City's residents, employees, and employers. ~~The City has determined that~~ Health and safety, convenience, compatibility, afford ability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations ~~which are believed to~~ that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) ~~14.2.~~ **IN-HOME BABY-SITTING.**

In-Home Baby-Sitting includes the provision of Child Care for ~~fewer than~~ four or fewer children within a ~~private~~ homeDwelling, and within commercial buildings outside of residential zones. In-

Home Baby-Sitting shall be permitted in all zoning districts except for the Light Industrial (LI) and Recreation Open Space (ROS) zones, wherein in-home baby-sitting shall only be allowed if it is for employees of an approved business with the same business providing the child care service. In-Home Baby-Sitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted accessory use. Standard building and zoning regulations shall be complied with.

State licensing requirements start with 5 children in either family child care or child care centers, although there are different rules based on mixed ages and how many are under 2 years of age where licensing may kick in with fewer.

Staff recommends changes to the use tables for various zoning districts as a result of these changes in state requirements and subsequent LMC requirements, ie. changing certain Allowed uses to Conditional uses for the Family Group Child Care homes.

(C) 14.3. FAMILY DAY CHILD CARE.

Family Day Child Care is a small scale Child Care facility home which includes the provision of Child day Care for four to six up to eight (8) children. Family day Child Care in residential zones must be within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen if they are cared for in the same area of the structure as that designated for Family Child day Care. Conformance to the criteria contained herein and all State Child Care Building Code requirements meet Park City requirements;

however, state licensing requirements for child care may be more restrictive.

State has changed numbers for this category from six to eight. To be consistent with State regulations for Family Child Care the LMC has been revised to increase the number from 6 to 8.

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

(1) PERMITS REQUIRED.

Family day Child Care homes shall be permitted in all other commercial and residential zoning Districts subject to issuance by the Chief Building Official, of a certificate of occupancy for the home, and either an administrative permit issued by the City Planning Director or a Conditional Use Permit issued by the Planning Commission, which shall be subject to the following conditions. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Community Development Department.

Family Child Care in Multi- Unit Dwellings, such as apartments, condominiums, and townhouses, requires a Conditional Use Permit issued by the Planning Commission.

Family Child Care requires a Conditional Use Permit in the ROS and POS zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) REVIEW CRITERIA.

Prior to the issuance of either an Administrative permit or a Conditional Use Permit, all Family Child Care homes are subject to the following requirements:

(a) **Parking.** One off-street parking space is ~~provided~~ required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose ~~if~~ provided that parking is not within the side setbacks established for that zone ~~or if~~ and the driveway is not required for a drop-off/pick-up area as required herein.

(b) **Drop-off/Pick-up Area.** Two drop off/pick-up parking spaces must be provided. These spaces can be street parking spaces provided that they are located within 50 feet of the property and can be reached without crossing the street. The driveway may be used for drop-off/pick-up if it

is not required for employee or resident parking as required herein.

(~~dc~~) **Arterial Street.** If located on an arterial street or State Highway, an off-street drop-off/pick-up area is required.

(ed) **Play Area Size and Location.** Minimum indoor and outdoor play areas are regulated by the State, but in no case shall there be a structured play area measuring less than ~~of at least~~ 240 square feet ~~shall be provided on-site.~~ No structured area for active play or play structures may be located in the front yard (~~not capitalized!~~) in residential zones. Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Signsage.** All signs must conform to the Park City Sign Code requirements of the specific zoning district. In single family zones, no signs will be permitted for a Family ~~Day~~ Child Care home.

(f) **Primary Residence.** If Child Care is provided in a residential structure, the structure must be the primary residence of the primary care provider and the residential character of the house and its lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) **Multi-Unit Dwellings family Housing.** Family day Child Care in a Multi-Unit family Dwellings housing project (projects which are condominiumized) is a Conditional Use, subject to the review criteria for Conditional Use Permits stated in Section 15.1.10 with review and approval by the Planning Commission. Family day Child Care will not be approved for Multi-family Unit Dwellings housing projects unless it can be shown that playground areas are on private property and not within Common Areas, or unless the applicant receives approval from 100% of the owners for use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) 14.4. FAMILY GROUP CHILD CARE. Family Group Child Care is a medium scale facility Child Care home which includes the provision of Child Care for seven (7) to twelve (12) children nine (9) to sixteen (16), inclusive. Family Group Child Care in residential zones must be provided within the provider's primary residence and shall include the provider's own children under the age of 18 if they are cared for in the same area of the structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required

by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Family Group Care facility home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zone unless it is for the use of the employees of a business, with the same business operating the Child Care Facility.

All child care that does not take place in the primary residence of the primary care provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore all Family Child Care and Family Group Child Care by the definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all child care in commercial businesses, etc.

(1) PERMITS REQUIRED.

Family Group Child Care homes require a Conditional Use Permit in all residential Districts and require an Administrative permit issued by the Community Development Department in all other zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential zoning districts, also require a Conditional Use Permit. Family day Group Child Care homes are subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home. an

Administrative Permit issued by the City Planning Director

Family Group Child Care requires a Conditional Use Permit in the ROS and POS zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

- homes shall be permitted in all other commercial and residential zoning districts subject to the issuance of an administrative permit by the City Planning Director and subject to the same conditions listed in Section 14.3. of this Chapter and subject to the following exceptions and additions:

(2) REVIEW CRITERIA.

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Group Child Care homes are subject to the following requirements:

(a) **Parking.** One off-street parking space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side setbacks established for that zone and the driveway is not required for a drop-off/pick-up area as required herein.

(ab) **Drop-off/Pick-up Area.** Four (4) drop-off/pick-up spaces must be provided. For Family Group Child

Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be street parking spaces provided that they are located within 50 feet of the property and can be reached without crossing the street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

shall be provided (rather than two) with two of the spaces being provided on the site. The driveway may be used for this purpose if the driveway is not necessary for employee or resident parking.

(dc) **Arterial Street.** If located on an arterial street or State Highway, an off-street drop-off/pick-up area is required.

(bd) **Density.** No more than one Family Group Child Care home may be permitted on any one street or within any 300 foot radius (whichever area is less), and no more than two Family Group Child Care homes may be located in any one 500 foot radius area. Family day Child Care homes and other family child care operations which are not regulated shall not be included in these density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI,

HRC, HCB shall not be subject to these density restrictions.

(ee) Play Area Size and Location. An outdoor play area of at least ~~480~~ 360 square feet shall be provided on-site, with an additional ~~40 square feet~~ for each additional child over a minimum of nine (9). Additional indoor play areas are regulated by the State. ~~No structured area for active play or play structures may be located in the front yard (not capitalized!) in residential zones.~~ Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(df) Screening. Screening for all play areas in residential zones is required. Screening may consist of an opaque fence, berm, dense shrubbery, or similar, subject to Community Development Department approval.

(eg) Structure Inspection Required. The structure shall conform to UBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional requirements may be required before a Family Group Child Care permit can be issued ~~for more than ten~~ children.

(fh) Neighborhood Meeting. Prior to permit issuance for a Family Group Child Care home facility in a residential zone, a neighborhood meeting, under the direction of the Community Development Department, shall be held to discuss the proposed facility with property owners within 300 feet of the subject parcel, subject to standard notification requirements. ~~Very often neighbors' concerns can be eased by explaining beforehand how the group care home shall be operated. moreover, T~~he hearing gives the child care provider an opportunity to understand the neighborhoods' concerns and ~~perhaps modify to consider~~ operational policies or make reasonable modifications to the site plan to mitigate impacts of the use. ~~in an effort to maintain a positive neighborhood relationship.~~

(gi) One Year Review. The All Conditional Use Permits for Family Group Child Care homes ~~administrative permit for a~~ shall receive a one time review by the Planning Commission one year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under New Business if it is determined that there have been excessive problems related to this

use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

1. The facility use has consistently generated more parking demand than can be handled within 50 feet of the property parcel boundary on the same side of the street.
2. The facility use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.
3. Patrons of the facility Family Group Care home have consistently violated traffic laws.
4. The facility Family Group Child Care home and uses or objects related to the facility does not conform to Code defined standards.

If the Planning Commission finds that the facility Family Group Child Care home meets all Code defined standards and that there have been no excessive problems related to its use, the use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the applicant of specific

concerns and require a second review in one year.

(hj) Multi-family Unit Dwelling Housing: Family Group Child Care in a Multi-family Unit Dwelling housing project is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-family Unit housing projects Dwellings unless it can be shown that playground areas are on private property and not within Common Areas, or unless the applicant receives approval from 100% of the owners for use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(E)14.5. CHILD CARE CENTER. A Child Care Center is a large scale center based Child Care facility in which the provision of Child Care for 5 or more children occurs in a place other than the care providers primary residence and on a regular basis for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a care providers primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including Hourly Child Care Centers, are regulated by the State of Utah. All required licenses,

certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Child Care Center is an Allowed Use in all non-residential zones Districts except for the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate -40 (E-40), and the Regional Commercial Overlay (RCO) zones Districts. In these Districts wherein a Conditional Use Permit is required, and in the Light Industrial (LI) zone where a child care center is not permitted unless it serves the employees of a business, with the business operating the facility, in which case a conditional use permit is required. A Child Care Center may be located within a residential zone District with a Conditional Use Permit approval, pursuant to Section 15-1-10.

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.

The Planning Commission shall consider, as part of the Conditional Use Permit review, in addition to the criteria stated in Section 15-1-10, the proposed building for architectural compatibility of the proposed Child Care Center and shall also consider the following location at criteria guidelines and site requirements during the review process.

Draft - 11/29/01

(1) LOCATION CRITERIA. Locational Guidelines. For projects within a residential neighborhood, the Planning Commission shall consider the following locational guidelines for locating Child Care Centers .

(a) Traffic will not be encouraged onto local roads within a Subdivision is discouraged. and Location of Child Care Centers is encouraged such that the Center facility can be conveniently accessed by from existing collector or arterial roads.

(b) Location The facility is on the periphery of the subdivision or neighborhood is preferable to location within the center of the subdivision.

(c) The facility Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with large landscaped areas or playing fields.

(d) The facility Child Care Center is conveniently accessed by public transportation.

(e) The subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) SITE REQUIREMENTS. Site Requirements. The following site requirements shall be observed:

(a) Parking. At least one parking space shall be provided for each on-duty staff person per shift and one space for every six children cared for.

(b) Circulation. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.

(c) Fencing. An opaque fence six feet in height must be installed around all designated play areas. Dense shrubbery may compensate for fencing requirements provided that the lot is secured according to State regulations. If the lot is adjacent to open fields or playgrounds, a less opaque fencing material may be used with Planning Commission approval, but chain link fencing shall not be used. ~~in any area of Park City.~~

(d) Play Areas. No structured area for active play or play structures may be located in a front yard. Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) Density. No more than one Child Care Center shall be permitted in any one residential subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other family child care

operations which are not regulated shall not be included in density calculations.

(f) Lot Size and Configuration. The minimum Lot Area size for a Child Care center with more than sixteen children shall be 12,000 square feet. The lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas which are contiguous to the structure.

(g) Setbacks. Standard setbacks shall be observed except that Child Care Centers facilities located in residential zones Districts shall provide at least 18 foot side yards and 25 foot rear yards.

(h) Play Area within Setbacks. No more than 50% of the State Code required play area may be within the standard setback area of the lot as defined in the underlying zone unless the setback area is adjacent to perpetual open space or playing fields.

(i) Signs. One small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet, setback at

least ten feet from the property line and must conform to all other criteria of the Park City Sign Code.

(j) **EXCEPTIONS.** The Planning Commission may grant an exception to these site requirements if it can be shown that the impact of the ~~facility~~ Child Care Center on traffic circulation or on adjacent properties will not be increased if the exception is granted.

15-4 -2310. TIMESHARE PROJECTS.

(A) INFORMATION TO BE FILED WITH TIMESHARE PROJECT

APPLICATIONS. The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building permit application:

- (1) The proposed duration of Timeshare Intervals. ~~which shall not be less than seven (7) days.~~
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium

Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the Timeshare Project and/or units.

(5) The name, address, and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall

be filed with the Community Development Department and the Park City Business Licensing Division.

(7) Whether the Developer plans to offer resale assistance and/or exchange program affiliation to Timeshare Interval purchasers.

(8) A description of the methods to Guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Project.

(9) Any other information that the Developer or Community Development Department deems reasonably necessary to the consideration of the project.

(B) DENIAL OF NEW TIMESHARE PROJECTS.

The creation of new Timeshare Projects is a Conditional Use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in Section 15-1-10, as well as specific criteria stated in Section 15-4-11, Timeshare Conversion, except that the consent of the unit Owners is required only in the case of a conversion of an existing Structure.

~~Unless~~ The Applicant ~~has established that~~ shall also demonstrate that there are ~~is no seriously~~ adverse effects on City services, or City finances through the loss of sales tax revenue, or adverse affect on the use of

convention and meeting space. ~~the project's Conditional Use Permit will be denied.~~

~~**(C) EXISTING PROJECTS - EFFECT OF TIMESHARE AMENDMENTS TO ORDINANCES.**~~

~~Any Timeshare Project established by a Timeshare Instrument wherein Timeshare Intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing Timeshare Project shall, to the extent that the Timeshare Instrument concerning such existing Timeshare Project is inconsistent with this and other ordinances relating to Timeshare Projects, be governed and controlled by the ordinances of the City as they existed prior to the adoption of the timeshare regulation ordinance and by the terms of such existing Timeshare Project's Timeshare Instrument to the extent that the terms of such Timeshare Instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing Timeshare Project or the creation of any additional Timeshare Intervals therein must fully comply with these amendments.~~

~~*This language conflicts with the non-conforming use language and should be deleted.*~~

~~**15-4-24. SALE OF TIMESHARE UNITS.**~~

(A) — PRESALE OF TIMESHARE INTERVALS. Prior to the time that a Building permit has been obtained for a Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Conversion, a timeshare Developer may offer reservations to purchase Timeshare Intervals subject to the following requirements:

———— (1) ——— A reservation to purchase a Timeshare Interval shall be binding upon the timeshare Developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that a Building permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is a part is a Timeshare Project other than a Timeshare Conversion, or a conditional use permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is part is a Timeshare Conversion.

———— (2) ——— The form of reservation agreement used by the timeshare Developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the Timeshare Interval, and execution of such final contract of purchase may not take place prior to the date that a Building permit has been obtained for the Timeshare Project if the project is a

Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Project if the project is a Timeshare Conversion:

———— (3) ——— Any presale activity by a timeshare Developer, its Agents, employees or subcontractors must meet all requirements governing the offering or sale of Timeshare Intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.

(B) — VIOLATIONS OF REQUIREMENTS. Any timeshare Developer who violates the requirements of this section in the reservation of Timeshare Intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by a fine and/or imprisonment as described in the current Park City Criminal Code. Each sale or other violation shall be a separate offense. In addition to criminal penalties for violations of the provision of this Code relating to sales of Timeshare Intervals; the City Council may, upon hearing at which the timeshare Developer is permitted to state his position, rescind the conditional use approval, and vacate the platting of Timeshare Intervals or Timeshare Estates as to those units which are not sold as of the date of rescision.

Regulation of Timeshare sales is not a function of the LMC. Regulated elsewhere.

**15-4 -1122. TIMESHARE
CONVERSION ~~CONVERSION~~;
CONDITIONAL USE REQUESTS.**

(A) TIMESHARE CONVERSION.

Developers of Timeshare Conversions shall file with the Community Development Department the following information as part of a Conditional Use Permit application:

- (1) The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and

Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.

(5) The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall

be filed with the Community Development Department and the Park City Business Licensing Division.

(7) A list of all Owners of the Property being converted, or if the Property has previously been divided into separately owned units, Dwelling Units or Lots, a list of all Owners of such units, Dwelling Units or Lots. This list shall be prepared by a title company or licensed abstractor.

(8) A plan showing in reasonable detail the means by which the Timeshare Conversion will comply with the Park City parking requirements for Timeshare Projects, including the purchase of any necessary additional Property.

(9) Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.

(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements from not less than sixty five percent (65%) of the Owners of

all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the application for a conditional use permit.

(11) Any other information that the Developer or Community Development Department deems reasonably necessary to the consideration of the project.

(B) **CONDITIONS FOR CONVERSION APPROVAL.** In determining whether, and under what conditions, to issue a Conditional Use Permit for Timeshare Conversions, the City shall review the following conditions and considerations and approve the project if:

(1) Timeshare Conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to time share uses being exempt from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

- (2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.
- (3) The Applicant's ability to Guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.
- (4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.
- (5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.
- (6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of application.
- (7) Compliance with the Park City Uniform Building Code and other Park City Building Department

regulations in force at the time of application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements of not less than Owners of sixty five percent (65%) of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the application for a conditional use permit.

(10) The Structure proposed for conversion is in substantial compliance with the Building codes and fire codes adopted by Park City.

(C) **DENIAL OR APPROVAL.** The City may approve or deny the request for Timeshare Conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Community Development

Department, subject to ratification by the Planning Commission, or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

(D) OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

In determining whether, and under what conditions to issue a conditional use permit for an off-premises timeshare contacting location, the Community Development Department may consider:

- (1) The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the Area.
- (2) The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.
- (3) Whether the off-premise contacting can be confined to a completely enclosed Building.
- (4) Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of application, and

compliance with the Business licensing provisions of Park City.

- (5) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another Person with the consent of that Person. No conditional use permit is required under these circumstances.

(E) TIMESHARE CONVERSIONS.

Existing projects, properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to Timeshare Projects as defined in ~~Section 15-15-1 Chapter 2~~ without first obtaining a Conditional Use Permit as required by this Chapter. A Conditional Use Permit must be obtained for the conversion of each separate project or Property being converted.

~~15-4-21. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.~~

~~(A) POLICY.~~

~~(1) SECURITY REQUIRED.~~

~~In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.~~

~~(2) NO THIRD PARTY BENEFICIARIES INTENDED.~~ It is the intention of the City that this financial security given by the Developer be limited to a contract

~~between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Community Development Director.~~

~~(B) CONSTRUCTION ACCORDING TO APPROVED PLANS.~~

~~All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must~~

be approved in advance by the Community Development Department.

~~(C) — SECURITY FOR COMPLETION.~~

~~No certificate of occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site improvements. When the Site improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:~~

~~(1) — The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site improvement work remains unfinished; and,~~

~~(2) — The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site improvements is safe and that Access~~

for emergency vehicles is adequate with the Site improvements unfinished; and,

~~(3) — The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one year from the date of plat approval, if required, or issuance of the certificate of occupancy, whichever occurs first.~~

~~(D) — AMOUNT OF SECURITY. The amount of the security to be posted by the Developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the Department, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated~~

reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) ~~TERMS OF SECURITY.~~ The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow Eserowed, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Eserow or other security arrangements.

(F) ~~FORM OF SECURITY.~~ Security arrangements offered in lieu of simultaneous completion of Buildings and Site improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah,

naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one year, or,

- (2) A deposit of cash with a third party Escrow, or,
- (3) An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.
- (4) Some combination of the above as approved by the City.

(G) ~~RETAINED AMOUNT RETAINAGE.~~ The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one year following final inspection and approval of the Site improvement work by the City. No retained amount retainage shall be held for

landscaping improvements once the installation of the required materials has been approved by the City. The retained amount retainage amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount retainage will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount retainage, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not be contested by the Developer.

(H) — MODIFICATION OF PLANS. A Developer may, at its option, request modifications to plans covering Site improvement work by submitting revised plans to the Community Development Department for review and action. Until the revised plans have received approval by the Department, the Developer shall be required to offer security for the performance of the

Site improvement work as shown on the last set of plans to have received Department approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site improvements, additional security must be provided by the Developer to cover the increased costs.

(I) — PAYMENT OF INTEREST.

Any interest accruing on funds in Escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in Escrow Escrowed for this purpose.



required under other provisions of the Land Management Code.

~~(K) — **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost to complete construction of any retained amount and drainage works on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.~~

~~(L) — **PHASED PROJECTS.** Site improvements applicable to each phase of a phased project or Development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.~~

This language has been moved to Chapter 1 as part of this revision. It will become Section

15-1-13 and the sections following it in Chapter 1 will be renumbered.. This will be reflected in the ordinance to adopt phase II.

15-4 -1213. CONDOMINIUM CONVERSION.

Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation

of the Community Development Department, City Attorney, and record of survey plat approval from the City. Required Public Improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The Structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval. ~~Timeshare Conversion is addressed in Section 15-4-21. ??~~

15-4 -2513. REGULATION OF THE PLACEMENT OF SATELLITE RECEIVING ANTENNAS.

(A) **PURPOSE.** To ensure that Satellite Receiving Stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial Areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such Antenna and equipment where they are least visible from Public Streets and public Areas and, to the extent possible, provide Screening from adjacent Property Owners.

(B) **PERMIT REQUIRED.** The installation of Satellite Receiving Stations, unless otherwise provided in this ordinance, shall be deemed a permitted use. It shall be unlawful to install any Satellite Receiving Station greater than two feet (2') in diameter without first having obtained a Building permit from the City. Plans of such Satellite Receiving Station shall be

~~shall be deemed a permitted use. It shall be unlawful to install any Satellite Receiving Station without first having obtained a Building permit from the City. Plans of such Satellite Receiving Station shall be~~ submitted with each application for a Building permit, which shall include a Site plan indicating the height, color, location, Setbacks, foundation detail, landscaping, and Screening and such plan shall be subject to approval by the Community Development Department.

(C) **INSTALLATION STANDARDS.**

The following standards apply to the installation of a Satellite Receiving Station that is greater than 2' in diameter:

(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

(2) **SETBACKS.** Satellite Receiving Stations installed on the ground must maintain all normal Building Setbacks applicable to the zone in which the station is located.

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Community Development Director may vary Setback requirements if the most effective Screening can be achieved by placing the station within one of the required Setbacks.

(3) **LOCATION.** All ground based receiving stations shall be located behind the front facade of the Main Building on the Site. Stations may be allowed in the Front Yard Area if it can be shown that no other reasonable locations are available and that Site specific conditions including steep Grades, dense vegetation, or other natural features which serve to Screen the receiving station exist on the Site. A Satellite Receiving Station may be located in the Front Yard Area only upon written approval by the Community Development Department Director.

(4) **SCREENING.** Each Satellite Receiving Station mounted on the ground shall be Screened from ground view from Public Streets, rights-of-way, parks and golf courses through the addition of vegetative and non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent Property Owners. Screening shall consist of a combination of design

elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the Property. When initially installed, Screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the Satellite Receiving Station, and low level Screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the Site. A security shall be required to be posted to ensure installation of required Screening. The security shall be 125% of the estimated cost of the Screening.

(5) **MATERIALS AND COLOR.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color and satellite dish Antennas shall be of a wire mesh material. Variations may be reviewed by the Community Development Department. Highly reflective materials shall not be permitted.

(6) **ROOF OR WALL-MOUNTED.** Roof or wall-mounted Satellite Receiving Stations will be approved only if they do not extend above the ridge line of the roof or wall to which

they are attached, are not located on the portion of the roof or wall fronting on any Public Street, and maintain normal Setbacks. Satellite Receiving Stations on flat roofs may be approved if they are Screened by the addition of architectural features which integrate with the characteristics of the Structure and are not located on the portion of the roof fronting on any Public Street. The receiving station and Screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for Architectural Details such as chimneys, vents, or similar Structures. Roof or wall-mounted receiving stations in the Historic District may be approved by the Historic District Commission providing no other feasible location exists and they meet the criteria of this section. The HDC shall review all applications for receiving stations and shall consider Screening materials, integration into the Structure, visibility, size of the receiving station and such other factors as deemed necessary by the HDC to achieve Compatibility of the receiving station with the architecture and aesthetics of the Historic District.

(7) **CABLES TO BE UNDERGROUND.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather

than installed overhead. Wires or cables attached flush with the surface of a Building or the Structure of the receiving station are the only exceptions.

(8) **MULTI-FAMILY DEVELOPMENT.** One (1) Satellite Receiving Station shall be allowed per project. A second receiving station may be allowed upon written approval by the Community Development Department Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station shall be required as part of the permit application filed with the City.

(D) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Satellite Receiving Stations within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. Applicants for permits for the installation of Satellite Receiving Stations are advised to determine what private land use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or

Planned Unit Development, and the application submitted is not in the name of the Owner's Association or Management Committee, the Applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station within the Common Area has been granted as a part of the permit application filed with the City.

(E) **PENALTY.** Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of Satellite Receiving Stations, the Business license of the contractor or vendor shall forfeit upon the second conviction within any one calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

15-4 -3014. TELECOMMUNICATION FACILITIES.

The intent of this section is to ensure that telecommunications facilities are Compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications facilities and related equipment where they are least visible from

Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent Property Owners. The installation of these devices is governed by the following regulations.

(A) **PERMIT REQUIRED.** The installation of telecommunication facilities, unless otherwise addressed in this Code, shall be deemed a conditional use and subject to the Park City Building Permit process. It shall be unlawful to install any telecommunication facility without first having a Conditional Use Permit and Building Permit from the City.

(B) **DEFINITIONS.**

(1) **ANTENNA.** A device that transmits and/or receives Telecommunications and/or radio signals for Telecommunications.

(2) **ANTENNA, DRIVE TEST.** A Temporary Antenna which is used for field testing of Telecommunications signals and possible locations but does not provide Telecommunications to customers.

(3) **ANTENNA, ENCLOSED.** An Antenna or series of individual Antennas entirely enclosed inside a Structure including but not limited

to a cupola or wall of a Building or chimney.

(4) **ANTENNA, FREESTANDING.** An Antenna mounted on or within a stand-alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

(5) **ANTENNA, ROOF MOUNTED.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(6) **ANTENNA, TEMPORARY.** An Antenna used for a time period of less than thirty (30) days.

(7) **ANTENNA, WALL MOUNTED.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

(8) **CO-LOCATION.** The location of Telecommunication

facility on an existing Structure, tower or Building in a manner that precludes the need for that Telecommunications facility to be located on a free-standing Structure of its own.

(9) **EQUIPMENT SHELTER.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(10) **STEALTH TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(11) **TELECOMMUNICATIONS.**

The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

(12) **TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility consists of Antenna, Equipment Shelters and related Structures used for transmitting and/or receiving

Telecommunications and/or radio signals.

(14) **TECHNICAL NECESSITY.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(C) **SUBMITTAL REQUIREMENTS.**

A Complete Application shall include all elements of the proposed Telecommunications Facility and shall produce all information required by the Telecommunications Facility Application. Applicants shall provide the following submittal requirements.

(1) Each Applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the Applicant's existing Telecommunications Facilities and coverage Areas to demonstrate the need for the proposed Telecommunications Facility within the City.

(2) An Applicant proposing to erect a new Telecommunications Facility shall provide documentary

evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or Structures or co-location Sites in the radio frequency coverage Area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites.

(3) Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve-month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the Applicant's existing Telecommunications Facilities.

(4) Each application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed Telecommunications Facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's Telecommunications needs and the reason why the subject Site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:

(a) How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City Area;

(b) How the proposed Telecommunications Facilities relates to the location of the Applicant's existing Telecommunications Facilities that provide Telecommunications within and near the City;

(c) How the proposed Telecommunications Facility relates to the Applicant's anticipated need for additional

Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five (5) locations around and within one mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

(E) **NOT ESSENTIAL SERVICES.** Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development Department shall review all Telecommunications Facility Applications and forward the applications to the Planning Commission. The Planning Commission shall review an application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all applications shall comply with Section 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within 300 feet of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, notice shall be given to the closest, registered Home Owners Association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the

Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five (5) locations around and within one mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

(E) **NOT ESSENTIAL SERVICES.** Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development Department shall review all Telecommunications Facility Applications and forward the applications to the Planning Commission. The Planning Commission shall review an application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all applications shall comply with Section 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within 300 feet of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, notice shall be given to the closest, registered Home Owners Association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the

Consent Agenda Review criteria will be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the Applicant's discretion.

(3) **PUBLIC HEARING.** Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.

(G) **SITE REQUIREMENTS.**

(1) **SETBACKS.** The placement of Telecommunications Facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the Setbacks for main Structures and shall not be determined accessory Structures.

(2) **HEIGHT.** The Telecommunications Facilities shall comply with the base height requirement, as stated in Title 15 of the Land Management Code, for the

zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply:

(a) **Roof Mounted Antenna,** placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.

(b) **Roof Mounted Antenna,** placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.

(3) **Use of Property.** The Telecommunications Facility shall be an ancillary use on the Lot on which it is placed. The Lot shall contain a separate principal use.

(4) **DESIGN.**

(a) **Equipment Shelters** located outside of an existing Building shall require a public hearing in front of the

Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment.

(c) Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

(d) Freestanding Antennas and Wall Mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole.

(H) **SITE DISTURBANCE.** Any application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide,

shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Community Development Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Chapter 9.

(I) **ZONING RESTRICTIONS.**

Unless otherwise required within this Section, applications for Antennas shall be permitted and reviewed as follows:

(1) **FREESTANDING ANTENNA.**

(a) **Prohibited.** Any Antenna located on Historic Structures and all Freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and COS zones. Freestanding Antenna on new Structures within the ROS zone are also prohibited.

(b) **Consent Agenda Review.** Freestanding Antenna located in RDM, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any Freestanding Antenna located on existing poles in the ROS zone.

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any Roof Mounted Antenna located on a Historic or underground Structure or within the COS zone.

(b) **Consent Agenda Review.** Roof Mounted Antenna within the RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Roof Mounted Antenna located in HRL,

HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any Wall Mounted Antenna located on a Historic or underground Structure or within the COS zone.

(b) **Consent Agenda Review.** Wall Mounted Antennas located within the RD, RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones.

(4) **Enclosed Antenna.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the COS zone.

(b) **Consent Agenda Review.** Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of Enclosed Antenna which require an increase in height or exterior wall modification to the existing Structure.

(J) **TECHNICAL NECESSITY EXCEPTION.** If the application does not meet the criteria as stated in Section F, G, H and I, the Applicant may apply to the Board of Adjustment for a Technical Necessity Exception. The Board of Adjustment shall review the application as a Variance pursuant to Chapter 5 and shall require the Applicant to provide any additional technical information in order to approve the variance including the following:

- (1) A written explanation describing the surrounding topography, Structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent

with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location is both permitted and encouraged. Co-location on a Lot may be permitted by the Planning Commission if all Setbacks, design and landscape requirements are met for each Telecommunications Facility. The application shall include any existing or approved, but unbuilt, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic Telecommunications Area requirements;
- (3) Mechanical or electrical incompatibilities;
- (4) Inability or ability to locate equipment on existing Antenna towers; and
- (5) Any restriction or limitation of the Federal Communication

Commission that would preclude the shared use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforce ability of such

covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for Temporary Antennas only in conjunction with a special event licensed under Title 4, Chapter 8, of the Park City Municipal Code. A Temporary Antenna permit application must be submitted to the Community Development Department. The application will be administratively reviewed by the Community Development Department based on the following criteria:

(1) **TIME.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the Temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as stated in the Park City Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, and LI.

(4) **PERMISSION.** Temporary Antenna permit applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the Facility.

(P) TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period greater than one day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property

also require Planning Department approval and execution of the City's standard drive test agreement.

(Q) OLYMPIC TELECOMMUNICATIONS FACILITIES.

The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by ~~Subsection 8.30(o)~~ Section 15-4-14 (O).

1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(o). The

purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

- a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
- b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002

Olympic Winter Games.

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

- a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and
- b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.

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3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall

identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City, and

b. A visual impact study, graphically simulating through models, computer-enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility where it will be most visible.

4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Department Staff, pursuant to the criteria provided below. At the applicant's option, any application that is denied for

noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code, Subsections 8.30(a-n):

a. ~~Noticing.~~ Notice of applications will be sent to all property owners within three-hundred (300) feet of the proposed Olympic Telecommunications Facility once Staff's preliminary determination of compliance has been reached, establishing a ten (10) calendar day period in which Staff's decision can be appealed to the Planning Commission.

5. ~~Administrative Review Criteria.~~ The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent

possible, provide screening from adjacent property owners. The Community Development Department shall not issue an administrative Conditional Use Permit for an Olympic Telecommunications Facility unless it finds that the application complies with all of the following criteria:

a. ~~Rights of Way.~~ No Olympic Telecommunications Facility shall be located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.

b. ~~Setbacks.~~ Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications

Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures:

c. ~~Height.~~ Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply:

i. ~~Antenna;~~ placed on a flat roof, may extend up to ten (10) feet above the existing structure; provided that the Antenna setback from the edge of

the roof is a minimum distance equal to or greater than the height of the Antenna:

ii. ~~Roof Mounted Antenna;~~ placed on a pitched roof; may extend up to five (5) feet above the existing structure:

iii. ~~Freestanding Antenna may exceed the base height of the zone by up to 30% when a majority of the facility and support structure is not visible from the right-of-ways due to either existing vegetation or the location of the surrounding structures.~~

d. ~~Design.~~

i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from a right-of-way or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.

ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the

surrounding area.

c. Site Circulation. The location of the Olympic Telecommunications Facility shall not impede traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.

f. Site Disturbance. The Olympic Telecommunications Facility shall leave no temporary and/or lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of significant vegetation. As used herein, "Significant

Vegetation²² means trees six inches (6") in diameter or greater measured four feet six inches (4'6") above the ground; groves of small trees or clumps of oak and maple covering an area of twenty (20) square feet or more measured at the drip line. Plans must show all trees within twenty feet (20') of a proposed Olympic Telecommunications Facility or within twenty (20) feet of any proposed access route thereto.

The Community Development Department will require, as a condition of approval, the mitigation of any site disturbance occurring during installation of the facility. This condition will need to be met prior to the site becoming operational.

Upon removal of the Olympic Telecommunications Facility, the applicant shall reasonably return the site to its natural and/or original condition on the date of infrastructure permit approval. The Community Development Department may require, as a condition to the approval, that the applicant adopt and comply with a re-vegetation plan for the site specifying vegetation type, size, location and grass seed mixture. The re-vegetation plan for the site shall be approved by Community Development Department Staff.

~~g. Zoning Restrictions.~~

~~i. Olympic Telecommunications Facilities in the HRC, HCB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, ROS;~~

FPZ, and POS zones are required to be reviewed pursuant to Section 8.30(f) of the Land Management Code.
Olympic Telecommunications Facility are additionally to be reviewed pursuant to Subsections 8.30(a-n) of the Land Management Code.

ii. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Subsection 8.30(q) within the RDM, GC, LI, RCO, RD and RC zones.

h. Signs. No signs may be attached to or associated with any Olympic Telecommunications Facility except those relating to the health and safety of the general public.

i. Noise. The Olympic Telecommunications Facility must comply with any noise regulations applicable to the zone in which the facility is located.

6. Exemptions. Those Olympic Telecommunications Facilities located within the Olympic Sports Venues or Use Areas, which are reviewed and approved by the City as part of a an approved Master Festival License and/or City Services Agreement, are exempt.

7. Permits. Approved Olympic Telecommunications Facilities will receive three permits from the Community Development Department

a. Conditional Use Permit.

~~b. Infrastructure Permit. The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than April 15, 2001, upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility~~

~~c. Antenna Installation Permit. No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic Telecommunications Facility shall be installed without first~~

~~receiving approval of a Building Permit. Antenna Installation permits shall specify an installation date not earlier than October 1, 2001.~~

~~8. Olympic Telecommunications Facility Removal. All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include reasonably returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility~~

~~by the date specified in the Conditional Use Permit. If such facility is not removed and/or the site is not returned to its natural condition pursuant to the re-vegetation plan by the applicant, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.~~

Amended by Ordinance No. 99-51; 00-37; 01-03.

15-4 -2915. OUTDOOR DISPLAY OF WORKS OF ART.

The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, ~~certain~~ public Property and Buildings, and other locations where such art can be viewed by the public. Outdoor Display of Works of Art is an Administrative Conditional Use permit subject to the criteria of this Section and the conditional use permit criteria of Chapter

15-1-10 (E). Approved outdoor displays of works of art may be exempt from Chapter 12-9-1(r) of the Park City Municipal Code provided such displays meet the following criteria:

(A) The location and work of art must be ~~approved~~ reviewed by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed ~~and approved~~ by the Historic District Commission.

(B) The display must be of a permanent nature and able to withstand the elements if located outside.

(C) The City ~~shall~~ accepts no liability in case of damage or theft.

(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.

(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(F) A Building permit may be required in situations requiring installation of a base and/or electrical connections.

(C) The City shall accept no liability in case of damage or theft.

(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.

(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(F) A Building permit may be required in situations requiring installation of a base and/or electrical connections.

(G) In the case of the denial of a request for a display of a work of art, the Applicant may appeal to the City Council.

(H) All works of art shall meet the setbacks and height limitations of the zone.

(I) Any illumination of the work of art shall be reviewed and approved by the Community Development Department prior to installation of such lighting. All lighting shall conform to the lighting regulations in LMC Chapter 9.

15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.

Prior to the issuance of a permit for any Temporary Structure, Tent, or Vendor the following requirements shall be met:

(A) APPLICATION. An application must be submitted to the Community Development Department including the following information:

- (1) General Description - Overview of proposed activity. Include hours of operation, anticipated attendance, use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.
- (2) Site plan - To scale indicating in detail how the proposal will comply with the UBC - should indicate the location of the tent on the property and distances from property lines and other structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan will be included.
- (3) Structural Information/Calculations For all temporary structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire

rating, etc. must be submitted.

- (4) All applicable fees.

B. REVIEW CRITERIA- PUBLIC PROPERTY (OWNED BY THE CITY)

- (1) Lease Agreement with Park City Required.
- (2) The use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on Mass Gathering.
- (3) The use must meet all applicable Uniform Building Code (UBC) requirements.
- (4) The applicant shall adhere to all applicable City and State licensing ordinances.

C. REVIEW CRITERIA-PRIVATE PROPERTY:

- (1) The proposed use must be on private property. The applicant shall provide written notice of the property owner's permission.
- (2) The proposed use should not diminish existing parking. Any net loss of parking shall be mitigated in the applicant's plan.
- (3) The proposed use shall not impede pedestrian circulation, emergency

access, or any other public safety measure.

- (4) The use shall not violate the City Noise Ordinance.
- (5) The use and all signing shall comply with the Municipal Sign and Lighting Codes.
- (6) The use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on Mass Gathering.
- (7) The use shall not violate the Uniform Building Code (UBC).
- (8) The applicant shall adhere to all applicable City and State licensing ordinances.

15-4 -2617. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.

All Lots shall have a front, two sides and a rear Setback with the following exceptions and clarifications. See illustration at end of section.

- (A) Development on Corner Lots shall have two (2) front Setbacks. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Owner or Developer may specify which is the Rear Yard.

(B) Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Developer or Owner.

(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one side is clearly opposite the front, the rear Setback must be opposite the ~~driveway~~ front Setback. If it is not clear where side and rear Setbacks should be, the Developer or Owner may choose which is side and which is rear.

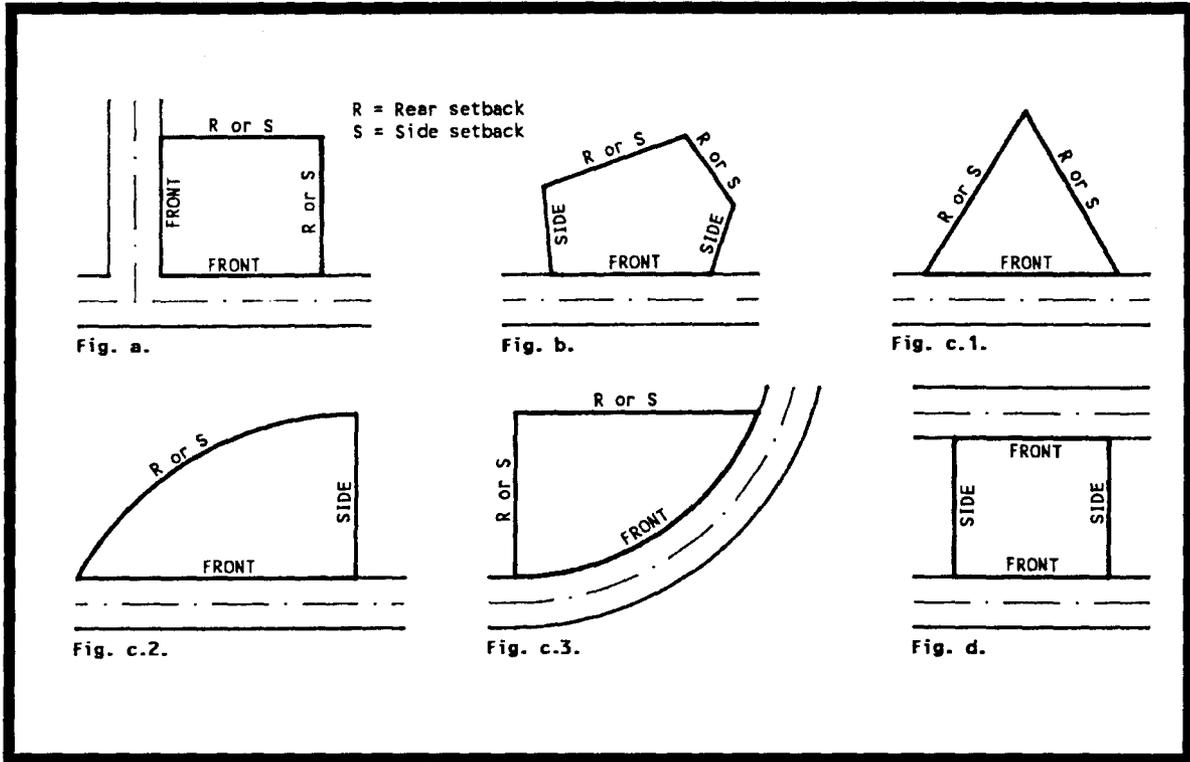
(D) On those Lots which border a Street on both the back and front, both sides must have a front Setback.

(E) Any Lots which are not specified in this section shall have Setbacks determined by the Community Development Department.

~~15-4-27. SENSITIVE LANDS REVIEW.~~

This language is now in the zoning sections under Sensitive Lands Review.

~~Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.~~



15-4-28. CRITERIA FOR CONDITIONAL USE REVIEW OF OUTDOOR SPEAKERS IN CONJUNCTION WITH OUTDOOR DINING.

This language has been added to the zoning districts.

(A) CONDITIONAL USE REQUIRED. The Planning Commission will consider, as a conditional use, the placement of outdoor speaker systems in conjunction with approved outdoor dining. In reviewing whether a conditional use should be granted, the Planning Commission shall consider adjacent land

uses. If outdoor music cannot be mitigated so as not to adversely impact adjacent uses, the request for a conditional use will be denied by the Planning Commission.

(B) CRITERIA. The Planning Commission shall attach criteria and conditions appropriate to reduce any potential impact of outdoor speaker systems on adjacent properties. At a minimum, the following criteria shall be applied to all requests for the use of outdoor speakers:

- ~~(1) Music shall have hours limited to between 11:00 A.M. and 10:00 P.M.~~
- ~~(2) Sound levels of the music shall be kept at a volume so as not to be disruptive to adjacent Property and shall not be audible beyond the boundaries of the outdoor dining Area.~~
- ~~(3) Speakers shall be placed at table level or below and shall not be directed Off-Site.~~

~~(C) **REVIEW FOR COMPLIANCE.** All conditional use approvals for outdoor speaker systems shall be reviewed by the Community Development Staff for compliance with the conditions of approval after one (1) year. If the staff finds that conditions have been violated at any time before or after the one year review, the conditional use approval for outdoor speakers may be terminated.~~

15-4 -2018. SPECIAL REVIEW PROCESS FOR PASSENGER TRAMWAYS AND SKI BASE FACILITIES IN HR-1, HRL, HRC, AND HCB ZONES.

(A) **CONDITIONAL USE.** The location and use of a Passenger Tramway, including a ski tow or ski lift, is a Conditional Use . The location of base and

terminal facilities for the Passenger Tramway shall be is a Conditional Use in all zones where the use may be considered. the HRC and HCB zone. See land use table for Passenger Tramways in other zones.

(B) **CONDITIONAL USE REVIEW.** Conditional use permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

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

the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant standing to apply for the Conditional Use.

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

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL Zones. Mid-loading and unloading points are allowed in the HR-1 and HRL Zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting

provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

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

(6) **PARKING AND TRAFFIC PLANS.** The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for the review and approval by of the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic which could be generated by the Passenger Tramway, the impacts of this traffic

on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that parking would be provided. The traffic and parking plan may be included in the neighborhood Impact Analysis.

The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining properties .

(7) LIFTWAY SETBACK.
The minimum Setback between the Liftway and any existing dwelling shall be eight feet (8'), in addition to the width of the Liftway itself. This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.

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

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

(C) **STATUS OF LAND WITHIN LIFTWAY.** Owners of Lots or other land which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal Setback and Side Yard requirements apply from the Lot line or Property boundary.

(D) **STRUCTURES WITHIN LIFTWAY.** Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the Owner of the Liftway. The Owner of a Lot or other Property which is subject to the Liftway easement may build within the confines of the easement, provided however that all construction within the easement is a Conditional Use which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES.** It is the policy of the City to protect and preserve Historic Structures within the City. ~~whenever it is economically reasonable to do so.~~ The Applicant for ~~proponent~~ of the Passenger Tramway must provide a study which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram. The Applicant ~~proponent~~ must also show what alternatives have been considered for the protection and

preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

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

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site; and

- (G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

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

- (A) Any residential project larger than ten (10) Lots or units.
- (B) All Hotel and lodging project with more than fifteen (15) five (5) Unit Equivalents.
- (C) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

MPDs are not allowed in Historic Zones, with the exception of HR-1 zoned Parcels that are not part of the original Park City Survey, which may be considered for affordable housing MPDs consistent with Section 15-6-7.

15-6 -3. USES.

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

15-6 -4. PROCESS.

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

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.

For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

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

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

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

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the

Planning Commission. The Public Hearing will be noticed in accordance with Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with Section 15-1-17.

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

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;

- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developer's agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.

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

(H) LENGTH OF APPROVAL.

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences,

the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) MPD MODIFICATIONS.

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

(J) SITE SPECIFIC APPROVALS.

Any portion of an approved Master Planned Development will be processed as a Conditional Use. At this time, the Planning Commission will review specific plans including architecture and landscaping. The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required at which time the Planning Commission will review the Application for compliance with the Large Scale MPD approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum

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

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8.

(1) **EXCEPTIONS.** The Community Development Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a

finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

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

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

(B) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation.

Setbacks within the project may be varied from those otherwise required in the zone,

but must meet minimum Uniform Building Code requirements.

(C) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in Section 15-15 with the exception of the General Commercial (GC) District wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan Sections or more specific area plans. Such project enhancements may include, but are not limited to, affordable housing, greater landscaping buffers along public ways and pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/trail linkages, and public art.

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

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the

guidance given in the Park City General Plan.

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

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

(2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

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

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

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

- (6) Provisions for overflow parking during peak periods.

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

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

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss

of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

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

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

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

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

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

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

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

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

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

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

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

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

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

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

tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 9.

(H) **SENSITIVE LANDS COMPLIANCE.** All MPDs containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, subject to the applicability as defined in Section 15-15 of this Code.

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

(J) **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.

15- 6- 6. REQUIRED FINDINGS/CONCLUSIONS OF LAW.

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

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

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

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

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

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

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

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

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

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

(J) The MPD, as conditioned, meets the 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;

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

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

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

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing dwelling units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

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

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

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

(D) **MPD REQUIREMENTS.** All of the MPD requirements and finding of this section shall apply to Affordable Housing projects, except for those listed below.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) dwelling units per acre. The Unit Equivalent formula will be applied, provided that Hotel Rooms, Hotel Suites, Lockout, and other arrangements for transient lodging purposes are not permissible in taking advantage of the moderate income Density bonus.

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

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

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority in the adopted affordable housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. In general, one (1) Unit Equivalent equates to 2000 square feet of residential floor Area and 1000 square feet of commercial floor Area. For purposes of

calculating residential Unit Equivalents, the following table shall apply:

Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or One Bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Residence	1.00

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, etc. do not require the Use of Unit Equivalents.

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

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses, see definition of Support Commercial Use, without the Use of a Unit

Equivalent for commercial space. Any support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total floor Area will be counted as commercial Unit Equivalents. Any square footage which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses do not require the use of Unit Equivalents.

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

square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms
- Administrative offices
- Hallways and circulation
- Elevators and stairways
- Back of house Uses

(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or

winter resort do not require the use of a Unit Equivalent. These Uses include such Uses as:

- Information
- Lost and found
- Mountain patrol
- Mountain administration
- Mountain maintenance and storage facilities
- Emergency medical facilities
- Public lockers
- Public restrooms
- Employee restrooms
- Ski school/day care facilities
- Ticket sales
- Ski check
- Circulation and hallways

This language has been deleted from Chapter 8 (old) Supplemental Regulations and is recommend to be included in Chapter 1, as Section 15-1-13.

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) POLICY.

(1) SECURITY REQUIRED.
In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility

facilities. No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.

(2) NO THIRD PARTY BENEFICIARIES INTENDED. It

is the intention of the City that this financial security given by the Developer be limited to a contract between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws of defects which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Community Development Director.

(B) CONSTRUCTION ACCORDING TO APPROVED PLANS. All construction

shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and

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trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must be approved in advance by the Community Development Department.

(C) **SECURITY FOR**

COMPLETION. No certificate of occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site improvements. When the Site improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

- (1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site improvement work remains unfinished; and,
- (2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site improvements is safe and that Access for emergency vehicles is

adequate with the Site improvements unfinished; and,

(3) The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one year from the date of plat approval, if required, or issuance of the certificate of occupancy, whichever occurs first.

(D) **AMOUNT OF SECURITY.** The amount of the security to be posted by the Developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the Department, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow ~~Escrowed~~, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Escrow or other security arrangements.

(F) **FORM OF SECURITY.** Security arrangements offered in lieu of simultaneous completion of Buildings and Site improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one year, or,
- (2) A deposit of cash with a third party Escrow, or,
- (3) An agreement with the construction lender providing that

the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

- (4) Some combination of the above as approved by the City.

(G) **RETAINED AMOUNT RETAINAGE.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one year following final inspection and approval of the Site improvement work by the City. No retained amount ~~retainage~~ shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retained amount ~~retainage~~ amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount ~~retainage~~ will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or

the Developer. At the completion of that work, the retained amount ~~retained~~, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not be contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site improvement work by submitting revised plans to the Community Development Department for review and action. Until the revised plans have received approval by the Department, the Developer shall be required to offer security for the performance of the Site improvement work as shown on the last set of plans to have received Department approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site improvements, additional security must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** Any interest accruing on funds in Escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in Escrow ~~Escrowed~~ for this purpose.

(J) **DETAILED SITE PLANS.** A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost to complete construction of any retained amount and drainage works on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS.** Site improvements applicable to each phase of a phased project or Development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.

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Proposed Amendments to Land Management Code, Chapter 15- Defined Terms
Text in redline (shaded) is new language.

Accessory Building.

- (D) Not including structures that do not require a building permit, such as sheds, less than 160 sf.

Agriculture. Use of land.... fur farms, livestock feeding operations, animal hospitals...

Allowed Use. A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-conforming Use.

Application. A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a development permit, including but not limited to Conditional Use Permits, Building permits, variances, annexation and re-zoning requests, Subdivision and Record of Survey plats, plat amendments, Code amendments, Design Review, and Administrative Permits.

Building Permit. A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

Certificate of Occupancy. A certificate issued by the Chief Building Official authorizing occupancy of a Dwelling, Business, or any other Structure requiring a Building Permit.

Add under **Child Care.**

(A) **Child Care Center.** A Structure or Building, including outside play areas, used for the provision of Child Care for more than four children for less than 24 hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

(~~A~~B) **Child Care, In-Home Babysitting.** The provision of Child Care for ~~three (3)~~ four (4) or fewer children within a Dwelling ~~Unit~~ and within commercial buildings outside of residential Zoning Districts.

(~~B~~C) **Child Care, Family.** The provision of Child Care for ~~four (4) to six (6)~~ up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(~~E~~D) **Child Care, Family Group.** The provision of Child Care for ~~seven (7) to twelve (12)~~ nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

Code. The Land Management Code.

Commercial Uses. ~~An occupation, employment, or enterprise that is carried on to facilitate and exchange of goods, services, or ideas.~~ Retail business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

Density. The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

Development Agreement. A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

Incidental retail sales. The sale of common items associated with a home occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for a item of clothing, etc.

Change **Lockout RoomUnit.**

Lot Line. Any line defining the boundaries of a Lot.

Add the following to **Nightly Rental:** Nightly Rental does not include the use of Dwelling Units for Commercial Uses.

Outdoor Use. Any land use, business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those uses customarily associated with indoor uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

Add to **Passenger Tramway.** A mechanical device....as amended. Includes ski tows and ski lifts.

Property Owner. See **Owner.**

Regulated Use. A Use that is Allowed, subject to certain regulations and restrictions as prescribed in this Code.

Residential Use. Occupancy of a Dwelling as living quarters and all associated uses, but not including temporary structures such as tents, railroad cars, trailers, or similar units..

SBWRD. Snyderville Basin Water Reclamation District.

Sensitive Land Analysis. A comprehensive analysis performed by a Qualified Professional(s) that examines, identifies, and delineates on a map and in a written report all areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/Wildland Interface Zones.

Sexually Oriented Businesses. Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

Significant Ridge Line Area. Ridge lines in areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these Ridge lines is to be determined during the sensitive lands visual analysis process.

Single Family Subdivision. A development consisting of primarily, although not exclusively, Single Family Dwellings.

Site Suitability Analysis. A comprehensive analysis of a Property or Site used in making a determination of appropriate density considering such factors as sensitive lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

UDOT. Utah State Department of Transportation, an agency that maintains and regulates State Highways.

Use. The purpose or purposes for which land or structures are occupied, maintained, arranged, designed, or intended.

Zone Height. The base Building Height permitted in the Zoning District, prior to application of any allowable Height exceptions.

Zoning District. An area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC DISTRICT COMMISSION

Chapter adopted by Ordinance No. 02-

CHAPTER 11 - HISTORIC DISTRICT COMMISSION.

15-11-1. COMMISSION CREATED.

Pursuant to the Historic District Act (Section 11-18-1, et seq. of the Utah Code, 1953) and other applicable power, there is hereby created a Park City Historic District Commission (HDC). The HDC shall be composed of five (5) members, one of whom shall be member of the Planning Commission.

15-11-2. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HDC member who is absent from two (2) consecutive regularly scheduled Commission meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HDC are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-3. TERMS AND QUALIFICATIONS OF MEMBERS.

Members of the HDC shall serve terms of two (2) years. The terms shall be staggered. Terms may expire on February 1 but members of the HDC shall continue to serve until their successors are appointed and qualified.

(A) The member appointed from the Planning Commission shall serve a term of two (2) years, but a vacancy shall occur in the event the Person ceases to be a member of the Planning Commission. The Mayor shall appoint a new HDC member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HDC have technical representation in Historic renovation and preservation and secondly that it have cultural representation in Park City history. Therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect serving on the Board, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least

two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HDC should include members with the following qualifications, or representing the following interests:

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.
- (2) A member living in the Historic District with demonstrated interest and knowledge of Historic preservation.
- (3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.
- (4) A member associated with Main Street business and commercial interests.

15-11-4. PURPOSES.

The purposes of the HDC are:

- (A) To preserve diverse and harmonious architectural styles and design preferences reflecting phrases of the City's history and to encourage complimentary, contemporary design and construction through comprehensive Design Guidelines;
- (B) To protect and enhance the City's attraction to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To safeguard the heritage of the City by providing for the protection of Landmarks representing significant elements of its history, and to promote interest in preservation;

(E) To promote the private and public Use of Landmarks and the Landmark districts for the education, prosperity, and general welfare of the people;

(F) To make recommendations to the City Council on policies and ordinances that may encourage preservation.

15-11-5. PERMIT ISSUANCE, PROJECT APPROVAL.

(A) The Community Development Department shall review and approve, or deny, all Applications for Building Permits to build, locate, demolish, construct, remodel, alter or modify any facade on any Structure or Building or other visible element including but not limited to signs, lighting fixtures, and Fences located with the Park City Historic District.

(B) All Building projects within the Historic District shall be reviewed by the Community Development Department for compliance with the guidelines promulgated by the HDC and adopted by the City Council by resolution or ordinance. Those proposals for permitted or Conditional Uses which, after review by the Department are found to be in compliance shall be approved by the Department without the necessity of HDC

review or hearing. Appeals of Planning Department staff decisions may be made to the Community Development Director. In those cases where the Department Community Development Director finds the proposal is not in compliance, or where it is unable to make a determination at all, the proposal is submitted for review by the HDC, which shall either approve, approve with conditions, or disapprove the proposal. The HDC shall state specific reasons for disapproval so the Applicant has an opportunity to address those concerns. At any time in the review process, the Applicant, or any Person qualified to file a non-Owner petition pursuant to Section 15-1-13 of this Code, may request Historic District review of the Application. Actions of the HDC are subject to review by the City Council in the manner described in Chapter 1.

(C) In reviewing Applications for Building Permits, the Community Development Department (or HDC on review) shall approve each Application if it is determined that the Structure, construction, remodeling, modification, alteration, or Building complies with the Historic District Architectural Design Guidelines as adopted by the City Council by resolution or ordinance.

(D) Application for demolition permits are reviewed by the Community Development Department except on those Buildings which have been designated as "Landmarks" or "significant" Historic Buildings by the HDC in which case, the permit is to be reviewed by the HDC.

15-11-6. ADDITIONAL POWERS

In addition to the powers set forth in Section 15-11-5, the HDC shall:

(A) Recommend to the City Council for adoption standards to be used by the City or HDC in reviewing Applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any Building or visible element within the Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Advise the City Council on Property Owner incentives to preserve designated Buildings in the district.

(E) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(F) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of the Historic District.

(G) Provide advice and guidance on request of the Property Owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, including Landmarks, Landmark Sites, Historic District, or neighboring Property within public view.

15-11-7. ORGANIZATION.

(A) **CHAIRMAN.** The HDC shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to service for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by a majority of the appointed members of the HDC, including the Chairman.

(C) **VOTING.** All actions of the HDC shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken, shall approve any action taken. The Chairman may vote at the meetings.

15-11-8. STAFF ASSISTANCE.

The City shall, subject to the approval of the City Manager, provide the HDC with such assistance as is reasonably necessary by the HDC, to provide assistance concerning matters related to their fields of expertise:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

(D) Park City Historical Society.

15-11-9. LIMITATIONS.

The HDC has no authority to waive or increase any requirement of any ordinance of the City.

15-11-10. ARCHITECTURAL DESIGN STANDARDS.

The HDC shall promulgate Architectural Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be the design standards applied by the City, and HDC on review, in reviewing specific Building proposals or reviewing City staff actions on appeal. The standards shall address renovation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HDC may recommend changes in the Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the Council.

The Design Guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the Use of the word "Historic" in the Zoning District name, or the letter "H" in the abbreviation of that name.

15-11-11. PRESERVATION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community significance should be encouraged. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

15-11-12. REVIEW OF HISTORIC BUILDINGS, STRUCTURES, SITES AND PRESERVATION POLICY.

The HDC is the official body to review matters concerning designation and preservation of Historic Buildings, Structures and Sites within Park City, and may take appropriate action as may be necessary, as authorized by other sections of this Code to preserve Historic Buildings, Structures and Sites. The Historic District Commission is authorized to function as a committee on Historic Buildings, Structures and Sites and to designate significant Historic Buildings, Structures and Sites within the City which it considers to be of Historic significance and to make this

information available to all interested citizens.

15-11-13. SIGNIFICANT HISTORICAL BUILDINGS, STRUCTURES AND SITES.

It is hereby declared that all Buildings, Structures and Sites within Park City that are either located within the Historic District, listed in the most recent Park City Historic Survey, or are over fifty (50) years old are presumed historically "significant" for the purposes of this Chapter. The HDC may maintain a list of such significant Properties. Any Owner of a presumed historically significant Building, Structure or Site may apply for a hearing before the HDC to rebut the presumption of significance created herein. The Application shall be on forms as prescribed by the HDC and shall be filed with the Community Development Department (CDD). Upon receiving an Application for a determination of significance, the CDD staff shall schedule a hearing on the HDC agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic significance of the Property at the hearing, the HDC shall evaluate whether the Building, Structure or Site demonstrates a quality of significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design,

setting, materials, and workmanship according to the following criteria:

(1) The Building, Structure or Site is associated with events or lives of Persons significant to our past; and/or

(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the Historical or architectural aspects of the Building, Structure or Site.

(B) **DECISION**. The HDC shall determine that the Property is historically insignificant only if it finds that the

Building, Structure or Site is of no or minimal Historic significance because of its location, age, condition, modifications, relation to other Structures or Sites in the Area, or other factors demonstrate that the Property is inconsequential to the Historic value of the Area and to Park City as a whole. If the HDC finds that the Building, Structure or Site is insignificant it shall immediately be removed from the list, if any, of significant Properties. The HDC shall forward a copy of its written findings to the Owner and the Community Development Department. The Community Development Department shall maintain a list of Properties that the HDC has determined are historically insignificant.

(C) **APPEAL**. The Applicant or any party participating in the hearing may appeal the HDC decision to the City Council within ten (10) days of the decision.

15-11-14. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized,

however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary demolition or removal of a Historic Building, Structure or Site.

15-11-15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION.

With the exception of any Building or Structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be historically significant by the provisions of Section 15-11-13 may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Community Development Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Community Development Department.

(A) **DETERMINATION OF SIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished is significant according to the standards set forth in Section 15-11-13(a) herein, the Application shall be processed under Section 15-11-16 and 15-11-17 as appropriate. Upon making said determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such

determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such determination of significance may request a hearing pursuant to Section 15-11-13 within ten (10) days of being given notice of said determination. After the hearing, the Application shall be processed according to Section 15-11-16 and 15-11-17 as appropriate. If the HDC determines that the Building, Structure or Site is insignificant, the Community Development Director may issue the CAD after a waiting period as determined by subsection (B)(1) below.

(B) **DETERMINATION OF INSIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished or removed is not significant according to the standards set forth in Section 15-11-13 (A) herein, the Department may determine that issuance of a CAD is appropriate. If such a determination is made, the staff shall schedule the CAD as an informational item on the next available Historic District Commission agenda. The staff shall provide the Application, background information, and the findings supporting the staff determination.

(1) If the Historic District Commission concurs with the staff determination, the Community Development Director shall issue a CAD.

(2) If the Historic District Commission determines that the Building is significant, the Applicant shall be required to process the CAD application through the processes outlined under Section 15-11-16 and 15-11-17 as appropriate, unless the Applicant requests a hearing to contest the determination of significance pursuant to Section 15-11-13, in which case that section shall apply.

(C) **REMOVAL OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, the Chief Building Official may issue a CAD.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for demolition or removal shall be stayed for 180 days.

15-11-16. PRE-HEARING APPLICATION REQUIREMENTS.

Upon refusal of the Community Development Department to issue a CAD, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least 3'x2', readable from a point of public Access and state that more information may be obtained from the Community Development Department for the duration of the stay. In addition, the Owner shall

conduct negotiations with the City for the sale or lease of the Property or some interest in the Property such as a facade easement, or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Owner may request a hearing before the HDC upon showing that the above requirements have been met and all economic hardship information required by the HDC has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Department staff shall, within fourteen (14) days, notify the Owner if any additional information is needed to complete the Application. If the Department staff does not notify the Owner, the Application will be deemed complete. Within forty-five (45) days of receiving the completed Application, the Department staff shall schedule a hearing regarding the Application on the agenda of the HDC.

15-11-17. CAD HEARING FOR A SIGNIFICANT BUILDING, STRUCTURE OR SITE.

At the hearing, the HDC will only approve demolition or removal of an historically significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the demolition or removal Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the HDC may require the Owner to provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The HDC shall adopt by resolution separate standards for investment or income producing and non-income producing Properties. Non-income Properties shall consist of Owner occupied Single Family Dwellings and non-income producing institutional Properties. The information requested by the HDC may include, but not be limited to the following: Purchase date, price and financing arrangements; current market value; form of ownership; type of occupancy; cost estimates of demolition and post-demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the Property.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) Willful or negligent acts by the Owner; or
- (2) Purchasing the Property for substantially more than market value at the time of purchase; or
- (3) Failure to perform normal maintenance and repairs; or

(4) Failure to diligently solicit and retain tenants; or

(5) Failure to provide normal tenant improvements.

(C) **WRITTEN FINDINGS.** The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

(1) For income producing Properties, the Building, Structure or Site cannot be feasible used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential Dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(2) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **FINAL DECISION.**

(1) **APPROVAL.** If the HDC approves the Application and issues the CAD, the Owner may apply for a demolition permit with the Building Department and proceed to demolish the Building, Structure or Site in compliance with other regulations as they may apply. The HDC may, as a condition of approval, require the Property Owner to provide the HDC with documentation of the Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information specified by the HDC. The HDC may also require the Owner to incorporate an appropriate memorialization of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(2) **DENIAL.** If the HDC denies the Application for demolition, the Owner shall not demolish the Building, Structure or Site and the City may provide the Owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available. The Owner may not re-apply for demolition for a period of three (3) years from the date of the HDC's final decision, unless the Building, Structure or Site is structurally

unsound or substantial changes in circumstances have occurred other than those caused by the negligence or intentional acts of the Owner, in which case the Owner may apply as conditions warrant.

(3) **APPEAL.** All final decisions of the HDC may be appealed to the City Council within ten (10) days.

15-11-18. NEW CONSTRUCTION.

New construction and exterior remodeling within the Historic District zones shall conform to architectural standards and regulations promulgated by the Historic District Commission and adopted by the City Council. These standards shall be applied by the staff and the Commission, subject to the review process.

Ordinance No. 07-49

**AN ORDINANCE APPROVING AN AMENDMENT TO
THE LAND MANAGEMENT CODE, 15-4-7 OF PARK CITY, UTAH, REGARDING
ACCESSORY APARTMENTS**

WHEREAS, the Land Management Code chapter 15-4-7 presently permits the granting of accessory apartments in all zones, except the PUT zone; and

WHEREAS, the current Land Management Code (15-4-7) allows for nightly rentals of a main residence, but prohibits nightly rentals of accessory apartments, and also requires that the owner of the property reside in either the main house or the accessory apartment; and

WHEREAS, the Planning Commission conducted a work session on this issue on June 13, 2007; and

WHEREAS, the current Deed Restriction required under the present ordinance requires that the approval of an Accessory Apartment permit is automatically revoked upon sale of the property to a subsequent owner; and

WHEREAS, a one-year review of the Accessory Apartments has shown to be ineffective, and such use should be able to be reviewed anytime reasonable complaints are made; and

WHEREAS, the Planning Commission duly noticed and conducted a Public Hearing at its regularly scheduled meeting on June 25, 2007 and forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council duly noticed and conducted a Public Hearing at its regularly scheduled meeting on August 9th, 2007; and

WHEREAS, the strongly expressed intent of Ordinance 94-4 originally allowing Accessory Apartments, was to create opportunities for Affordable Housing; and

WHEREAS, nightly rentals in traditional residential neighborhoods increases the intensity of use, often creating negative impacts to the neighborhood, and

WHEREAS, Accessory apartments should not be granted without a compelling reason and imposing conditions to mitigate impacts; and

WHEREAS, the city should be able to review Accessory Apartments periodically to determine if conditions imposed to mitigate impacts are continuing to be met; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to require owners of homes receiving approval for an accessory apartment to forego the ability to rent the main house nightly; and

WHEREAS, it is within the power of the City to regulate nightly rentals.

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

SECTION 1. INCORPORATION. The above recitals are hereby incorporated as Findings of Fact and Conclusions of Law.

SECTION 2. APPROVAL OF AMENDMENT CHAPTER 15-4-7 of the Land Management Code is hereby amended to read as attached hereto on Exhibit "A", pursuant to the Findings of Fact and Conclusions of Law. Any conflicts or cross-references from other provisions of the Land Management Code shall be resolved by the Planning Director.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

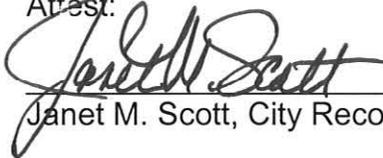
PASSED AND ADOPTED this 8th day of August, 2007

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney



EXHIBIT A

15-4-7. ACCESSORY APARTMENTS.

Accessory Apartments are subject to the following criteria:

(A) CRITERIA FOR USE.

(1) **SIZE.** Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor Area of 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the floor Area of a Structure over the maximum floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

(c) **Historic District Zones.** One (1) tandem Parking Space, parking one vehicle behind another, for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(ii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

- (3) **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.
- (4) **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.
- (5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartment within a three hundred foot (300') radius.
- (6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.
- (7) **DEED RESTRICTION.** A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

"A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit ~~does not~~ runs with the land and is automatically ~~invalidated~~ transferred to the new owner by the sale or transfer of this Property, provided however, if the use by the new owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department, pursuant to Chapter 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner.

~~Prospective purchasers who intend to reside in one of the units on the Property may apply with the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted.~~ The Owner shall strictly adhere to all the conditions of approval and the prohibition of the ~~Use~~ rental of the accessory either Dwelling Unit Structure as a Nightly Rental for short term rentals of less than thirty (30) days.

- (8) **NIGHTLY RENTALS.** ~~Accessory Apartments are intended for long term rental of thirty (30) days or more and may not be used for Nightly Rentals.~~

If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.**

All Accessory Apartments shall be subject to the Homeowners Association and notification requirements established in LMC Chapter 15-1-12 (E).

(B) **REGULATED USE REVIEW.** The Planning Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all Zoning Districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Department shall approve a permit if the requested Accessory Apartment complies with the criteria for Use in Section 15-4-7 (A), established herein. ~~The Regulated Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).~~ The Planning Department shall impose reasonable conditions to mitigate any impacts to the surrounding neighborhood.

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(C) **CONDITIONAL USE REVIEW.** In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Commission shall approve a permit if the requested Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in LMC Chapter 15-1-10 have been mitigated. ~~The Conditional Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).~~

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

~~(D) **ONE YEAR REVIEW.** Both regulated Use permits and Conditional Use permits for Accessory Apartments shall be subject to a one (1) year review by the Planning Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Planning Department finds~~

~~that the Owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the Property is transferred. If **(E)**~~

~~complaints have been filed, the Planning Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.~~

(D) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Planning Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the Use. ~~Permits for non-conforming Accessory Apartments shall be subject to the one (1) year review provisions of Section 15-4-7 (D).~~ The Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms;
- (2) One (1) Parking Space per Bedroom is provided for Use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements;
- (3) One (1) unit is Owner-occupied; ~~and~~
- (4) Impacts of the Use can be mitigated; ~~and~~
- (5) ~~Neither Dwelling Unit is proposed to be rented for periods less than thirty (30) days.~~
- (6) ~~All significant impacts to the surrounding neighborhood are reasonably mitigated and continue to be mitigated.~~

Planning Commission Staff Report



Subject: Park City Mountain Base Area Development
Project #: PL-20-04475
Authors: Alexandra Ananth – Senior Planner
Date: September 15, 2021
Type of Item: Work Session with Public Input to Follow–MPD Modification

Summary Recommendation

Staff recommends the Planning Commission conduct a Work Session to focus on 1) Support Commercial and 2) Off-Site Parking and Transportation. The Commission may also review Draft Findings of Fact and Draft Conditions of Approval, in accordance with the City’s [Master Planned Development provisions](#) and applicable LMC, [General Plan](#), and [Transportation Master Plan](#) criteria.

No action on the proposed [Park City Base Area Lot Redevelopment Master Plan Study](#) is expected until the Commission has completed its review of the entire project. ***The next Planning Commission meeting for this project includes a public hearing and is scheduled for September 29, 2021, starting at 5:30 PM.***

Project Description

Applicant: PEG Development c/o Robert Schmidt
Location: PCMR Base Parking Lots including Parcels SA-402E, SA-402-A-1-A, SA-402-A-2, SA-253-B, SA-253-B-2-A, and SA-253-C
Zoning District: Recreation Commercial (RC)
Adjacent Land Uses: Park City Mountain Ski Resort, Resort Support, Hotel, Single Family and Multi-Unit Residential, Open Space
Reason for Review: MPD amendments require Planning Commission review and approval and a finding of compliance with the Park City General Plan and the Land Management Code

Acronyms

Average Vehicle Occupancy (AVO)	Land Management Code (LMC)
Bus Rapid Transit (BRT)	Level of Service (LOS)
Comfortable Carrying Capacity (CCC)	Master Planned Development (MPD)
Condition of Approval (COA)	Park City Mountain Resort (PCMR)
Conditional Use Permits (CUP)	Park City Mountain (PCM)
Development Agreement (DA)	Parking Management Plan (PMP)
Finding of Fact (FOF)	Recreation Commercial (RC)
Recreational Open Space (ROS)	Return on Community (ROC)
Traffic Impact Study (TIS)	

Transportation Network Companies (TNCs)
Transportation Demand Management Plan (TDM)

Trip Reduction Plan (TRP)
Utah Department of Transportation (UDOT)
VR CPC Holdings, Inc. (VRCPC)

Terms that are capitalized as proper nouns throughout this staff report are defined in [LMC § 15-15-1](#).

Background Information

As a preliminary matter, staff would like to respond to a number of things raised at the last work session and/or in recent public comments.

Public Input. Planning Commission meetings for this application have been noticed approximately a dozen times, and the Commission has taken lengthy public input, time permitting, at most of these meetings in addition to the formal public hearings. In addition to public input at Planning Commission meetings, the public has submitted extensive written comments directly to the Planning Department for dissemination to the Commission.

Consistent with the Planning Commission's more typical applications, work sessions don't typically include public hearing for many reasons, but most often to enable an applicant to discuss matters directly with the Commission prior to consideration for action, or to allow the Commission specific time to discuss potential matters of consensus, disagreement or in need of further deliberation prior to a final public hearing and potential vote, and final Findings of Fact and Conditions of Approval. Many if not most jurisdictions limit the formal public hearing to one or two hearings in conjunction with final action. However, that is not Park City's standard, nor the community's expectation.

The Planning Commission held public meetings (and took public input during all but the most recent meeting) on this application on:

1. [August 26, 2020](#)
2. [September 23, 2020](#)
3. [October 28, 2020](#)
4. [November 18, 2020](#)
5. [December 16, 2020](#)
6. [January 20, 2021](#)
7. [March 24, 2021](#)
8. [April 21, 2021](#)
9. [May 19, 2021](#)
10. [June 16, 2021](#)
11. [July 21, 2021](#)
12. [August 18, 2021](#)

Because meetings on this application have typically been very long and public comment has been taken towards the end of the meeting, ***Staff recommends that the Planning***

Commission take public input at the beginning of the next meeting on September 29, 2021, which staff has added as an extra meeting specifically to accommodate public input. The applicant's response may follow, as well as further deliberation or questions from the Commission.

AECOM's Review of Deer Valley's Information. At the August 18, 2021 Planning Commission meeting for the Park City base area application there was surprise expressed that AECOM, the City's Transportation consultant for the Park City base area application, had not reviewed Deer Valley's Transportation Analysis. The Commission should understand that Deer Valley's analysis was not part of the record for this application nor part of AECOM's current contract. AECOM was not at the Deer Valley work sessions nor provided their application materials. The applicant's representatives monitor the Deer Valley application and have addressed some of the information raised at the last work session as noted later in this report. Since the last meeting AECOM has reviewed this information and will be prepared to answer questions at the September 15th meeting.

Skier Parking. Skier parking is addressed again in this Staff Report. The application has consistently included no change to the existing number of 1,200 stalls of day skier parking, and the pending/requested parking exception is related to the new construction and the release of the prior requirement for 600 additional skier parking stalls.

City Council Role. Comments made in the public sphere have criticized the City Council for varying and conflicting levels of involvement in this and other MPD applications. It is important to remind all involved that the City Council has appropriately not involved itself in the process thus far. The City Council remains the appeal authority for decisions made by the Commission regarding all MPD applications, and as such is precluded from participating in the pending land use regulatory process that is the purview of the Planning Commission. Should this application be reviewed by the Council upon appeal or call-up, direct public comments on the record addressing the same LMC and applicable criteria/exceptions outlined in these reports will be appropriate and welcome at that time.

A summary of the MPD process and additional project background information can be found in Exhibit E and Exhibit F.

Analysis

Support Commercial

The applicant is requesting to exceed the 10% allowance of Resort Support Commercial and Accessory Uses on Parcel C for the proposed four-star hotel.

At the August 18, 2021 Planning Commission meeting the Commission asked for a summary of what constitutes Support Commercial and if there were any recent amendments to the definition or code.

[LMC Section 15-6-8, Unit Equivalents](#), establishes Support Commercial and Residential and Resort Accessory Uses that are exempt from density and do not require the use of Unit Equivalents. The current LMC allows Hotel and Nightly Rental Condominium projects five percent (5%) for support commercial uses, and an additional five percent (5%) for meeting space uses, without counting this square footage against the Density of the project. Unused meeting space may be utilized for additional support commercial uses up to a total of 10%. The [1998 Development Agreement](#) (DA) notes that building square footage does not include Resort Accessory Uses, mechanical, maintenance or storage space located below grade, parking, or underground public convention and meeting space (page 15).

Resort Support Commercial Uses include uses that are incidental to, and customarily found in connection with the principal Building or Use, and that are operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building. Examples of Resort Support Commercial Uses include ski rental shops, restaurants, retail shops, and spa facilities open to the public.

The applicant is proposing the following for Building C:

- 152,035 SF Gross Residential (15,179 SF moved from Parcel D to C)
- 24,395 of Resort Support Comm & Accessory (16% of Gross Residential SF)
- 9,248 SF of Resort Accessory
- 12,384 SF of Retail
- 58,897 SF of exempt below-grade uses

The applicant is contending that the amount of Support Commercial Use in Building C is what is necessary for a four-star hotel today. Staff is still considering this issue, but the applicant may be able to request an exception from the Commission to exceed the 10% allowance but must count any square footage over the 10% towards their Commercial Density. If this is not the case the applicant will be limited to Support Commercial Uses of 10% of the total floor area of the approved residential unit equivalents

Staff has done some preliminary research on these topics, no amendments have been proposed to date.

Parking

The applicant proposes to maintain the existing 1,200 day-skier parking stalls and add 521 additional parking stalls for the new residential and commercial uses. However, the applicant is still seeking a 502 parking stall reduction from the maximum LMC requirements for the new residential and commercial uses, which require 1,023 parking stalls in total. The applicant is proposing one stall per residential unit, therefore the parking exception is primarily for the proposed commercial uses, as skiers are the primary driver of people parking at the resort and the commercial uses are complementary to and support the Resort and guests that are already parked as residents or skiers. The applicant is seeking an 85% reduction or exception to the

number of required commercial parking stalls based on a study done at the Canyons base area that indicated that 95% of commercial users were already parked as residents or skiers.

Land Use	Parking Required	Parking Proposed	Percent Change
Day Skier Parking	1,200 existing	1,200 proposed	0%
Residential Parking	555 required	450 proposed	-19%
Commercial Parking	468 required	71 proposed	-85%
Totals	2,223 required	1,721 proposed	43% more spaces than existing; 23% less spaces than max requirement

After the applicant addressed several changes requested by staff, the Planning, Engineering and Transportation Planning staff have generally been supportive of the applicant's requested parking exceptions in accordance with the LMC criteria. Traffic and congestion that result from existing parking resources within the City are one of the City's biggest challenges. Over the next few years, Park City plans to expand transportation options throughout the City, including adding additional bus service, improving active transportation infrastructure, utilizing UDOT's new bus-only inbound lane along SR 248, partnering with Summit County and UDOT to develop a Bus Rapid Transit corridor on SR 224, and building a new park-and-ride facility at Quinn's Junction with 465 stalls.

Concurrently, the applicant is proposing an improved transit center at the Resort base along with bus-only lanes and traffic signal prioritization on site that will integrate into and compliment these public improvements.

The City's third-party transportation engineering consultant, AECOM, has reviewed PEG's traffic and parking studies. In addition, they performed a sensitivity analysis on the proposed number of parking spaces for the proposed uses. AECOM has not prepared any traffic studies themselves as that is the responsibility of the applicant. Note that the proposal at Deer Valley is a separate project with separate transportation studies and analyses. The City is in the process of selecting a consultant for that project and review of Deer Valley's transportation analysis is not required for the PCMR base.

The Connection Between Transit and Parking

On September 9, 2021, Hales Engineering, the applicant's transportation consultant, submitted an Off-Site Parking Evaluation (Exhibit A) to the Planning Department. Table 1 of this memorandum notes that to achieve the 20% reduction in vehicle trips necessary to achieve acceptable levels of service at the intersections, a mode shift to

other forms of transportation must be achieved with a strong reliance on increased transit use. Hales estimates that achieving this goal equates to 798 people that must shift from personal vehicles to transit during the AM peak period. This equates to an additional 20+ buses during the peak period (assuming 40 people per bus) and it cannot be assumed that the City and High Valley Transit (HVT) can accommodate an increase in service of this magnitude without significant financial support from the destination development.

Although this demand is not expected in the first few years of construction and will be spread out among the various park-and-ride lots, ***the applicant needs to develop a plan to supplement service as necessary – through either a funding plan to enhance public transit or by providing additional private transit services – to meet the anticipated transit demand.***

Staff notes that Hales Engineering's analysis does not account for a) the 200 employees that are also expected to park at Quinn's Junction Monday through Thursday and take public transit to the Resort, b) the use of parking at the High School on peak days, or c) the potential use of the existing Richardson Flats Park and Ride.

The Hales analysis assumes that 80% of these transit riders will utilize park-and-ride facilities and have an average vehicle occupancy of 1.5-2.3 people per car, which equates to 276-422 parked vehicles. ***The applicant should provide the details regarding how this AVO range was calculated as it seems atypical and rather high for a park-and-ride facility.*** Transportation Planning staff notes vehicles with more than two people are more likely to split the cost of parking and park at the Resort if spaces are available, while vehicles with less than two people are more likely to park and take transit even when spaces are available on site, to avoid paid parking. A lower AVO for vehicles utilizing park-and-rides facilities may equate to an under-estimation of vehicle stalls required and the applicant should be prepared to address this issue at the September 15, 2021 meeting.

Table 2 of Exhibit A includes the closest four (4) park-and-ride facilities and their available capacity. These include the Jeremy Ranch facility with 80 stalls, the Ecker Hill lot with 100 available stalls, the Kimball Junction lot with 40 stalls, and the Quinn's Junction park-and-ride facility expected to open in 2022 with 465 stalls. This equates to 685 available stalls for the 276-422 vehicles, not including the 200 anticipated employee vehicles that will park at Quinn's Monday through Thursday. This also excludes factoring in the existing Richardson Flat park and ride, which is not currently served by public transit at a level that would be needed if there is any increase to its usage.

At the August 18, 2021 Planning Commission meeting the Commission requested data on where Resort guests are coming from and to walk the Commission through the math of the number of parking stalls required at the various park-and-ride facilities to accommodate the proposed modal shift to transit. Staff provided the applicant with Deer Valley Resort's Transportation Analysis, and Hales Engineering used the Streetlight data to analyze origin-destination data to help determine where people are coming from

and where they are most likely to park as requested by a Planning Commissioner. Hales states that this data indicates that approximately 70% of drivers would tend to travel to the north three park-and-ride facilities (Jeremy Ranch, Ecker Hill, and Kimball Junction) and that approximately 30% of drivers would naturally tend to travel to Quinn's Junction park-and-ride first. Unfortunately, there is no data regarding existing demand at these facilities other than anecdotal observations, but given the origin data, it is fair to say that parking at the north three lots accessed off of I-80 is expected to be at or close to capacity, but that there is expected to be available capacity at Quinn's Junction, even with resort base employees parking at this lot.

Accordingly, staff recommends that in order to ensure that the applicant and Resort meet the targeted modal-split goals, the applicant should secure commitments from the City, the County, and/or other off-site property owners for the use of up to 422 parking stalls during peak day/times.

Hales Engineering completed a travel time evaluation to identify the time difference from traveling on I-80 from the west to either the north 3 lots or the Quinn's Junction lot, and then to PCMR, and notes that going to Quinn's Junction lot instead of the north 3 lots added an average of 4.4 minutes of travel time, suggesting that if parking fills up on the north 3 lots, drivers can be re-routed to the Quinn's Junction lot through signage on I-80 before drivers exit at Jeremy or Kimball. ***The applicant should clarify how they calculated the total additional travel time as driving from Kimball Junction to Quinn's Park-and-Ride is estimated to take approximately 8 minutes in addition to the time it takes from either location to PCMR, which is about the same with traffic.***

Despite repeated requests, Hales did not submit information on the percent decrease in parking that is expected to result from paid parking.

Summary of staff recommendations/requests

In order to offset the City's public subsidy manifested in a) the operation and maintenance of transit assets, and b) the construction, operation, and maintenance of related park-and-ride facilities – both of which are directly tied to a functional reduction in parking at the resort base and related vehicle congestion – the applicant should:

1. Propose a plan to supplement peak day/time transit service through either a funding plan to enhance public transit or by providing additional private transit services; and
2. Negotiate and secure commitments for peak day/time off-site parking from public or private entities of up to 422 stalls.

Doing so will also ensure that the applicant's other design features – roadway widths, vehicle travel patterns, loading/unloading zones, etc. will function as proposed.

Additionally, staff asks that the applicant provide:

3. Details regarding how the AVO range was calculated for park-and-ride use; and

4. Clarifications regarding how the total additional travel time was calculated for comparing use of Kimball Junction area park-and-rides and the Quinn's Junction park-and-ride.

Draft Findings of Fact and Draft Conditions of Approval

Staff has revised the Draft Findings of Fact (Exhibit B) based on discussion at last month's meeting. Also attached are Draft Conditions of Approval (Exhibit C). These Exhibits are still preliminary and should be used for discussion purposes and staff will continue to revise these documents as discussions progress.

Notice

On May 13, 2020, notice of the May 27, 2020, Work Session was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and in the Park Record on May 13, 2020. A second mailing was sent to property owners within 300 feet of the base area on January 6, 2021.

Notice for this public meeting was published on the Utah Public Notice Website and in the Park Record on August 31, 2021.

Public Input

Public comments received since the last Staff Report are attached (Exhibit D). Public input received after the publication of this Staff Report will be forwarded to the Planning Commission and attached to subsequent Staff Reports.

A summary of the MPD process and additional project background information can be found in Exhibit E and Exhibit F.

Exhibits

- Exhibit A – Hales Engineering Off-Site Parking Memorandum dated 9/9/21
- Exhibit B – Draft Findings of Fact
- Exhibit C – Draft Conditions of Approval
- Exhibit D – Public Comments
- Exhibit E – Summary of the MPD Process
- Exhibit F – Additional Project Information
- Exhibit G - CVMA Agreement

MEMORANDUM

Date: September 8, 2021

To: Park City

From: Hales Engineering

Subject: Park City Mountain Resort – Off-site Parking Evaluation

UT19-1481

Introduction

This memorandum summarizes an evaluation of the off-site parking needed for the proposed increase in transit ridership to and from the Park City Mountain Resort area. This evaluation was completed based information outlined in previous Park City Mountain resort memorandums and information related to the park and ride lots in Summit County.

Transit Mode Shift

As outlined in the memorandums dated February 9, 2021, and February 26, 2021, it is anticipated that a 20% reduction in vehicle trips at and near the Park City Mountain Resort during the AM and PM peak hours will be needed to achieve an acceptable level of service (LOS) at the intersections. This reduction will be achieved by encouraging travelers to use other modes of transportation than personal vehicles, or what is called a “mode shift”.

It is anticipated that the largest change in mode will be a higher use of transit, especially with the proposed bus-only lanes on Silver King Drive and Lowell Avenue, the convenient bus station at Park City Mountain Resort, and the proposed bus rapid transit (BRT) system in Summit County. A summary of the existing mode split of non-personal vehicle modes is shown in Table 1 along with the anticipated mode split of the people shifting from personal vehicles to alternative modes.

Table 1: Non-Personal Vehicle Mode Split – AM Peak Hour

Mode	Existing Trips		Additional Trips (Mode Shift)	
	People	%	People	%
Transit	192	14%	798	83%
Walking	634	47%	100	10%
Lift	282	21%	18	2%
Shuttles	240	18%	40	4%
Total	1348	-	956	-

As shown, the existing person trip count during the AM peak hour for transit is approximately 14%. However, it is anticipated that a large portion of the additional non-personal vehicle trips in the mode shift will be transit trips, as mentioned. Therefore, it was assumed that up to 83% of the shifted person trips will be on transit. As shown, this would equate to an additional 798 transit riders during the AM peak hour.

Parking Demand

Based on the anticipated 798 transit riders, Hales Engineering determined how many parking stalls at park and ride lots in the area would be needed to accommodate this new demand. The following is a summary of the various values and factors that were used to calculate this demand:

- **% Parking to Ride (80%):** Percentage of transit riders that will park for a long period of time at a lot to ride transit into the PCMR area. Other transit riders may be dropped off or would use rideshare to then ride transit. Based on the people-based analysis, approximately 72% of parking, pick-up/drop-off, and rideshare trips to the PCMR site are parking trips, or trips of vehicles that park on site. It is anticipated that a similar percentage would be observed at park and ride lots. However, to be conservative, a value of 80% was assumed.
- **% Using Park and Ride Lots (99%):** Percentage of vehicles parking to ride transit that will park at designated park and ride lots in Summit County, as opposed to other parking lots that might be available. Using trip origin Streetlight data from a recent Deer Valley study provided by Park City staff, it was determined that approximately 1% of trips to/from the ski resorts are local, from Park City Old Town. Based on this, it was assumed that the remaining 99% would be people that would park at designated park and ride lots.
- **Hour Volume Factor (1):** The purpose of this factor was to account for hours outside of the AM peak hour that would also require the trip reduction due to a mode shift. However, in review of turning movement counts collected at the Deer Valley Drive / S.R. 224 signalized intersection on February 15, 2020, it was observed that the counts in the combined hour period just outside of the AM peak hour (8:00 to 9:00 a.m.) was 78% of the volume observed during the AM peak hour. Because that hour was at least 20% less than the peak hour volume, a mode shift would not be needed during that hour to obtain acceptable levels of service. Therefore, the volume factor was set to “1”, meaning it has no additional impact
- **Average Vehicle Occupancy (1.5 to 2.3):** The assumption for AVO for people parking at park and ride lots. While an AVO of up to 3.1 on peak days is anticipated at PCMR, the AVO will be less for off-site lots. An AVO range of 1.5 to 2.3 was evaluated. For reference, the average overall AVO in the United States for vehicle trips is 1.5. The average overall AVO along the Wasatch Front is at least 2.1, per the Wasatch Front Regional Council.

Using the discussed values, Hales Engineering calculated the anticipated additional parking demand at park and ride lots that need to be accommodated, as shown below:

$$798 \text{ riders} \times 80\% \text{ parking to ride} \times 99\% \text{ using PnR lots} = 633 \text{ net riders at PnR lots}$$

$$633 \text{ net riders at PnR lots} \div (1.5 \text{ to } 2.3) \text{ people per vehicle} = 276 \text{ to } 422 \text{ parked vehicles}$$

As calculated, it is anticipated that the additional parking demand due to the transit mode shift will result in between 276 and 422 additional parked vehicles.

Parking Capacity and Routing

Hales Engineering obtained information regarding existing park and ride lots in Summit County that have good access to the Park City Mountain Resort area. There are three lots to the north near I-80 and S.R. 224: Jeremy Ranch, Ecker Hill, and Kimball Junction; and there is one lot to the east near U.S. 40 and S.R. 248, which is Quinn’s Junction. A summary of the parking capacity and the number of reserved stalls in each parking lot is shown in Table 2. Hales Engineering attempted to obtain existing parking demand data for each lot during peak winter conditions. However, Summit County staff did not have any valuable data to provide.

Table 2: Park and Ride Lot Capacity

Lot	Capacity	Reserved	Available*
Jeremy Ranch	80	0	80
Ecker Hill	450	350	100
Kimball Junction	40	0	40
Quinn's Junction	465	0	465
Total	1,035	350	685

**Available stall count does not account for existing demand, due to lack of data.*

In total, the 685 available stalls seem to be sufficient for the needed 276 to 422 vehicles, even if existing demand takes up between 35% to 55% of the available, unreserved stalls. Park City staff provided a traffic study that was completed for Deer Valley Resort, which had some useful origin-destination data for the area, prepared by Streetlight, to determine the origins of people coming to the resorts in Park City. The origins were grouped into larger areas to show where people come from and go to when traveling to/from the Park City resort area. A summary of these origin trip distributions is shown in Table 3. As shown, most people are traveling to/from the Park City resort area at origins along the general Wasatch Front and the Kimball Junction area.

Table 3: Trip Origin to Resort Area (Streetlight)

	Origin Area	Percent of Trips	
		AM Peak Hour	PM Peak Hour
A	Wasatch Front	42%	41%
B	Kimball-Jeremy	34%	35%
C	North Summit	9%	7%
D	Kamas-Richardson	8%	7%
E	Midway-Heber	6%	7%
F	Park City Old Town	1%	3%

Hales Engineering used these origin percentages to identify where drivers would naturally drive to first if parking availability were not a factor. With the Wasatch Front area being so large, Hales Engineering used online mapping tools and population data to identify the split of drivers along the Wasatch Front that would take I-80 instead of U.S. 40 to get into the Park City area. It was identified that drivers from Weber County down to north Utah County (north of Pleasant Grove) would take I-80. The result was that approximately 35% of the 42% of trips to/from the Wasatch Front would take I-80, and the remaining 7% would take U.S. 40.

It is anticipated that those in the northern Wasatch Front (from north Utah County to Weber County) and Kimball-Jeremy origin areas would tend to travel first to the north 3 lots. Those in the remaining origin areas, including south Utah County, would likely tend to travel first to the Quinn’s Junction. It is anticipated that approximately 69% of drivers would naturally tend to travel to the north 3 lots first, and that approximately 31% of drivers would naturally tend to travel to Quinn’s Junction first. A summary of the anticipated natural demand and remaining stalls is shown in Table 4.

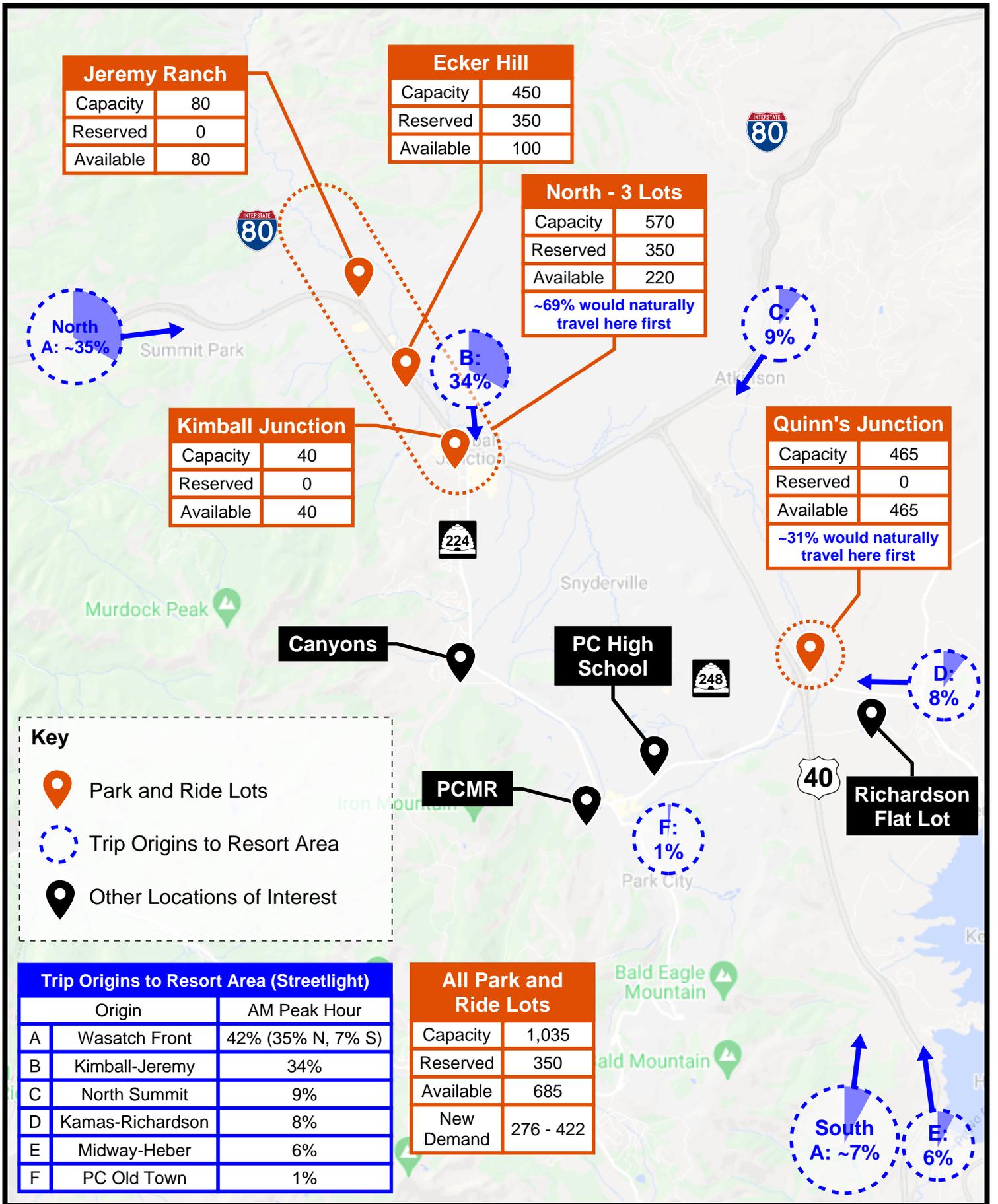
As shown, it is anticipated that there are sufficient stalls beyond those that are reserved to accommodate the natural demand expected at these park and ride lots for the new transit mode shift demand, assuming a higher vehicle occupancy. There would likely be a deficient in parking if all vehicles travel to the park and ride lots that are closest to their origins. However, as noted, this does not account for the existing demand due to lack of data. A map showing the park and ride lots, trip origin locations and percentages, as well as other locations of interest is shown in Figure 1.

Table 4: Natural Park and Ride Lot Demand

Lot	Available*	New Demand	Remainder
Jeremy Ranch	80	190 to 290	-70 to 30
Ecker Hill	100		
Kimball Junction	40		
Quinn's Junction	465	86 to 132	333 to 379
Total	1,335	276 to 422	263 to 409

**Available stall count does not account for existing demand, due to lack of data.*

Hales Engineering completed a travel time evaluation using online mapping tools to identify the time difference from traveling on I-80 from the west to either the north 3 lots or the Quinn’s Junction lot, and then to PCMR. When considering the travel times of each of these routes for the 5 lots from west I-80, it was identified that going to the Quinn’s Junction lot instead of the north 3 lots added an average of 4.4 minutes of travel time. This difference in travel time is minimal compared to the overall travel time of each trip. If parking fills up on the north 3 lots, drivers can easily re-route to the Quinn’s Junction lot where there is more parking. Additional signing and public outreach could be used as needed to direct drivers to the lots that have available parking.



Summary and Conclusions

The following is a summary of the key findings and conclusions of this evaluation:

- It is estimated that approximately 83% of the people shifting from personal vehicles to alternative modes during peak hours will shift to transit
- This shift will require space for an additional 276 to 422 additional parked vehicles at park and ride lots, varying from an AVO of 1.5 to 2.3
- The five nearby park and ride lots have approximately 1,035 total stalls, 350 of which are already reserved by certain entities, leaving 685 stalls unreserved
 - It is anticipated that the additional 276 to 422 needed stalls can be accommodated in the 685 unreserved stalls
- No data was available to determine the existing parking demand on peak winter days. However, there would be enough stalls available in these lots if the existing demand takes up 35% to 55% of the available, unreserved stalls
- Based on origin-destination data, it is anticipated that approximately 69% of drivers would naturally travel to the north 3 park and ride lots near Kimball Junction, while the other 31% of drivers would naturally tend to travel to Quinn's Junction.
 - If this occurs, there are sufficient unreserved stalls to accommodate the natural origin demand of 276 parked vehicles, but not the 422 (assuming a lower AVO).
 - Knowing that existing demand will occupy much of the park and ride stalls at the north 3 lots, it is anticipated that many of the new parking vehicles will have to park at the Quinn's Junction lot, which would add approximately 4.4 minutes on average to the travel time for those coming from West I-80. This is a minimal travel time difference, and it is anticipated that drivers will make this route. Additional signing and public outreach could be considered to direct drivers to Quinn's Junction, which has more parking available.

Draft Findings of Fact: PEG’s Park City Base Area Lot Redevelopment Master Plan Study

The Planning Commission’s consideration of the following Findings of Fact is requested by the Planning Department.

Background Information

1. On June 25, 1997, the Planning Commission approved the Park City Mountain Resort (PCMR) Large Scale Master Plan, with Findings and Conditions.
2. On August 14, 1997, the City Council approved height and setback exceptions beyond what was allowed in the Recreation Commercial zoning district, with Findings and Conditions.
3. These two approvals (1997 Approvals) resulted in the June 1998 Development Agreement (1998 Development Agreement) for the Park City Mountain Resort Base Area, subject to the 1998 PCMR Concept Master Plan.
4. The City granted development rights and height and setback exceptions in exchange for development restrictions on both the Open Space designated within the 1997 Master Planned Area and within the Park City Alpine Terrain.
5. The 1998 Development Agreement allowed for a permitted density of up to 491.78 Unit Equivalents and subject to the volumetrics of the PCMR Concept Master Plan, which represented maximums that could be achieved on any Parcel A-E.
6. Because of the general nature of the MPD, final site planning details were required in the form of Conditional Use Permits for each Parcel.
7. Only Parcel A has been developed to date, with the equivalent of approximately 334,000 square feet of the total 1,156,787 square feet. After the development of Parcel A, 353 UEs remain. Under the 1997 Large Scale Master Plan this equated to a total of 805,700 allowable square feet on Parcels B-E, not including Resort Accessory Uses, mechanical, maintenance or storage space below grade, public convention and meeting space below grade, or parking. (page 15 1998 Development Agreement)
8. In 2007, certain terrain of the Park City Mountain Resort was annexed into Park City.
9. In 2015 the Planning Commission approved an Amendment to the MPD and Mountain Upgrade Plan, as well as a Conditional Use Permit for the Interconnect Gondola (aka the Quicksilver Gondola) and expansion of the Snow Hut (aka Miners Camp) on-mountain restaurant (collectively “the 2015 Amendment”).
10. The 2015 Amendment includes the additional ski terrain lands annexed into the City in 2007.
11. The 2015 Amendment also clarifies that:

- a. The 1998 Development Agreement and Mountain Upgrade Plan remains in full force and effect;
 - b. The 1997 PCMR Concept Master Plan component of the DA has lapsed;
 - c. The Developer's rights under the DA are fully vested; and
 - d. Exhibit E of the 1998 Development Agreement is amended to add the March 25, 2015 Conditions of Planning Commission Approval.
12. The Developer under the 1998 Development Agreement, VR CPC Holdings, is proposing to assign some of its rights and obligations to PEG Properties, LLC (the applicant) including those rights and obligations pertaining to development of Lots B, C, D and E, as well as the requirements relating to all Employee Housing commitments associated with the development of these Parcels.
 13. VR CPC Holdings will retain all obligations pertaining to the Ski Operations.

General Information

14. On February 13, 2020, PEG Development submitted an application to Amend the 1998 Development Agreement by replacing Exhibit D, which is the expired PCMR Base Area Master Plan Study, with a proposed new site plan (the "2021 Concept Master Plan").
15. This application was supplemented with additional information on April 20, 2020.
16. Following several administrative hearings, On July 8, 2020, the Planning Commission made a formal determination that the applicant's proposed new site plan was a "substantive modification" to the 1998 Development Agreement justifying a review of the entire master plan and Development Agreement by the Planning Commission.
17. The public hearing process was officially opened on August 26, 2020, with the Planning Commission holding public meetings on:
 - a. August 26, 2020
 - b. September 23, 2020
 - c. October 18, 2020
 - d. November 18, 2020
 - e. December 16, 2020
 - f. January 20, 2021
 - g. March 24, 2021
 - h. April 21, 2021
 - i. May 19, 2021
 - j. June 16, 2021
 - k. July 21, 2021
 - l. August 18, 2021
 - m. September 15, 2021
 - n. September 29, 2021

18. The applicant is seeking exceptions from the requirements of the Land Management Code including:
 - a. A reduction in the required perimeter Setback from twenty-five feet (25') to the zone required Setback of twenty feet (20') for portions of Parcel B only including the Shadow Ridge Road, Empire Avenue and Lowell Avenue facades.
 - b. Exceptions to the required number of parking stalls provided for the Commercial and Residential Uses of the project.
 - c. An increase in allowed building height from the RC zone height of 35 feet for all parcels; and
 - d. Resort Support Commercial and Accessory Use in excess of the 10% allowed for Parcel C only to accommodate a four-star hotel.

Zoning

19. The Base Area Parcels B, C, D and E are all located in the Recreation Commercial (RC) zoning district and the applicant is not proposing any changes to the zoning.
20. The RC zone allows for the development of hotel and resort related housing in close proximity to major recreation facilities and encourages the clustering of development to preserve Open Space and minimize the impacts of development on hillsides and sensitive view areas.
21. All of the proposed Uses in the 2021 Concept Master Plan are Allowed or Conditional Uses within the Recreation Commercial zoning district.
22. The applicant has applied for a Master Planned Development approval, including amending the 1998 Development Agreement and a new Concept Master Plan.
23. Further development of the Parcels will require additional site-specific approvals in the form of platting and Conditional Use Permits for each Parcel prior to the issuance of Building Permits.

Density

24. Density for MPDs is based on the Unit Equivalent Formula defined in LMC 15-6-8.
25. The 1998 Development Agreement utilizes the Unit Equivalent Formula and limits density on a square footage basis in the Parcel Square Footage Allowance Table set forth in Section 3.2.1 of the 1998 Development Agreement. Building square footage does not include Resort Accessory Uses, mechanical, maintenance or storage space that may be located below grade or parking as shown in the 1997 PCMR Concept Master Plan.

26. Utilizing the same square footage calculation results in the following Maximum Parcel Allowed Square Footage [insert applicants final table when received].
27. The 1998 Development Agreement does not allow for the transfer of Density from one parcel to another. However, this proposal is to amend the 1998 Development Agreement to allow for additional Density on Parcel C, which is adjacent to the mountain, where additional height is appropriate as it is central to the Resort Core and is located further away from neighboring single family and multi-family uses. Although the Planning Commission approves the transfer of Density to Parcel C as consistent with LMC 15-6-1 and 15-6-5, the Total Square Footage and Unit Equivalents are less than what was approved under the 1998 Development Agreement [a reduction of approximately 150,000 square feet and 90 UEs. update when received]
28. The 2021 Concept Master Plan identifies up to [146] residential units resulting in [203] Residential Unit Equivalents, and up to [63,000] square feet of Commercial space resulting in [60] Commercial Unit Equivalents, totaling [insert] Unit Equivalents and up to [insert] total square feet, which is within the maximum permitted density allowed under the 1998 Development Agreement. [update]
29. The Park City General Plan for the Resort Center notes that “Flexibility should be employed regarding the execution of the existing PCMR MPD approval...” in order to facilitate public transit, parking and affordable housing; potential relocation/transfer of density; and emerging recreation and resort visitor experiences (page 191).

Setbacks

30. The minimum Setback around the exterior boundary of a Master Planned Development shall be twenty-five feet (25') for Parcels greater than 2 acres.
31. Section 15-6-5 of the Land Management Code allows the Planning Commission to decrease the required perimeter Setback to the zone-required Setback “...if it is necessary to provide desired architectural interest and variation.”
32. The zone-required Setback is twenty feet (20') for the Recreation Commercial (RC) District.
33. The applicant withdrew setback exceptions originally requested for Parcels C, D and E, and currently requests limited reductions in the perimeter Setbacks to twenty feet (20') for the north, east and west façades of Parcel B only, consistent with the twenty feet (20') Setback for the Recreation Commercial (RC) District.
34. The applicant is therefore seeking less Setback exceptions than the 1997 approved plan.
35. In connection with the applicant’s request, the applicant has presented, and the Planning Commission has considered multiple configurations and architectural approaches for Parcel B.

36. The limited areas of 20-foot setback requested for Parcel B provide both vertical and horizontal architectural articulation while maintaining an overall average site perimeter setback of approximately 30 feet.
37. The Planning Commission hereby approves the limited reductions in the perimeter setbacks to twenty feet (20') for the north (floors 2,3 and 4 only), east and west façades of Parcel B, specifically finding that the twenty-foot (20') Setbacks for Parcel B are necessary to provide desired architectural interest and variation because the reduced setbacks:
 - a. Are necessary to transition the scale of the proposed building from the Resort to the surrounding neighborhood and to decrease the perceived scale of the proposed building on Parcel B;
 - b. Are necessary for vertical and horizontal architectural articulation providing increased architectural interest and variation both desired and required by the Planning Commission, both at the ground level and at the above-ground level stories for the proposed Parcel B building, that would not be achieved if the applicant was required to meet the twenty-five feet (25') Setback requirements;
 - c. Are necessary to include architectural elements that are similar to those allowed to extend into the front Setback pursuant to the Recreation Commercial District (i.e. decks, porches, bay windows, roof overhangs, eaves and cornices; and
 - d. Are necessary to implement additional horizontal façade variations while remaining compatible with the setbacks for neighboring streetscape and residential development. The resulting architecture and variation is desired to mitigate the transition to the residential areas of the zone. The 2021 Master Plan provides for adequate space for a minimum of twelve feet (12') multi-use trails, landscaping and snow storage area, even in the areas where architectural elements extend beyond the twenty-five feet (25') Setback requirements.
38. The 2021 Master Plan provides no perimeter Setbacks less than twenty feet (20'). Any potential canopy over the transit station on Lowell Avenue will be reviewed in accordance with right of way regulations and the LMC, if applicable, at the time of CUP.
39. The 2021 Master Plan provides that all parking structures above Existing Grade meet the twenty-five feet (25') MPD Setback requirements.

Open Space

40. MPDs require a minimum of 60% Open Space as defined in LMC Chapter 15-15 and the application meets this minimum requirement, providing 63% of Open Space in a type and mix appropriate to the Resort Core and consisting of

pedestrian plazas, sidewalks and multi-use trails, landscape buffers, ski runs, landscaped and natural areas open to the public. Streets, driveways, parking areas and private open space areas are not included in the applicant's Open Space calculations.

Off Street Parking

General

41. LMC 15-6-5(E) stated that "The number of Off-Street Parking Spaces in an MPD shall not be less than the requirements of the LMC, except that the Planning Commission may decrease the required number of Off Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal."
42. As noted in the Park City Vision 2020 project, traffic and congestion are some of the City's biggest challenges, and envisioning bold, multi-modal transportation options is one of Park City's biggest opportunities. The City Council has embraced a transit first philosophy and strives to make Park City a car optional community.
43. More specifically for the resort center, this includes a modal shift from vehicles to transit and more sustainable transportation options that address and mitigate the amount of traffic going to and from the Resort base area in order to reduce congestions and improve levels of service at proximate intersections.
44. Related to parking, the applicant submitted the following (collectively, the "Parking Study & TDM/PMP Plans"):
 - a. A Resort Parking Study by Hales Engineering dated February 11, 2021.
 - b. A Draft TDM and PMP dated May 7, 2021 and Addendum dated July 9, 2021.
 - c. Existing and Proposed Parking Condition Analysis from SE Group dated September 23, 2020.
45. The applicant is proposing 1,721 parking stalls for the base area. Of these, 1,200 spaces are dedicated to day skier parking, and the remainder (521 stalls) are primarily for residential (hotel and condo) and resort commercial patronage.
46. Utilizing mixed-use parking reductions, Hales Engineering in the Parking Study & TDM/PMP Plans estimates the peak shared parking demand will be 1,583 stalls, less than the 1,721 parking stalls proposed.
47. The City's professional planning staff and separately retained parking and transit consultant AECOM reviewed and analyzed the Parking Study & TDM/PMP Plans including a parking sensitivity test and concluded that for the entire site there is still excess parking anticipated assuming shared parking arrangements are in place between all uses including the day skier parking and TDM/PMP strategies are implemented.

Day Skier Parking

48. The 2021 Concept Master Plan proposes the replacement of the existing 1,200 day skier surface parking stalls with 1,200 structured day skier stalls, thus there is no material loss in day skier parking.
49. The applicant is also removing all employee parking from the base area which will effectively increase the parking supply at the base area for Resort guests.
50. The Parking Study & TDM/PMP Plans outline an actively managed parking system with real time, dynamic parking signs that guide patrons to open parking spaces within Parcels B and E, creating a more efficient search for parking availability.
51. The Parking Study & TDM/PMP Plans provide for the implementation of paid parking for day skiers concurrently with the development of the base area project. The Parking Study estimates that paid parking will increase the Average Vehicle Occupancy (AVO), and that the Resort will move from a parking deficit to a parking surplus on a typical day if coupled with robust TDM measures and shared parking agreements (See SE Analysis).
52. SE Group, on behalf of the applicant, submitted corroborating information that an increase in the AVO to a goal of 2.3-2.7, with peak days seeing 3.1, shows that the resort is expected to have sufficient parking on most days under the paid parking model outlined in the Parking Study & TDM/PMP Plans.
53. The Planning Commission finds that the implementation of the paid parking model set forth in the Parking Study & TDM/PMP Plans will affect the AVO and that parking pricing can be adjusted to help achieve the target AVO's set forth in the Parking Studies.
54. The Conditions of Approval imposed with respect to parking will require the applicant to work with the City to modify parking mitigation efforts to achieve the target AVOs as necessary over a five-year period beginning with the occupancy of the garage on Parcel B. As outlined in the Parking Study & TDM/PMP Plans this includes at least two annual coordination meetings per year to discuss actual vehicle counts and parking demand, and the implementation of new or revised parking and transportation strategies designed to achieve the target AVOs and intersection LOS goals.
55. The Development Agreement with the applicant will provide the City with the enforcement mechanisms necessary to ensure compliance with the Conditions of Approval.
56. The 1998 Development Agreement required 600 additional parking stalls for exclusive use of the Resort including parking for the Resort's Accessory Uses and or Support Commercial to the Resort.
57. The 1998 Mountain Upgrade Plan estimates the Comfortable Carrying Capacity (CCC, defined as the number of active and inactive skiers that can be

accommodated at a ski area at any given time while guaranteeing a pleasant recreational experience and preserving the quality of the environment) of the Resort was 9,910 skiers, but noted that it is not uncommon for ski areas to experience peak days which visitation exceeds the CCC by as much as 25 percent, or approximately 11,000 skiers in Park City's case.

58. The Mountain Upgrade Plan makes a number of upgrade recommendations increasing the CCC from 9,910 to 13,700 skiers per day, which could mean 15,070 skiers on a peak ski day.
59. Many of the upgrades discussed in the 1998 Mountain Upgrade Plan have occurred and SE Group estimates that the existing CCC for the Park City side of the Resort is 12,570 skiers with an AVO of 2.3 on average and ranging from 1.9 to 3.1. SE Group estimates the CCC will increase to 13,440 with a future planned upgrade to Town Lift and Silver Star, new homes and nightly rentals, and a 5% increase in transit use. However, SE Group is also projecting an increase in the AVO to an average of 2.7 and ranging from 1.9 to 3.1 on peak ski days due to the implementation of paid parking. SE Group notes that with an AVO of 2.7 the Resort will see a surplus of parking stalls averaging 126 stalls on typical ski days due to the implementation of paid parking.
60. Due to the fact that the Resort is no longer anticipating the Comfortable Carrying Capacity (CCC) assumed in the Mountain Upgrade Plan that was part of the 1998 application and the anticipated modal shift to transit due to paid parking, the 600 additional parking stalls are no longer required. Additionally, the creation of said parking stalls will lead to more cars accessing the site and additional congestion in the Resort Center, which the City and the applicant are seeking to minimize in accordance with the General Plan objectives for the Resort Center neighborhood and the Vision 2020 Strategic Pillar of Transportation Innovation.
61. SE Group, on behalf of the applicant, submitted corroborating information that these 600 stalls are no longer necessary to meet the Resort's anticipated parking demand with the implementation of paid day skier parking at the base area.
- ~~62. As provided in the 1998 Development Agreement, the City retains the authority to require the Resort to limit ticket sales if parking mitigation fails to adequately mitigate peak day parking demands. The intent is that off-site parking solutions include a coordinated and cooperative effort with the City and the Resort Operator to provide creative solutions for peak day and special event parking.~~

Applicant's alternative language for COA #62 above attempting to address parking issues with parking solutions:

Upon the City's reasonable determination that a "Parking Failure" has occurred on more than fifteen (15) days in a ski season during the first five (5) years following completion of the Resort Core pursuant to the 2021 Concept Master Plan by reasons attributable solely to the Resort and

the applicant's development of the Resort Core (as opposed to conditions arising from other City events, such as the Sundance Film Festival), the City shall notify applicant of such Parking Failure and City and applicant shall thereafter work with the Resort Operator to determine the remedial actions that must be taken to prevent future Parking Failures, which remedial action may include the construction of additional off-site parking spaces. The number of additional off-site parking spaces required to alleviate similar Parking Failures and which party shall be responsible for installing the same shall be collectively determined by the City, the Resort Operator and the applicant depending on the reasonably identified causes of the Parking Failure. For purposes of this condition, a Parking Failure at the PCM Base would be found to occur only if all of the following conditions apply:

- The Park City transit system has increased bus frequency to its full capacity such that not less than [INSERT] buses are arriving/departing the Transit Center during the peak hours of 8:00 a.m. to 10:30 a.m. and from 3:30 p.m. to 5:00 p.m. on the days of the purported Parking Failure;
- The utilization rate for the Park City transit system buses serving the PCM Base during such peak hours averages 90%;
- On-site and off-site park and ride lots then in existence and feeding the Park City transit system are fully utilized; and
- Excessive on-street parking is occurring in local streets adjacent to the PCM Base notwithstanding the City's consistent enforcement of the City's parking regulations applicable to such local streets.

Notwithstanding anything in this condition to the contrary, the combined responsibility of the Resort Operator and applicant for construction of off-site parking stalls shall not exceed

[INSERT] stalls at a total cost of [INSERT] per stall.

The City has concerns with the applicant's recommended finding above and instead recommends Transportation and Parking Mitigation Conditions of Approval #35-40 in the Draft Conditions of Approval Document. The final fees associated with these Conditions will be negotiated by the City's Executive Department during the Development Agreement process.

63. The applicant is proposing a drop-off/pick-up area in front of the plaza between Buildings C and E, which will be staffed during peak periods to promote efficient loading and unloading. This area can accommodate approximately eight vehicles.
64. In addition to the drop off area mentioned above, the applicant is providing a separate area for hotel shuttle drop off south of the new transit station. This area can accommodate up to six hotel shuttles at one time.

65. The applicant has agreed that garage parking will include 15 minutes of free parking, and that 20 parking stalls will be reserved during peak hours with 30 minutes of free parking to accommodate ski school and ski team pick up and drop off parking.

[Staff suggests further discussion with the applicant and Vail directly regarding any additional appropriate FF and COAs regarding consequence of inadequate parking mitigation regarding day skiing versus residential/commercial uses.]

Commercial and Residential Parking

66. The 2021 Concept Master Plan proposes 521 parking stalls for the residential and commercial uses based on a shared parking analysis, which represents a 502 parking stall exception (waiver of parking stalls) based on the Hales Engineering analysis included in the Parking Study & TDM/PMP Plans. The parking stall exception is primarily for the Commercial Uses as skiers are the primary driver of parking at the Resort and Hales Engineering has conservatively estimated that 80% of Commercial users are already parked as skiers or guests, based on a study of the Canyons, which estimates that 95% of Commercial users are skiers or guests already parked at the Resort.
67. The Conditions of Approval will require the site to offer shared parking agreements for existing and proposed uses to provide adequate parking at peak times and mitigate parking demand for non -day skier parking consistent with the Parking Study & TDM/PMP Plans.
68. The Conditions of Approval will require the proposed Hotel to provide valet parking at all times, which valet parking may include use of stacked parking in order to increase the Hotel's parking supply.
69. According to analysis submitted by Hales Engineering in the Parking Plan & TDM/PMP Plans, the proposed parking exceptions are conservatively in line with what is experienced at the Canyons side of the Resort, where the applicant reports a 95% capture ratio for the commercial uses from day skiers already parked on site.
70. The Parking Study & TDM/PMP Plans assume one stall per affordable housing unit, one stall per hotel room, and one stall per condominium.
71. The City's independent third-party transportation consultant, AECOM, performed a sensitivity analysis which demonstrates that although Building C is under parked for a few hours in the afternoon (which can be accommodated with valet parking), there should be excess parking within the entire site overall including during peak hours. Accordingly, a Condition of Approval requires the TDM to include valet parking and shared use agreements to mitigate peak use.

72. The Conditions of Approval will require an updated parking analysis be submitted to the City based on actual parking demand for the uses in Building B after the first ski season of occupancy for this garage.
73. The proposed number of parking stalls is consistent with the location of employee housing on site, the applicant's proposed shared parking arrangement set forth in the Parking Study & TDM/PMP Plans, the City's desire to promote fewer overall vehicle trips and use of other transit options to access the site, including public transit, and with the City's desire to help the applicant reach the identified modal split goal for a 20% reduction in vehicles accessing the site over a five year period, beginning with the occupancy of the parking structure on Parcel B.
74. The Planning Commission, with recommendation from the Planning Department and AECOM, finds that the Parking Study & TDM/PMP Plans support a decrease in the required number of parking spaces consistent with LMC Section 15-6-5(E).

Building Height

75. The RC District allows for structures up to thirty-five feet (35') in height from Existing Grade.
76. Section 15-6-5(F) of the Land Management Code allows the Planning Commission to "...consider an increase in Building Height based upon a Site specific analysis."
77. The 1998 Development Agreement and 1997 Approvals, allowed for exceptions to Building Height, and the 2021 Master Plan is seeking exceptions to Building Height consistent with the 1997 approved plans. The 1997 Approvals allowed for the following approximate maximum building heights as measured under the current Land Management Code:
 - a. Parcel B maximum Building Height of 78 feet.
 - b. Parcel C maximum Building Height of 75 feet.
 - c. Parcel D maximum Building Height of 60 feet.
 - d. Parcel E maximum Building Height of 83 feet.
78. These height exceptions expired with the site plan and the applicant has applied for new height exceptions with respect to the 2021 Concept Master Plan.
79. The Planning Commission finds that the increase in Building Height as shown in the 2021 Concept Master Plan set dated _____ does not result in increased square footage or Building volume over what was approved in the 1998 Development Agreement and 1997 PCMR Concept Master Plan.
80. Height exceptions are appropriate given that in 1997 the City Council determined that clustering density at the base area was preferable to spreading density up the mountain, and that the clustering preserves open space, provides

opportunities for view corridors, and increases the effectiveness of public transportation.

81. The Planning Commission finds that buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated through building placement and increased Setbacks.
82. The Planning Commission finds there is adequate buffering in the form of Setbacks from adjacent Properties and Uses; In addition, Landscape buffering and detailed landscape plans will be required for the CUP application process.
83. The Planning Commission finds there is adequate room for Landscaping for adjacent Properties and Uses. Landscaping details will be required at the CUP process to ensure adequate buffering for adjacent Properties and Uses.
84. The Planning Commission finds that building Setbacks are increased, resulting in an overall average approximately 9-10 feet in excess of the zone setbacks after including setback reductions for portions of Building B, with additional Building Height in order to provide increased separation from adjacent properties.
85. The Planning Commission finds that the proposed additional Building Height results in more than the minimum Open Space required, and results in Open Space that is publicly accessible;
86. The Planning Commission finds that additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, including the Façade Length and Variation requirements of §15-5-8.
87. The Planning Commission finds that additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission as represented in the 2021 Master Plan. This results in the following maximum Building Heights from Existing Grade for the following parcels:
 - a. Parcel B maximum Building Height of [87] feet and [6] stories from Existing Grade. The nearest abutter is approximately [65] feet away from this Building Height.
 - b. Parcel C maximum Building Height of [103] feet and [7] stories from Existing Grade. The nearest abutter is approximately [70] feet away from this Building Height.
 - c. Parcel D maximum Building Height of [71] feet and [5] stories from Existing Grade. The nearest abutter is approximately [40] feet away from this Building Height.
 - d. Parcel E maximum Building Height of [84] feet and [6] stories from Existing Grade. The nearest abutter is approximately [50] feet away from this Building Height.

Site Planning

88. The 2021 Concept Master Plan sets forth a plan for development/redevelopment consistent with the Resort Center neighborhood, the City's General Plan for the Resort Center neighborhood, the City's adopted Transportation Plans, the 1998 Development Agreement, and LMC 15-6.
89. The units are clustered on the most developable and least visually sensitive portions of the RC zoned remaining parcels, and the buildings are separated by Open Space.
90. No Significant Vegetation exists on the parcels as they are surface parking lots.
91. The project is designed to minimize Grading and the need for large retaining Structures.
92. Roads, utility lines, and Structures are designed to work with the Existing Grade and cuts and fills are minimized.
93. Existing trails are maintained and incorporated into the Open Space elements of the project. Parking garage E is considered the primary trailhead parking area.
94. Adequate internal vehicular, pedestrian, and bicycle circulation is provided and pedestrian and bicycle circulations are separated from vehicular circulations and provide safe travel within the boundaries of the project and safe travel to adjoining public sidewalks, trails, and Rights-of-Way.
95. Snow storage Areas will be further detailed and evaluated at the CUP process in order to provide adequate areas for snow removal and storage.
96. Areas for convenient trash and recycling, including adequate circulation area for pick-up vehicles, will be further detailed and evaluated at the CUP process.
97. The project will include a recycling program that accommodates for materials generated by tenants, residents, users, operators, and/or owners and this will be further detailed and evaluated at the CUP process.
98. The project includes transportation amenities including separate drop-off Areas for hotel shuttle service, general purpose vehicles, and an existing bus stop. Additional drop off can be accommodated in the garage structures.
99. Service and delivery Access and loading/unloading Areas are included in the project and separated from pedestrian Areas and will be further detailed and evaluated at the CUP process.

Landscape and Lighting

100. A preliminary Landscape Plan was submitted with the MPD application.
101. Detailed landscape plans will be required for the CUP application process.
102. The Planning Commission finds there is sufficient area in the form of Setbacks from adjacent Properties and Uses to provide for sufficient landscape buffering.
103. Lighting must meet the requirements of Section 15-5-5(J).
104. Detailed Lighting Plans will be required for the CUP application process.

Sensitive Lands Compliance

105. The project site is located outside of the City's Sensitive Lands Overlay Zone.

Employee/Affordable Housing

Reference 4/29/21 Housing Authority Approval and Conditions

Child Care

106. The project site does not include a Child Care Center.

Mine Hazards

107. There are no known Physical Mine Hazards on the project site.

Historic Mine Waste Mitigation

108. The project site is located outside of the City's Soils Ordinance Boundary.

General Plan Review

109. Park City's General Plan for the Resort Center neighborhood anticipates that future development will create a more dense resort core and "combine the ski experience with the lodging experience," and anticipates that such development/redevelopment would "redefine the character of the base area and influence the entire Resort Center neighborhood." (General Plan p. 190)
110. The majority of the Resort Center neighborhood is located in the Lower Park Avenue Redevelopment Area (RDA), and the applicant's project is in the "resort core" of the Resort Center neighborhood.
111. The General Plan for the Resort Center outlines 7 objectives for the neighborhood including:
- a. Increasing opportunities for public transit (including consideration of dedicated transit lanes);
 - b. Circulation modifications to improve the user experience of arriving and leaving the Resort Center;
 - c. Implementing alternative parking locations with public transportation connections;
 - d. The development of transportation demand management strategies to decrease vehicle traffic;
 - e. Improving multimodal connections between the Resort and Main Street, Deer Valley and the Bonanza Park areas;
 - f. Decreasing resort impacts on surrounding residential communities; and
 - g. Discouraging resort through traffic on Three Kings Drive.
112. The General Plan specifically recommends flexibility "regarding the execution of the existing PCMR MPD approval in order to facilitate: 1) public/private

partnership opportunities for public transit visitors and locals, parking and affordable housing; 2) potential relocation/transfer of density; and 3) new uses including emerging recreation and resort visitor experiences.” (General Plan p. 191)

113. The 2021 Concept Master Plan increases opportunities for public transit and includes an improved Transit Station and bus only lanes through the Resort.
114. PEG has proposed a comprehensive Transportation Demand Management plan and circulation modifications to reduce traffic congestion and improve intersection LOS through its modal split goals, which will improve the user experience of arriving and leaving the Resort Center.
115. The Parking Study & TDM/PMP Plans does not expand parking on site but encourages public transportation use through the implementation of paid parking at the base, improving the Transit Station and adding bus only lanes through the Resort. This should encourage use of the regional park and ride facilities that will be served with expanded public transportation connections reducing congestion in Park City.
116. The Parking Study & TDM/PMP Plans specifically incorporate recommended TDM strategies to decrease vehicle traffic including increasing the AVO through paid parking, improvements to the Transit Station, and an employee TDM.
117. The 2021 Concept Master Plan improves multimodal connections with improved pedestrian and bicycle pathways, public plazas and an improved Transit Station.
118. The 2021 Concept Master Plan decreases resort impacts on surrounding residential communities by improving traffic circulation and congestion, improving opportunities for public transit, and improved multimodal connections.
119. The 2021 Concept Master Plan discourages resort through traffic on adjoining residential streets, including Three Kings Drive, through improved traffic and wayfinding signage and a median on Silver King Drive to prevent cars leaving the parcel E from making a left turn onto Three Kings Drive.

Sustainability

120. The City has ambitious but achievable climate goals to be net zero carbon and to meet annual electricity needs through 100% renewable resources for the entire community by 2030, as embodied in Resolution 32-2018 (the “City’s Sustainability Goals”).
121. The project will add to the City’s overall energy demand and carbon footprint, and the applicant submitted Sustainability Guidelines, dated December 1, 2020 (as amended), detailing the applicant’s plans for the project and the manner in which the project contributes to the City’s Sustainability Goals. The applicant’s Sustainability Guidelines will be reviewed in further detail at each CUP process.

122. The Sustainability Guidelines target energy savings compared to the State of Utah's currently adopted energy codes as of December 1, 2020 (i.e. IECC 2018) in excess of 20%, and include the applicant's commitment to integrate energy modeling in the design process of all buildings and building types within the project in order to achieve that goal through the use of high-performance building envelopes and energy efficient mechanical, lighting, and window systems (core and shell).
123. The Sustainability Guidelines provide for the creation of a construction waste management plan and the diversion of construction and demolition materials away from landfills and incinerators, including diversion of 100% of demolished asphalt, and diversion of a minimum of 50% of construction waste into not less than four material streams for recycling.
124. The Sustainability Guidelines provide for the creation of a waste management plan to reduce landfill waste that is generated by building occupants (commercial tenants as well as residential) and all buildings will include accommodations for recycling.
125. The Sustainability Guideline provide for a pEUI-25 average for the four (4) building parcels at full build-out. The targeted individual pEUI for the specific buildings are set forth in the Sustainability Guidelines.
126. The Sustainability Guidelines provide for the installation of rooftop photovoltaic arrays, as well as the potential for other on-site renewable energy generation methods such as micro-anaerobic digester for food waste, intended to supply not less than 8% of the project's energy demands (including 100% of the energy demand for the project's structured parking facilities), and the design and preparation of additional roof areas that will be "PV ready" so that additional panels can be installed in the future.
127. The Sustainability Guidelines provide for the applicant's purchase of Renewable Energy Credits ("REC") for each completed building in the project to offset delivered [energy] to the Project that is not supported by on-site renewable energy systems, for a period equal to the lesser of: (a) five (5) years; or (b) the number of years from the date the final Certificate of Occupancy is issued for the applicable building and the estimated date that the City's fully renewable power source will be on line (currently estimated to be 2030).
128. The Sustainability Guidelines provide for rigorous energy commissioning for each building to support the energy efficient operation of such buildings and to compare performance back to modeled design targets.
129. The Sustainability Guidelines provide for applicant's use of management tools to log, track and verify building performance including delivered energy consumption, indoor and outdoor water usage and recording the REC purchases applicable to each building.

130. Based on the above, and the items set forth in the Sustainability Guidelines, the Planning Commission finds that the applicant's project and Sustainability Guidelines incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the codes in effect at the time of the current Application as of February 2020 (i.e. IECC 2018).

Section 15-6-6 Findings

131. The 2021 Concept Master Plan complies with all requirements of the Land Management Code with the exception of the Setbacks for Building B, allowed Building Height, the number of Off-Street Parking stalls and the amount of Resort Support Commercial and Accessory Use allowed for Parcel C.
132. The 2021 Concept Master Plan meets the minimum requirements of Section 15-6-5 except as noted above.
133. The 2021 Concept Master Plan provides the highest value of Open Space, as determined by the Planning Commission.
134. The 2021 Concept Master Plan strengthens and enhances the resort character of Park City with additional Resort Support Commercial uses, lodging opportunities and public transit improvements.
135. The 2021 Concept Master Plan compliments the natural features on the Site, which parcels are not characterized by significant features or vegetation.
136. The 2021 Concept Master Plan is Compatible in Use, scale, and mass with adjacent Properties within the Resort Center Neighborhood, promotes neighborhood Compatibility, and protects surrounding residential neighborhoods and Uses. The 2021 Concept Master Plan is compatible with the density allowed by the development agreement and is in keeping with the Building Height approved on Parcel A, Marriott's MountainSide Hotel.
137. The 2021 Concept Master Plan provides amenities to the community so that there is no net loss of community amenities including but not limited to a new transit station, employee and affordable housing, 1,200 day skier parking stalls, public plazas and new commercial and residential uses.
138. The 2021 Concept Master Plan is consistent with the employee Affordable Housing requirements as evidenced by the Housing Authority's 4/29/21 Approval of the applicant's Housing Mitigation Plan.
139. The project Parcels are not located within the Sensitive Land Overlay Zone, and the project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site.

140. The 2021 Concept Master Plan promotes the Use of non-vehicular forms of transportation through the use of paid parking, dedicated bus lanes, a new transit station, multi-use trails and trail connections.
141. The 2021 Concept Master Plan was properly noticed and the Planning Commission held public hearings in accordance with this Chapter.
142. The 2021 Concept Master Plan incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes in effect at the time of the Application.
143. No Physical Mine Hazards are located on the Parcels.
144. The 2021 Concept Master Plan mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
145. No Historic Structures or Sites are located on the Parcels.
146. The 2021 Concept Master Plan addresses and mitigates traffic and the applicant and submitted the Parking Study & TDM/ PMP Plans demonstrating the applicant's commitment to work with the City in a combined effort to achieve a 20% modal split within five years of the occupancy of Building B.

Applications for CUPs shall include but are not limited to:

1. Detailed landscape plan
2. Details for snow storage areas
3. Details for trash and recycling areas
4. Details for service and delivery access
5. Detailed Lighting plan
6. Detailed sustainability plan

Draft Findings of Fact: PEG's Park City Base Area Lot Redevelopment Master Plan Study

The Planning Commission's consideration of the following Findings of Fact is requested by the Planning Department.

Background Information

1. On June 25, 1997, the Planning Commission approved the Park City Mountain Resort (PCMR) Large Scale Master Plan, with Findings and Conditions.
2. On August 14, 1997, the City Council approved height and setback exceptions beyond what was allowed in the Recreation Commercial zoning district, with Findings and Conditions.
3. These two approvals (1997 Approvals) resulted in the June 1998 Development Agreement (1998 Development Agreement) for the Park City Mountain Resort Base Area, subject to the 1998 PCMR Concept Master Plan.
4. The City granted development rights and height and setback exceptions in exchange for development restrictions on both the Open Space designated within the 1997 Master Planned Area and within the Park City Alpine Terrain.
5. The 1998 Development Agreement allowed for a permitted density of up to 491.78 Unit Equivalents and subject to the volumetrics of the PCMR Concept Master Plan, which represented maximums that could be achieved on any Parcel A-E.
6. Because of the general nature of the MPD, final site planning details were required in the form of Conditional Use Permits for each Parcel.
7. Only Parcel A has been developed to date, with the equivalent of approximately 334,000 square feet of the total 1,156,787 square feet. After the development of Parcel A, 353 UEs remain. Under the 1997 Large Scale Master Plan this equated to a total of 805,700 allowable square feet on Parcels B-E, not including Resort Accessory Uses, mechanical, maintenance or storage space below grade, public convention and meeting space below grade, or parking. (page 15 1998 Development Agreement)
8. In 2007, certain terrain of the Park City Mountain Resort was annexed into Park City.
9. In 2015 the Planning Commission approved an Amendment to the MPD and Mountain Upgrade Plan, as well as a Conditional Use Permit for the Interconnect Gondola (aka the Quicksilver Gondola) and expansion of the Snow Hut (aka Miners Camp) on-mountain restaurant (collectively "the 2015 Amendment").
10. The 2015 Amendment includes the additional ski terrain lands annexed into the City in 2007.
11. The 2015 Amendment also clarifies that:

- a. The 1998 Development Agreement and Mountain Upgrade Plan remains in full force and effect;
 - b. The 1997 PCMR Concept Master Plan component of the DA has lapsed;
 - c. The Developer's rights under the DA are fully vested; and
 - d. Exhibit E of the 1998 Development Agreement is amended to add the March 25, 2015 Conditions of Planning Commission Approval.
12. The Developer under the 1998 Development Agreement, VR CPC Holdings, is proposing to assign some of its rights and obligations to PEG Properties, LLC (the applicant) including those rights and obligations pertaining to development of Lots B, C, D and E, as well as the requirements relating to all Employee Housing commitments associated with the development of these Parcels.
 13. VR CPC Holdings will retain all obligations pertaining to the Ski Operations.

General Information

14. On February 13, 2020, PEG Development submitted an application to Amend the 1998 Development Agreement by replacing Exhibit D, which is the expired PCMR Base Area Master Plan Study, with a proposed new site plan (the "2021 Concept Master Plan").
15. This application was supplemented with additional information on April 20, 2020.
16. Following several administrative hearings, On July 8, 2020, the Planning Commission made a formal determination that the applicant's proposed new site plan was a "substantive modification" to the 1998 Development Agreement justifying a review of the entire master plan and Development Agreement by the Planning Commission.
17. The public hearing process was officially opened on August 26, 2020, with the Planning Commission holding public meetings on:
 - a. August 26, 2020
 - b. September 23, 2020
 - c. October 18, 2020
 - d. November 18, 2020
 - e. December 16, 2020
 - f. January 20, 2021
 - g. March 24, 2021
 - h. April 21, 2021
 - i. May 19, 2021
 - j. June 16, 2021
 - k. July 21, 2021
 - l. August 18, 2021
 - m. September 15, 2021
 - n. September 29, 2021

18. The applicant is seeking exceptions from the requirements of the Land Management Code including:
 - a. A reduction in the required perimeter Setback from twenty-five feet (25') to the zone required Setback of twenty feet (20') for portions of Parcel B only including the Shadow Ridge Road, Empire Avenue and Lowell Avenue facades.
 - b. Exceptions to the required number of parking stalls provided for the Commercial and Residential Uses of the project.
 - c. An increase in allowed building height from the RC zone height of 35 feet for all parcels; and
 - d. Resort Support Commercial and Accessory Use in excess of the 10% allowed for Parcel C only to accommodate a four-star hotel.

Zoning

19. The Base Area Parcels B, C, D and E are all located in the Recreation Commercial (RC) zoning district and the applicant is not proposing any changes to the zoning.
20. The RC zone allows for the development of hotel and resort related housing in close proximity to major recreation facilities and encourages the clustering of development to preserve Open Space and minimize the impacts of development on hillsides and sensitive view areas.
21. All of the proposed Uses in the 2021 Concept Master Plan are Allowed or Conditional Uses within the Recreation Commercial zoning district.
22. The applicant has applied for a Master Planned Development approval, including amending the 1998 Development Agreement and a new Concept Master Plan.
23. Further development of the Parcels will require additional site-specific approvals in the form of platting and Conditional Use Permits for each Parcel prior to the issuance of Building Permits.

Density

24. Density for MPDs is based on the Unit Equivalent Formula defined in LMC 15-6-8.
25. The 1998 Development Agreement utilizes the Unit Equivalent Formula and limits density on a square footage basis in the Parcel Square Footage Allowance Table set forth in Section 3.2.1 of the 1998 Development Agreement. Building square footage does not include Resort Accessory Uses, mechanical, maintenance or storage space that may be located below grade or parking as shown in the 1997 PCMR Concept Master Plan.

26. Utilizing the same square footage calculation results in the following Maximum Parcel Allowed Square Footage [insert applicants final table when received].
27. The 1998 Development Agreement does not allow for the transfer of Density from one parcel to another. However, this proposal is to amend the 1998 Development Agreement to allow for additional Density on Parcel C, which is adjacent to the mountain, where additional height is appropriate as it is central to the Resort Core and is located further away from neighboring single family and multi-family uses. Although the Planning Commission approves the transfer of Density to Parcel C as consistent with LMC 15-6-1 and 15-6-5, the Total Square Footage and Unit Equivalents are less than what was approved under the 1998 Development Agreement [a reduction of approximately 150,000 square feet and 90 UEs. update when received]
28. The 2021 Concept Master Plan identifies up to [146] residential units resulting in [203] Residential Unit Equivalents, and up to [63,000] square feet of Commercial space resulting in [60] Commercial Unit Equivalents, totaling [insert] Unit Equivalents and up to [insert] total square feet, which is within the maximum permitted density allowed under the 1998 Development Agreement. [update]
29. The Park City General Plan for the Resort Center notes that “Flexibility should be employed regarding the execution of the existing PCMR MPD approval...” in order to facilitate public transit, parking and affordable housing; potential relocation/transfer of density; and emerging recreation and resort visitor experiences (page 191).

Setbacks

30. The minimum Setback around the exterior boundary of a Master Planned Development shall be twenty-five feet (25') for Parcels greater than 2 acres.
31. Section 15-6-5 of the Land Management Code allows the Planning Commission to decrease the required perimeter Setback to the zone-required Setback “...if it is necessary to provide desired architectural interest and variation.”
32. The zone-required Setback is twenty feet (20') for the Recreation Commercial (RC) District.
33. The applicant withdrew setback exceptions originally requested for Parcels C, D and E, and currently requests limited reductions in the perimeter Setbacks to twenty feet (20') for the north, east and west façades of Parcel B only, consistent with the twenty feet (20') Setback for the Recreation Commercial (RC) District.
34. The applicant is therefore seeking less Setback exceptions than the 1997 approved plan.
35. In connection with the applicant’s request, the applicant has presented, and the Planning Commission has considered multiple configurations and architectural approaches for Parcel B.

36. The limited areas of 20-foot setback requested for Parcel B provide both vertical and horizontal architectural articulation while maintaining an overall average site perimeter setback of approximately 30 feet.
37. The Planning Commission hereby approves the limited reductions in the perimeter setbacks to twenty feet (20') for the north (floors 2,3 and 4 only), east and west façades of Parcel B, specifically finding that the twenty-foot (20') Setbacks for Parcel B are necessary to provide desired architectural interest and variation because the reduced setbacks:
 - a. Are necessary to transition the scale of the proposed building from the Resort to the surrounding neighborhood and to decrease the perceived scale of the proposed building on Parcel B;
 - b. Are necessary for vertical and horizontal architectural articulation providing increased architectural interest and variation both desired and required by the Planning Commission, both at the ground level and at the above-ground level stories for the proposed Parcel B building, that would not be achieved if the applicant was required to meet the twenty-five feet (25') Setback requirements;
 - c. Are necessary to include architectural elements that are similar to those allowed to extend into the front Setback pursuant to the Recreation Commercial District (i.e. decks, porches, bay windows, roof overhangs, eaves and cornices; and
 - d. Are necessary to implement additional horizontal façade variations while remaining compatible with the setbacks for neighboring streetscape and residential development. The resulting architecture and variation is desired to mitigate the transition to the residential areas of the zone. The 2021 Master Plan provides for adequate space for a minimum of twelve feet (12') multi-use trails, landscaping and snow storage area, even in the areas where architectural elements extend beyond the twenty-five feet (25') Setback requirements.
38. The 2021 Master Plan provides no perimeter Setbacks less than twenty feet (20'). Any potential canopy over the transit station on Lowell Avenue will be reviewed in accordance with right of way regulations and the LMC, if applicable, at the time of CUP.
39. The 2021 Master Plan provides that all parking structures above Existing Grade meet the twenty-five feet (25') MPD Setback requirements.

Open Space

40. MPDs require a minimum of 60% Open Space as defined in LMC Chapter 15-15 and the application meets this minimum requirement, providing 63% of Open Space in a type and mix appropriate to the Resort Core and consisting of

pedestrian plazas, sidewalks and multi-use trails, landscape buffers, ski runs, landscaped and natural areas open to the public. Streets, driveways, parking areas and private open space areas are not included in the applicant's Open Space calculations.

Off Street Parking

General

41. LMC 15-6-5(E) stated that "The number of Off-Street Parking Spaces in an MPD shall not be less than the requirements of the LMC, except that the Planning Commission may decrease the required number of Off Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal."
42. As noted in the Park City Vision 2020 project, traffic and congestion are some of the City's biggest challenges, and envisioning bold, multi-modal transportation options is one of Park City's biggest opportunities. The City Council has embraced a transit first philosophy and strives to make Park City a car optional community.
43. More specifically for the resort center, this includes a modal shift from vehicles to transit and more sustainable transportation options that address and mitigate the amount of traffic going to and from the Resort base area in order to reduce congestions and improve levels of service at proximate intersections.
44. Related to parking, the applicant submitted the following (collectively, the "Parking Study & TDM/PMP Plans"):
 - a. A Resort Parking Study by Hales Engineering dated February 11, 2021.
 - b. A Draft TDM and PMP dated May 7, 2021 and Addendum dated July 9, 2021.
 - c. Existing and Proposed Parking Condition Analysis from SE Group dated September 23, 2020.
45. The applicant is proposing 1,721 parking stalls for the base area. Of these, 1,200 spaces are dedicated to day skier parking, and the remainder (521 stalls) are primarily for residential (hotel and condo) and resort commercial patronage.
46. Utilizing mixed-use parking reductions, Hales Engineering in the Parking Study & TDM/PMP Plans estimates the peak shared parking demand will be 1,583 stalls, less than the 1,721 parking stalls proposed.
47. The City's professional planning staff and separately retained parking and transit consultant AECOM reviewed and analyzed the Parking Study & TDM/PMP Plans including a parking sensitivity test and concluded that for the entire site there is still excess parking anticipated assuming shared parking arrangements are in place between all uses including the day skier parking and TDM/PMP strategies are implemented.

Day Skier Parking

48. The 2021 Concept Master Plan proposes the replacement of the existing 1,200 day skier surface parking stalls with 1,200 structured day skier stalls, thus there is no material loss in day skier parking.
49. **The applicant is also removing all employee parking from the base area which will effectively increase the parking supply at the base area for Resort guests.**
50. The Parking Study & TDM/PMP Plans outline an actively managed parking system with real time, dynamic parking signs that guide patrons to open parking spaces within Parcels B and E, creating a more efficient search for parking availability.
51. The Parking Study & TDM/PMP Plans provide for the implementation of paid parking for day skiers concurrently with the development of the base area project. The Parking Study estimates that paid parking will increase the Average Vehicle Occupancy (AVO), and that the Resort will move from a parking deficit to a parking surplus on a typical day if coupled with robust TDM measures and shared parking agreements (See SE Analysis).
52. SE Group, on behalf of the applicant, submitted corroborating information that an increase in the AVO to a goal of 2.3-2.7, with peak days seeing 3.1, shows that the resort is expected to have sufficient parking on most days under the paid parking model outlined in the Parking Study & TDM/PMP Plans.
53. The Planning Commission finds that the implementation of the paid parking model set forth in the Parking Study & TDM/PMP Plans will affect the AVO and that parking pricing can be adjusted to help achieve the target AVO's set forth in the Parking Studies.
54. The Conditions of Approval imposed with respect to parking will require the applicant to work with the City to modify parking mitigation efforts to achieve the target AVOs as necessary over a five-year period beginning with the occupancy of the garage on Parcel B. As outlined in the Parking Study & TDM/PMP Plans this includes at least two annual coordination meetings per year to discuss actual vehicle counts and parking demand, and the implementation of new or revised parking and transportation strategies designed to achieve the target AVOs and intersection LOS goals.
55. The Development Agreement with the applicant will provide the City with the enforcement mechanisms necessary to ensure compliance with the Conditions of Approval.
56. The 1998 Development Agreement required 600 additional parking stalls for **exclusive use of** the Resort ~~Uses~~. **including parking for the Resort's Accessory Uses and or Support Commercial to the Resort.**
57. The 1998 Mountain Upgrade Plan estimates **the Comfortable Carrying Capacity (CCC, defined as the number of active and inactive skiers that can be**

accommodated at a ski area at any given time while guaranteeing a pleasant recreational experience and preserving the quality of the environment) of the Resort was 9,910 skiers, but noted that is it not uncommon for ski areas to experience peak days which visitation exceeds the CCC by as much as 25 percent, or approximately 11,000 skiers in Park City's case.

58. The Mountain Upgrade Plan makes a number of upgrade recommendations increasing the CCC from 9,910 to 13,700 skiers per day, which could mean 15,070 skiers on a peak ski day.

56-59. Many of the upgrades discussed in the 1998 Mountain Upgrade Plan have occurred and SE Group estimates that the existing CCC for the Park City side of the Resort is 12,570 skiers with an AVO of 2.3 on average and ranging from 1.9 to 3.1. SE Group estimates the CCC will increase to 13,440 with a future planned upgrade to Town Lift and Silver Star, new homes and nightly rentals, and a 5% increase in transit use. However, SE Group is also projecting an increase in the AVO to an average of 2.7 and ranging from 1.9 to 3.1 on peak ski days due to the implementation of paid parking. SE Group notes that with an AVO of 2.7 the Resort will see a surplus of parking stalls averaging 126 stalls on typical ski days due to the implementation of paid parking.

57-60. Due to the fact that ~~The the~~ Resort is no longer anticipating the Comfortable Carrying Capacity (CCC) assumed in the Mountain Upgrade Plan that was part of the 1998 application and the anticipated modal shift to transit due to paid parking, the 600 additional parking stalls are no longer required. Additionally, the creation of said parking stalls will lead to more cars accessing the site and additional congestion in the Resort Center, which the City and the applicant are seeking to minimize in accordance with the General Plan objectives for the Resort Center neighborhood and the Vision 2020 Strategic Pillar of Transportation Innovation.

58-61. SE Group, on behalf of the applicant, submitted corroborating information that these 600 stalls are no longer necessary to meet the Resort's anticipated parking demand with the implementation of paid day skier parking at the base area.

59-62. As provided in the 1998 Development Agreement, the City retains the authority to require the Resort to limit ticket sales if parking mitigation fails to adequately mitigate peak day parking demands. The intent is that off-site parking solutions include a coordinated and cooperative effort with the City and the Resort Operator to provide creative solutions for peak day and special event parking.

Applicant's alternative language for COA #62 above attempting to address parking issues with parking solutions:

Upon the City's reasonable determination that a "Parking Failure" has occurred on more than fifteen (15) days in a ski season during the first five (5) years following completion of the Resort

Core pursuant to the 2021 Concept Master Plan by reasons attributable solely to the Resort and the applicant's development of the Resort Core (as opposed to conditions arising from other City events, such as the Sundance Film Festival), the City shall notify applicant of such Parking Failure and City and applicant shall thereafter work with the Resort Operator to determine the remedial actions that must be taken to prevent future Parking Failures, which remedial action may include the construction of additional off-site parking spaces. The number of additional off-site parking spaces required to alleviate similar Parking Failures and which party shall be responsible for installing the same shall be collectively determined by the City, the Resort Operator and the applicant depending on the reasonably identified causes of the Parking Failure. For purposes of this condition, a Parking Failure at the PCM Base would be found to occur only if all of the following conditions apply:

- The Park City transit system has increased bus frequency to its full capacity such that not less than [INSERT] buses are arriving/departing the Transit Center during the peak hours of 8:00 a.m. to 10:30 a.m. and from 3:30 p.m. to 5:00 p.m. on the days of the purported Parking Failure;
- The utilization rate for the Park City transit system buses serving the PCM Base during such peak hours averages 90%;
- On-site and off-site park and ride lots then in existence and feeding the Park City transit system are fully utilized; and
- Excessive on-street parking is occurring in local streets adjacent to the PCM Base notwithstanding the City's consistent enforcement of the City's parking regulations applicable to such local streets.

Notwithstanding anything in this condition to the contrary, the combined responsibility of the Resort Operator and applicant for construction of off-site parking stalls shall not exceed

[INSERT] stalls at a total cost of [INSERT] per stall.

The City has concerns with the applicant's recommended finding above and instead recommends Transportation and Parking Mitigation Conditions of Approval #35-40 in the Draft Conditions of Approval Document. The final fees associated with these Conditions will be negotiated by the City's Executive Department during the Development Agreement process.

~~60-63.~~ The applicant is proposing a drop-off/pick-up area in front of the plaza between Buildings C and E, which will be staffed during peak periods to promote efficient loading and unloading. This area can accommodate approximately eight vehicles.

61-64. In addition to the drop off area mentioned above, the applicant is providing a separate area for hotel shuttle drop off south of the new transit station. This area can accommodate up to six hotel shuttles at one time.

62-65. The applicant has agreed that garage parking will include 15 minutes of free parking, and that 20 parking stalls will be reserved during peak hours with 30 minutes of free parking to accommodate ski school and ski team pick up and drop off parking.

[Staff suggests further discussion with the applicant and Vail directly regarding any additional appropriate FF and COAs regarding consequence of inadequate parking mitigation regarding day skiing versus residential/commercial uses.]

Commercial and Residential Parking

63-66. The 2021 Concept Master Plan proposes 521 parking stalls for the residential and commercial uses based on a shared parking analysis, which represents a 502 parking stall exception (waiver of parking stalls) based on the Hales Engineering analysis included in the Parking Study & TDM/PMP Plans. The parking stall exception is primarily for the Commercial Uses as skiers are the primary driver of parking at the Resort and Hales Engineering has conservatively estimated that 80% of Commercial users are already parked as skiers or guests, based on a study of the Canyons, which estimates that 95% of Commercial users are skiers or guests already parked at the Resort.

64-67. The Conditions of Approval will require the site to offer shared parking agreements for existing and proposed uses to provide adequate parking at peak times and mitigate parking demand for non -day skier parking consistent with the Parking Study & TDM/PMP Plans.

65-68. The Conditions of Approval will require the proposed Hotel to provide valet parking at all times, which valet parking may include use of stacked parking in order to increase the Hotel's parking supply.

66-69. According to analysis submitted by Hales Engineering in the Parking Plan & TDM/PMP Plans, the proposed parking exceptions are conservatively in line with what is experienced at the Canyons side of the Resort, where the applicant reports a 95% capture ratio for the commercial uses from day skiers already parked on site.

67-70. The Parking Study & TDM/PMP Plans assume one stall per affordable housing unit, one stall per hotel room, and one stall per condominium.

68-71. The City's independent third-party transportation consultant, AECOM, performed a sensitivity analysis which demonstrates that although Building C is under parked for a few hours in the afternoon (which can be accommodated with valet parking), there should be excess parking within the entire site overall including

during peak hours. Accordingly, a Condition of Approval requires the TDM to include valet parking and shared use agreements to mitigate peak use.

69-72. The Conditions of Approval will require an updated parking analysis be submitted to the City based on actual parking demand for the uses in Building B after the first ski season of occupancy for this garage.

70-73. The proposed number of parking stalls is consistent with the location of employee housing on site, the applicant's proposed shared parking arrangement set forth in the Parking Study & TDM/PMP Plans, the City's desire to promote fewer overall vehicle trips and use of other transit options to access the site, including public transit, and with the City's desire to help the applicant reach the identified modal split goal for a 20% reduction in vehicles accessing the site over a five year period, beginning with the occupancy of the parking structure on Parcel B.

71-74. The Planning Commission, with recommendation from the Planning Department and AECOM, finds that the Parking Study & TDM/PMP Plans support a decrease in the required number of parking spaces consistent with LMC Section 15-6-5(E).

Building Height

72-75. The RC District allows for structures up to thirty-five feet (35') in height from Existing Grade.

73-76. Section 15-6-5(F) of the Land Management Code allows the Planning Commission to "...consider an increase in Building Height based upon a Site specific analysis."

74-77. The 1998 Development Agreement and 1997 Approvals, allowed for exceptions to Building Height, and the 2021 Master Plan is seeking exceptions to Building Height consistent with the 1997 approved plans. The 1997 Approvals allowed for the following approximate maximum building heights as measured under the current Land Management Code:

- a. Parcel B maximum Building Height of 78 feet.
- b. Parcel C maximum Building Height of 75 feet.
- c. Parcel D maximum Building Height of 60 feet.
- d. Parcel E maximum Building Height of 83 feet.

75-78. These height exceptions expired with the site plan and the applicant has applied for new height exceptions with respect to the 2021 Concept Master Plan.

76-79. The Planning Commission finds that the increase in Building Height as shown in the 2021 Concept Master Plan set dated _____ does not result in increased square footage or Building volume over what was approved in the 1998 Development Agreement and 1997 PCMR Concept Master Plan.

77-80. Height exceptions are appropriate given that in 1997 the City Council determined that clustering density at the base area was preferable to spreading density up

the mountain, and that the clustering preserves open space, provides opportunities for view corridors, and increases the effectiveness of public transportation.

~~78-81.~~ The Planning Commission finds that buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated through building placement and **increased** Setbacks.

~~79-82.~~ The Planning Commission finds there is adequate buffering in the form of Setbacks from adjacent Properties and Uses; In addition, Landscape buffering and detailed landscape plans will be required for the CUP application process.

~~80-83.~~ The Planning Commission finds there is adequate room for Landscaping for adjacent Properties and Uses. Landscaping details will be required at the CUP process to ensure adequate buffering for adjacent Properties and Uses.

~~81-84.~~ The Planning Commission finds that building Setbacks are increased, resulting in an overall average approximately 9-10 feet in excess of the zone setbacks after including setback reductions for portions of Building B, with additional Building Height in order to provide increased separation from adjacent properties.

~~82-85.~~ The Planning Commission finds that the proposed additional Building Height results in more than the minimum Open Space required, and results in Open Space that is publicly accessible;

~~83-86.~~ The Planning Commission finds that additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, including the Façade Length and Variation requirements of §15-5-8.

~~84-87.~~ The Planning Commission finds that additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission as represented in the 2021 Master Plan. This results in the following maximum Building Heights from Existing Grade for the following parcels:

- a. Parcel B maximum Building Height of [87] feet and [6] stories from Existing Grade. The nearest abutter is approximately [65] feet away from this Building Height.
- b. Parcel C maximum Building Height of [103] feet and [7] stories from Existing Grade. The nearest abutter is approximately [70] feet away from this Building Height.
- c. Parcel D maximum Building Height of [71] feet and [5] stories from Existing Grade. The nearest abutter is approximately [40] feet away from this Building Height.
- d. Parcel E maximum Building Height of [84] feet and [6] stories from Existing Grade. The nearest abutter is approximately [50] feet away from this Building Height.

Site Planning

- 85-88. The 2021 Concept Master Plan sets forth a plan for development/redevelopment consistent with the Resort Center neighborhood, the City's General Plan for the Resort Center neighborhood, the City's adopted [Transportation Plans](#), the 1998 Development Agreement, and LMC 15-6.
- 86-89. The units are clustered on the most developable and least visually sensitive portions of the RC zoned remaining parcels, and the buildings are separated by Open Space.
- 87-90. No Significant Vegetation exists on the parcels as they are surface parking lots.
- 88-91. The project is designed to minimize Grading and the need for large retaining Structures.
- 89-92. Roads, utility lines, and Structures are designed to work with the Existing Grade and cuts and fills are minimized.
- 90-93. Existing trails are maintained and incorporated into the Open Space elements of the project. Parking garage E is considered the primary trailhead parking area.
- 91-94. Adequate internal vehicular, pedestrian, and bicycle circulation is provided and pedestrian and bicycle circulations are separated from vehicular circulations and provide safe travel within the boundaries of the project and safe travel to adjoining public sidewalks, trails, and Rights-of-Way.
- 92-95. Snow storage Areas will be further detailed and evaluated at the CUP process in order to provide adequate areas for snow removal and storage.
- 93-96. Areas for convenient trash and recycling, including adequate circulation area for pick-up vehicles, will be further detailed and evaluated at the CUP process.
- 94-97. The project will include a recycling program that accommodates for materials generated by tenants, residents, users, operators, and/or owners and this will be further detailed and evaluated at the CUP process.
- 95-98. The project includes transportation amenities including separate drop-off Areas for hotel shuttle service, general purpose vehicles, and an existing bus stop. Additional drop off can be accommodated in the garage structures.
- 96-99. Service and delivery Access and loading/unloading Areas are included in the project and separated from pedestrian Areas and will be further detailed and evaluated at the CUP process.

Landscape and Lighting

- 97-100. A preliminary Landscape Plan was submitted with the MPD application.
- 98-101. Detailed landscape plans will be required for the CUP application process.
- 99-102. The Planning Commission finds there is sufficient area in the form of Setbacks from adjacent Properties and Uses to provide for sufficient landscape buffering.

~~400.103.~~ Lighting must meet the requirements of Section 15-5-5(J).

~~401.104.~~ Detailed Lighting Plans will be required for the CUP application process.

Sensitive Lands Compliance

~~402.105.~~ The project site is located outside of the City's Sensitive Lands Overlay Zone.

Employee/Affordable Housing

Reference 4/29/21 Housing Authority Approval and Conditions

Child Care

~~403.106.~~ The project site does not include a Child Care Center.

Mine Hazards

~~404.107.~~ There are no known Physical Mine Hazards on the project site.

Historic Mine Waste Mitigation

~~405.108.~~ The project site is located outside of the City's Soils Ordinance Boundary.

General Plan Review

~~406.109.~~ Park City's General Plan for the Resort Center neighborhood anticipates that future development will create a more dense resort core and "combine the ski experience with the lodging experience," and anticipates that such development/redevelopment would "redefine the character of the base area and influence the entire Resort Center neighborhood." (General Plan p. 190)

~~407.110.~~ The majority of the Resort Center neighborhood is located in the Lower Park Avenue Redevelopment Area (RDA), and the applicant's project is in the "resort core" of the Resort Center neighborhood.

~~408.111.~~ The General Plan for the Resort Center outlines 7 objectives for the neighborhood including:

- a. Increasing opportunities for public transit (including consideration of dedicated transit lanes);
- b. Circulation modifications to improve the user experience of arriving and leaving the Resort Center;
- c. Implementing alternative parking locations with public transportation connections;
- d. The development of transportation demand management strategies to decrease vehicle traffic;
- e. Improving multimodal connections between the Resort and Main Street, Deer Valley and the Bonanza Park areas;

- f. Decreasing resort impacts on surrounding residential communities; and
- g. Discouraging resort through traffic on Three Kings Drive.

~~409-112.~~ The General Plan specifically recommends flexibility “regarding the execution of the existing PCMR MPD approval in order to facilitate: 1) public/private partnership opportunities for public transit visitors and locals, parking and affordable housing; 2) potential relocation/transfer of density; and 3) new uses including emerging recreation and resort visitor experiences.” (General Plan p. 191)

~~410-113.~~ The 2021 Concept Master Plan increases opportunities for public transit and includes an improved Transit Station and bus only lanes through the Resort.

~~411-114.~~ PEG has proposed a comprehensive Transportation Demand Management plan and circulation modifications to reduce traffic congestion and improve intersection LOS through its modal split goals, which will improve the user experience of arriving and leaving the Resort Center.

~~412-115.~~ The Parking Study & TDM/PMP Plans does not expand parking on site but encourages public transportation use through the implementation of paid parking at the base, improving the Transit Station and adding bus only lanes through the Resort. This should encourage use of the regional park and ride facilities that will be served with expanded public transportation connections reducing congestion in Park City.

~~413-116.~~ The Parking Study & TDM/PMP Plans specifically incorporate recommended TDM strategies to decrease vehicle traffic including increasing the AVO through paid parking, improvements to the Transit Station, and an employee TDM.

~~414-117.~~ The 2021 Concept Master Plan improves multimodal connections with improved pedestrian and bicycle pathways, public plazas and an improved Transit Station.

~~415-118.~~ The 2021 Concept Master Plan decreases resort impacts on surrounding residential communities by improving traffic circulation and congestion, improving opportunities for public transit, and improved multimodal connections.

~~416-119.~~ The 2021 Concept Master Plan discourages resort through traffic on adjoining residential streets, including Three Kings Drive, through improved traffic and wayfinding signage and a median on Silver King Drive to prevent cars leaving the parcel E from making a left turn onto Three Kings Drive.

Sustainability

~~417-120.~~ The City has ambitious but achievable climate goals to be net zero carbon and to meet annual electricity needs through 100% renewable resources for the entire community by 2030, as embodied in Resolution 32-2018 (the “City’s Sustainability Goals”).

- ~~418-121.~~ The project will add to the City's overall energy demand and carbon footprint, and the applicant submitted Sustainability Guidelines, dated December 1, 2020 (as amended), detailing the applicant's plans for the project and the manner in which the project contributes to the City's Sustainability Goals. **The applicant's Sustainability Guidelines will be reviewed in further detail at each CUP process.**
- ~~419-122.~~ The Sustainability Guidelines target energy savings compared to the State of Utah's currently adopted energy codes as of December 1, 2020 (i.e. IECC 2018) in excess of 20%, and include the applicant's commitment to integrate energy modeling in the design process of all buildings and building types within the project in order to achieve that goal through the use of high-performance building envelopes and energy efficient mechanical, lighting, and window systems (core and shell).
- ~~420-123.~~ The Sustainability Guidelines provide for the creation of a construction waste management plan and the diversion of construction and demolition materials away from landfills and incinerators, including diversion of 100% of demolished asphalt, and diversion of a minimum of 50% of construction waste into not less than four material streams for recycling.
- ~~421-124.~~ The Sustainability Guidelines provide for the creation of a waste management plan to reduce landfill waste that is generated by building occupants (commercial tenants as well as residential) and all buildings will include accommodations for recycling.
- ~~422-125.~~ The Sustainability Guidelines provide for a pEUI-25 average for the four (4) building parcels at full build-out. The targeted individual pEUI for the specific buildings are set forth in the Sustainability Guidelines.
- ~~423-126.~~ The Sustainability Guidelines provide for the installation of rooftop photovoltaic arrays, as well as the potential for other on-site renewable energy generation methods such as micro-anaerobic digester for food waste, intended to supply not less than 8% of the project's energy demands (including 100% of the energy demand for the project's structured parking facilities), and the design and preparation of additional roof areas that will be "PV ready" so that additional panels can be installed in the future.
- ~~424-127.~~ The Sustainability Guidelines provide for the applicant's purchase of Renewable Energy Credits ("REC") for each completed building in the project to offset delivered [energy] to the Project that is not supported by on-site renewable energy systems, for a period equal to the lesser of: (a) five (5) years; or (b) the number of years from the date the final Certificate of Occupancy is issued for the applicable building and the estimated date that the City's fully renewable power source will be on line (currently estimated to be 2030).

- ~~125-128.~~ The Sustainability Guidelines provide for rigorous energy commissioning for each building to support the energy efficient operation of such buildings and to compare performance back to modeled design targets.
- ~~126-129.~~ The Sustainability Guidelines provide for applicant's use of management tools to log, track and verify building performance including delivered energy consumption, indoor and outdoor water usage and recording the REC purchases applicable to each building.
- ~~127-130.~~ Based on the above, and the items set forth in the Sustainability Guidelines, the Planning Commission finds that the applicant's project and Sustainability Guidelines incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the codes in effect at the time of the current Application as of February 2020 (i.e. IECC 2018).

Section 15-6-6 Findings

- ~~128-131.~~ The 2021 Concept Master Plan complies with all requirements of the Land Management Code with the exception of the Setbacks for Building B, allowed Building Height, the number of Off-Street Parking stalls and the amount of Resort Support Commercial and Accessory Use allowed for Parcel C.
- ~~129-132.~~ The 2021 Concept Master Plan meets the minimum requirements of Section 15-6-5 except as noted above.
- ~~130-133.~~ The 2021 Concept Master Plan provides the highest value of Open Space, as determined by the Planning Commission.
- ~~131-134.~~ The 2021 Concept Master Plan strengthens and enhances the resort character of Park City **with additional Resort Support Commercial uses, lodging opportunities and public transit improvements.**
- ~~132-135.~~ The 2021 Concept Master Plan compliments the natural features on the Site, which parcels are not characterized by significant features or vegetation.
- ~~133-136.~~ The 2021 Concept Master Plan is Compatible in Use, scale, and mass with adjacent Properties within the Resort Center Neighborhood, promotes neighborhood Compatibility, and protects surrounding residential neighborhoods and Uses. **The 2021 Concept Master Plan is compatible with the density allowed by the development agreement and is in keeping with the Building Height approved on Parcel A, Marriott's MountainSide Hotel.**
- ~~134-137.~~ The 2021 Concept Master Plan provides amenities to the community so that there is no net loss of community amenities including but not limited to a new transit station, employee and affordable housing, 1,200 day skier parking stalls, public plazas and new commercial and residential uses.

- ~~135-138.~~ The 2021 Concept Master Plan is consistent with the employee Affordable Housing requirements as evidenced by the Housing Authority's 4/29/21 Approval of the applicant's Housing Mitigation Plan.
- ~~136-139.~~ The project Parcels are not located within the Sensitive Land Overlay Zone, and the project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site.
- ~~137-140.~~ The 2021 Concept Master Plan promotes the Use of non-vehicular forms of transportation through the use of paid parking, dedicated bus lanes, a new transit station, multi-use trails and trail connections.
- ~~138-141.~~ The 2021 Concept Master Plan was properly noticed and the Planning Commission held public hearings in accordance with this Chapter.
- ~~139-142.~~ The 2021 Concept Master Plan incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes in effect at the time of the Application.
- ~~140-143.~~ No Physical Mine Hazards are located on the Parcels.
- ~~141-144.~~ The 2021 Concept Master Plan mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- ~~142-145.~~ No Historic Structures or Sites are located on the Parcels.
- ~~143-146.~~ The 2021 Concept Master Plan addresses and mitigates traffic and the applicant and submitted the Parking Study & TDM/ PMP Plans demonstrating the applicant's commitment to work with the City in a combined effort to achieve a 20% modal split within five years of the occupancy of Building B.

Applications for CUPs shall include but are not limited to:

1. Detailed landscape plan
2. Details for snow storage areas
3. Details for trash and recycling areas
4. Details for service and delivery access
5. Detailed Lighting plan
6. Detailed sustainability plan

Draft Conditions of Approval: PEG's Park City Base Area Lot Redevelopment Master Plan Study

The Planning Commission's consideration of the following Conditions of Approval is requested by the Planning Department.

General

1. The applicant shall be responsible for compliance with these Conditions of Approval unless the Condition is specifically delegated to .
2. This approval includes and incorporates the 2021 Concept Master Plan dated [insert final plan set date]. The concept Master Plan details maximum volumetrics including general horizontal and vertical articulation, maximum square footage of each building, maximum building heights, minimum setbacks, required parking, general programming and site planning, all transportation improvements, utility design, proposed grading, and construction phasing and mitigation.
3. This 2021 Concept Master Plan is conceptual in nature and each parcel is subject to Conditional Use Permit (CUP) review by the Planning Commission, and must substantially conform to but not exceed the Concept Master Plan maximum volumetrics and comply with LMC Section 15-5, Architectural Review.
4. The building heights, square footages and unit equivalents identified in the 2021 Concept Master Plan are intended to be maximums that the Planning Commission shall consider during CUP review for each development parcel, but approval of the 2021 Concept Master Plan does not guarantee that such maximum densities or square footages can be achieved for any given parcel in accordance with the CUP review process.
5. The overall project on parcels B-E shall not exceed: (a) the permitted density of [263] Unit Equivalents, [203 Residential UEs and 60 Commercial UEs, excluding employee and affordable units which do not count towards the total allowed UEs]; or (b) 2,223 maximum parking stalls. Any additional Density permitted under the 1998 DA shall now be considered null and void. [update]
6. If the Planning Commission approves less than the maximum permitted square footages or Density outlined in the 2021 Concept Master Plan for any given parcel pursuant to the CUP approval process, that square footage or Density shall not be allowed to be transferred to another parcel.
7. Final Site Planning is required for each parcel at the CUP process which shall include landscaping, lighting, streetscape details and finalization of all design details for the parcel. Final site planning shall orient delivery, service and trash access away from existing residential uses whenever possible.
8. Ownership, maintenance issues and any amendments to the Bus Drop Off Easement must be resolved and executed prior to the issuance of a CUP for Parcel B.

9. The Transit Station shall include:
 - a. ADA compliant access, including a min. sidewalk width of 12 ft. on all 3 sides of the Station
 - b. at least 6 bus bays of sufficient size in order to meet the expanded transit ridership and bus lengths (including at least one articulated bus bay)
 - c. Indoor and outdoor sheltered waiting area(s)
 - d. Equipment storage facilities (ski lockers) conveniently located nearby
 - e. Real time transit information displays that include where and when buses will be arriving and departing from
 - f. Transit and pedestrian wayfinding signage
 - g. Pedestrian and safety oriented lighting
 - h. Accommodations for a bike share station and bike parking in close proximity to the Transit Station
 - i. Public restrooms
 - j. Transit employee break room
10. The applicant agrees to coordinate with the City regarding bus charging infrastructure during the design phase of the Transit Station and shall install bus charging infrastructure at the applicant's sole expense if requested by the City.
11. Snow storage areas must be accommodated for and will be reviewed in further detail at CUP. The applicant shall be responsible for snow removal at both drop off locations and the transit station.
12. The applicant must receive approvals to subdivide the parcels consistent with the 2021 Concept Master Plan parcel designations for parcels B-E prior to or concurrent with CUP applications or third-party sales, whichever shall occur first.
13. The applicant shall develop parcel B including the Transit Station first, so that all required transportation infrastructure and affordable and employee units are part of the first phase of development.
14. The proposed employee and affordable housing units shall be consistent with the Housing Authority's April 29, 2021, approved Housing Mitigation Plan for the site. This is the applicant's affordable housing obligation for the entire project including Parcels A-E and shall be completed as part of the first phase of development.
15. The applicant has submitted a draft Phasing Plan. Concurrent with the review of each CUP, a detailed phasing plan for each given parcel shall be required, as well as, for informational purposes, an update on the anticipated schedule for the entire project. These plans shall include at a minimum, but shall not be limited to the following:
 - a. Detailed timeline and phasing of development for each parcel, as well as anticipated timing and phasing for all remaining development parcels.

- b. A parking plan to ensure adequate skier parking is available during each construction phase.
 - c. Schedule for construction and completion of all public improvements including utilities, plazas, multi-use paths and pedestrian infrastructure, streets, transit improvements, landscaping, and lighting.
 - d. Timing of occupancy for any employee and affordable units.
 - e. Occupancy permits for all employee and affordable units must be received prior to receiving occupancy for the last ten market rate units for parcel B.
16. The applicant has submitted a draft Construction Mitigation Plan. Concurrent with the review of each CUP, a comprehensive construction mitigation plan shall be required for the applicable parcel. These plans shall include at a minimum, but shall not be limited to the following:
- a. Days and hours of construction in compliance with Municipal Code 11-14-4.
 - b. Site logistics including construction administration, parking and transportation for construction vehicles and all employees.
 - c. Routing plans for construction traffic so that adjacent streets are not unduly affected.
 - d. Details for material stockpiling and staging on site.
 - e. Maintenance of pedestrian access and pathways, trails and trailhead parking during construction.
 - f. Recycling of construction waste in accordance with the applicants Sustainability Guidelines, including the minimizing of off-site soil/material transport.
 - g. Proposed construction signage including a visibly posted site supervisor phone number that is staffed 24 hr./day. This number shall also be on file with the Building and Police Departments.
 - h. The applicant shall be responsible for construction worker shuttles from Richardson Flats or other off-site parking locations.
 - i. A financial security will be required to ensure compliance with the agreed to Construction Mitigation Plan, consistent with existing practices of the City.
17. A Master Owners Association (MOA) will be formed for this MPD prior to or concurrent with any subdivision or condominium plat approval. The association or applicable project associations shall be responsible for maintenance of all landscaping, streetscape and plaza programming and improvements, multi-use and pedestrian paths and other public amenities that are a part of this MPD. The MOA shall coordinate recycling, snow removal and maintenance with the existing associations in the upper base area. Unless otherwise approved in #20, a parking management plan, represented to be between the MOA and the Resort Operator, will be required for and condition of approval of each CUP.

18. The developer shall upgrade utilities for the project as deemed reasonably necessary by the City Engineer. These upgrades shall be consistent with the application of such standards throughout the City.
19. Concurrent with the review of the CUP for each parcel, the applicant shall satisfy fire protection requirements as specified by the Chief Building Official and the Park City Fire Service District.

Transportation and Parking - General

20. As part of the application for each CUP, the Parking Plan & TDM/PMP Studies shall be updated and modified as necessary by the applicant to evaluate transit use and demonstrate parking needs for the applicable parcel consistent with the Land Management Code in effect at the time of the CUP application along with the MPD approval. These plans shall include at a minimum, but shall not be limited to the following:
 - a. A detailed plan for traffic operations and control during ski season including peak hour or event mitigation and incentives for guests to take public transportation or carpool.
 - b. A detailed plan for parking operations including the specifics of the pay for parking system.
 - c. An evaluation of how Parking is being managed by the applicant so as to promote achievement of the 20% modal split and intersection LOS goals noted in Hales Engineering's 2/9/21 analysis.
 - d. A detailed plan for achieving and reporting to the City the applicant's progress towards the modal split and intersection LOS goals, which are expected to be achieved within five (5) years of the occupancy of parcel B's parking garage. The Plan shall include key performance indicators that are agreed to by and reviewed with the City annually. The applicant shall be obligated to provide additional mitigation if the modal split and intersection LOS goals are not achieved within the anticipated time frame.
 - e. A contingency plan for satellite, large vehicle, overflow, employee parking and shuttle service. Shuttle service and parking supply must meet demand and capacities required. These numbers must be tracked and reported to the City annually.
 - f. Demonstrate that commitments have been secured for peak day/time off-site parking that equates to up to 422 stalls.
 - g. The applicant shall install a bus shelter with supportive amenities, including security lighting at Richardson Flats prior to the Occupancy of Building B's parking garage, consistent with the standards reasonably required by the City Engineer at the time of permit.

- h. The applicant shall submit a comprehensive signage plan for parking and traffic on and off-site, including signage on I-80, US-40, SR-224 and SR-248 with the ability to message real-time traffic and parking information.
 - i. The TDM shall include transportation and parking plans specific to Resort area employees. The Resort shall continue to be obligated to maintain its employee shuttles and transportation assistance programs including but not limited to PC-SLC connect bus passes, carpooling, and UTA van and shuttle groups as required by the 1997 Planning Commission Approval. The annual TDM report shall be submitted to the City for evaluation and shall include how employees are traveling and the ongoing efforts the applicant is taking to mitigate single occupancy vehicle and employee car trips.
 - j. The applicant shall be responsible for shuttling Resort employees from Richardson Flats to the Resort on Fridays, Saturdays, Sundays and peak holidays, and shall run such shuttle service to coincide with major shift changes. If the applicant needs to utilize Richardson Flats on other days of the week, the applicant shall be responsible for providing adequate shuttle service to meet the demand.
 - k. A plan to supplement City and County bus services on peak holidays from off-site satellite parking lots including but not limited to the Quinn's Junction Park and Ride facility.
 - l. The applicant shall submit an annual post-ski-season parking analysis to the City for at least five (5) years after the occupancy of the garage on parcel E is obtained.
21. The applicant shall utilize tools and applications that allow for real time parking and traffic information so that guests and day skiers can make transportation decisions prior to leaving their residence or prior to leaving the Resort.
 22. The hotel and PCMR shall include information on their website about the availability of transportation from the airport and within Park City to encourage guests to not rent a car.
 23. The hotel shall provide valet parking at all times, which may include use of stacked parking in order to increase the hotel's parking supply.
 24. The applicant shall operate an advanced reservation shuttle system/service to move occupants of the residential units around Park City, unless the City releases such obligation at such time as micro-transit services are generally available in the City and have sufficient capacity to service the base area.
 25. The Multi-Use Trail shall be at least 12-feet in width and include a landscaped separation from the street. The applicant shall complete the sidewalk infrastructure in the immediate neighborhood as shown in the 2021 Concept Master Plan's Pedestrian and Bike Path Plan, subject to right-of-way restrictions and the granting of necessary easements from property owners.

26. Crosswalks shall be at least as wide as the approaching trail or sidewalk.
27. The applicant shall be responsible for signage and Police detail during special events to deter cut thru traffic onto Thaynes Canyon Drive and Three Kings Drive.
28. Both the general occupancy vehicle (plaza) and shuttle drop off areas shall be staffed during peak pick up and drop off hours to ensure efficient vehicle loading and unloading.
29. The applicant has agreed to provide 15 minutes of free parking in both garages in order to allow for drop-off and pick-up, including for TNCs.
30. Twenty stalls shall be reserved for 30 minute free ski school drop-off and pick-up parking. If it is determined that this is insufficient to meet drop-off demand the applicant shall work with the City to increase this number accordingly.
31. All parking stalls shall meet the requirement of LMC 15-3-4(C).
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33. If the Comfortable Carrying Capacity (CCC) increases due to mountain upgrades the Resort shall be obligated to provide parking off-site to meet the anticipated parking demand requirements.

Transportation and Parking - Mitigation

34. Parking fee for new uses. The applicant shall pay to the City an in-lieu parking fee for 20% of the Off-Street Parking stalls the applicant is seeking an exception for (20% of 502 = 101 stalls total at \$X per stall = \$X). The purpose of this in-lieu fee is to ensure that there is sufficient parking available on site for the new residential and commercial uses.
35. Parking fee for modal-split. The applicant shall pay to the City an additional in-lieu fee of \$X as a guarantee for meeting the 20% modal split goal.
36. If the applicant and Resort fail to provide sufficient parking for the new residential and commercial uses, and/or fail to meet the modal split goal within five (5) years of occupancy of the parcel B parking garage, the City shall use these fees to expand or construct additional off-site parking and/or to fund additional transit capacity to the Resort.
37. If the applicant provides sufficient parking for the new residential and commercial uses and meets their modal split goals for three consecutive years following the completion of the project, the City shall return the in-lieu fees to the applicant.
38. The applicant shall fund the installation of the traffic signals shown in the 2021 Concept Master Plan. Traffic signals shall be required to meet City Engineering and communications standards and shall include transit signal preemption

software and hardware including fiber connections to prioritize bus and emergency response operations and shall be programable for varying traffic conditions and seasons.

39. In order to complete these actions, the City shall require an annual contribution of \$X per year from the applicant to cover software fees and staffing for maintenance and programming of such traffic signals. This fee for maintenance and operations shall be paid annually to the City until both 1) the final occupancy permit for the final parcel is issued by the City; and 2) the 20% modal split goal has been met for three consecutive years. This remains to be negotiated but is based on a Memorandum by Julia Collins dated 11/12/20 and includes for inflation.
40. The applicant shall contribute \$X dollars annually to the City in order to fund the upkeep and maintenance of both the Quinn's Junction and Richardson Flats parking lots which the applicant is heavily relying on for off-site guest and employee parking. The City and the applicant may agree to reduce this fee in exchange for use, at no charge to the City, of the applicant's on-site parking stalls for certain times of the year when community events may benefit from access to the on-site stalls.

Other Conditions

41. In 1998 a Mountain Upgrade Plan was attached to the Development Agreement as Exhibit L. This plan was amended in 2015 with the development of the Interconnect Gondola. The obligations of the Mountain Upgrade Plan as amended are still in effect. Any expansion of skier capacity will be greatly limited due to a lack of additional parking and the City's desire to reduce traffic and congestion at the base area, unless it can be demonstrated that the 20% modal split goal has been achieved.
42. A loading dock is currently proposed to be located in the hotel building on parcel C, with access off of Lowell Avenue. If during the CUP process the applicant is able to secure a better location that minimizes pedestrian and vehicle interactions the Planning Commission shall consider the new location during the CUP process.
43. A Master Sign Plan will be required prior to any Sign Permit issuance and will be reviewed for compliance with the Park City Sign Code. Such sign plan shall include general wayfinding signage as well as more specific wayfinding signage for the Transit Station on site.
44. Trails: Numerous trails exist on the 2007 annexation property. These trails are available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The

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 48. The Plaza area shall include a kiosk with summer and winter Trail Maps and Check with HD and Mountain Trails.

Sustainability

49. The applicant shall comply with the City's EV requirements, as outlined in LMC Section 15-3-11, Electric Vehicle Charging Stations.
50. The applicant shall comply with the City's Outdoor Lighting Code and Dark Sky Ordinance.
51. The applicant shall submit a construction waste management plan to the City's Planning and Sustainability Department for approval/denial pursuant to the standards in this paragraph prior to commencement of any demolition or construction at the project, which plan shall identify the manner in which the applicant shall log, report, and achieve a minimum diversion rate of 100% for demolished asphalt, and a minimum diversion rate of 50% of construction waste into not less than four material streams for recycling. From and after commencement of demolition or construction and throughout any demolition or construction process, the applicant shall submit quarterly reports to the City's Planning and Sustainability Departments demonstrating the applicant's compliance with the construction waste management plan.
52. Prior to issuance of a building permit for a particular building, the applicant shall submit a detailed energy model report and standard outputs to the City's Planning and Sustainability Departments for approval/denial pursuant to the standards set forth in this Condition for such building showing how the building is expected to meet the intended delivered [energy] targets and pEUI goals. The applicant may, at its election, submit detailed energy model reports and standard

- outputs for “building types” that may be utilized to satisfy this condition for one or more buildings in the project that are of the type modeled in the general model submitted. The energy models shall provide for a pEUI-25 average for the four (4) building parcels at full build-out, as stated in the Sustainability Guidelines.
53. Included with applications for building permits, the applicant shall submit building plans demonstrating at least a 20% energy savings for each building and/or building type compared to the State’s currently adopted energy code (i.e. IECC 2018) and the use of high-performance building envelopes and mechanical, lighting, and/or window systems designed to accomplish such savings, in order to achieve the target pEUI-25 average for the four (4) building parcels at full build-out.
 54. Building system commissioning shall be undertaken by a 3rd party commissioning agent to establish the energy efficiency of all building systems and to ensure said systems are operating as intended (energy modeled) to achieve the target pEUI-25 average for the four (4) building parcels at full build-out.
 55. For the first five years after receiving a certificate of occupancy, and again at 10 years, for each building, the applicant shall submit or cause to be submitted energy performance information for such building to the City’s Planning and Sustainability Departments demonstrating actual building performance measured against the building performance goals for that building. Performance indicators shall include energy consumption, verification of on-site renewable energy generation, water consumption, waste management, and the targeted individual pEUI for the specific building. The applicant will meet with the City’s Planning Commission within 90 days of these annual submissions to discuss any non-compliance with these Conditions of Approval, as well as a menu of operational actions that can be immediately taken to correct such noted deficiencies. Verification pathways include Energy Star Portfolio Manager or a similarly appropriate energy management programs.
 56. The applicant shall purchase Renewable Energy Credits (“REC”) for each completed building in the project. The RECs shall be used to offset delivered [energy] to the project that is not supported by on-site renewable energy systems for a period equal to the lesser of: (a) five (5) years; or (b) the number of years from the date the final certificate of occupancy is issued for the applicable building and the estimated date that the City’s fully renewable power source will be on line (currently estimated to be 2030). The number of RECs purchased for each completed building shall be equal to the difference between the anticipated delivered energy demand for a given building minus the anticipated on-site energy production attributable to such building. REC accounting shall be

submitted to the City on an annual basis for the applicable REC offset period for the applicable building to demonstrate compliance with this Condition.

57. The applicant shall install and commission at least a 678KW photovoltaic array for the entire project, which array shall be constructed on a phased basis in connection with the completion of the building[s] upon which the array is located. The applicant shall also design the applicable building electrical systems so as to accommodate additional on-site photovoltaic arrays if deemed appropriate by the applicant.
58. All mechanical systems including but not limited to building HVACs, elevators, lighting and residential appliances (where such energy ratings are available) shall be Energy Star (or similarly rated) and must demonstrate above-standard energy performance, and be right sized for appropriate end-use.
59. All plumbing fixtures installed in the residential elements of the project shall be WaterSense (or similarly rated) to meet the EPA criteria as low-flow fixtures and reduce the water consumption of the project.
60. The applicant shall employ best management practices for stormwater filtration in the project to increase the quality and decrease the quantity of stormwater runoff from the project.
61. The applicant will utilize Waterwise landscaping as defined in the LMC, and irrigation techniques to decrease water consumption within the project.
62. Each building shall include adequate areas for trash and recycling and all buildings shall have a mandatory recycling program for residents and commercial tenants. Recycling facilities shall include but are not limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Development Agreement

63. The City and the applicant will execute an Amendment to the Development Agreement in accordance with LMC Section 15-6-4, which includes language necessary to implement the Findings of Fact, Conclusions of Law and Conditions of Approval of this MPD.
64. The Amended Development Agreement, shall address future responsibility between applicant and VR CPC Holdings with respect to the continuing rights and obligations arising under the 1998 Development Agreement, which provisions shall provide for:
 - a. The City's authority to require the Resort Operator to limit lift ticket sales if parking mitigation fails to adequately mitigate peak day parking demands;
 - b. Coordination of parking solutions between the applicant, Resort Operator and the City with respect to peak day and special event parking, including the provision of additional shuttles if necessary.
 - c. The Resort Operator's obligation to notify the City within seven (7) days of the termination of the Resort Operator's agreement with the Park City School District for overflow parking to discuss a contingency plan which may include use and expansion of an offsite parking facility.

Draft Conditions of Approval: PEG's Park City Base Area Lot Redevelopment Master Plan Study

The Planning Commission's consideration of the following Conditions of Approval is requested by the Planning Department.

General

1. The applicant shall be responsible for compliance with these Conditions of Approval unless the Condition is specifically delegated to .
2. This approval includes and incorporates the 2021 Concept Master Plan dated [insert final plan set date]. The concept Master Plan details maximum volumetrics including general horizontal and vertical articulation, maximum square footage of each building, maximum building heights, minimum setbacks, required parking, general programming and site planning, all transportation improvements, utility design, proposed grading, and construction phasing and mitigation.
3. This 2021 Concept Master Plan is conceptual in nature and each parcel is subject to Conditional Use Permit (CUP) review by the Planning Commission, and must substantially conform to but not exceed the Concept Master Plan maximum volumetrics and comply with LMC [Section 15-5](#), Architectural Review.
4. The building heights, square footages and unit equivalents identified in the 2021 Concept Master Plan are intended to be maximums that the Planning Commission shall consider during CUP review for each development parcel, but approval of the 2021 Concept Master Plan does not guarantee that such maximum densities or square footages can be achieved for any given parcel in accordance with the CUP review process.
5. The overall project on parcels B-E shall not exceed: (a) the permitted density of [263] Unit Equivalents, [203 Residential UEs and 60 Commercial UEs, excluding employee and affordable units which do not count towards the total allowed UEs]; or (b) 2,223 maximum parking stalls. Any additional Density permitted under the 1998 DA shall now be considered null and void. [update]
6. If the Planning Commission approves less than the maximum permitted square footages or Density outlined in the 2021 Concept Master Plan for any given parcel pursuant to the CUP approval process, that square footage or Density shall not be allowed to be transferred to another parcel.
7. Final Site Planning is required for each parcel at the CUP process which shall include landscaping, lighting, streetscape details and finalization of all design details for the parcel. Final site planning shall orient delivery, service and trash access away from existing residential uses whenever possible.
8. Ownership, maintenance issues and any amendments to the Bus Drop Off Easement must be resolved and executed prior to ~~the issuance of a~~

~~concurrent with the execution of the Amended Development Agreement for this approval, and in any event prior to any~~ CUP for Parcel B.

9. The Transit Station shall include:
 - a. ADA compliant access, including a min. sidewalk width of 12 ft. on all 3 sides of the Station
 - b. at least 6 bus bays of sufficient size in order to meet the expanded transit ridership and bus lengths (including at least one articulated bus bay)
 - c. Indoor and outdoor sheltered waiting area(s)
 - d. Equipment storage facilities (ski lockers) conveniently located nearby
 - e. Real time transit information displays that include where and when buses will be arriving and departing from
 - f. Transit and pedestrian wayfinding signage
 - g. Pedestrian and safety oriented lighting
 - h. Accommodations for a bike share station and bike parking in close proximity to the Transit Station
 - i. Public restrooms
 - j. Transit employee break room
10. The applicant agrees to coordinate with the City regarding bus charging infrastructure during the design phase of the Transit Station and shall install bus charging infrastructure at the applicant's sole expense if requested by the City.
11. Snow storage areas must be accommodated for and will be reviewed in further detail at CUP. The applicant shall be responsible for snow removal at both drop off locations and the transit station.
12. The applicant must receive approvals to subdivide the parcels consistent with the 2021 Concept Master Plan parcel designations for parcels B-E prior to or concurrent with CUP applications or third-party sales, whichever shall occur first.
13. The applicant shall develop parcel B including the Transit Station first, so that all required transportation infrastructure and affordable and employee units are part of the first phase of development.
14. The proposed employee and affordable housing units shall be consistent with the Housing Authority's April 29, 2021, approved Housing Mitigation Plan for the site. This is the applicant's affordable housing obligation for the entire project including Parcels A-E and shall be completed as part of the first phase of development.
15. The applicant has submitted a draft Phasing Plan. Concurrent with the review of each CUP, a detailed phasing plan for each given parcel shall be required, as well as, for informational purposes, an update on the anticipated schedule for the entire project. These plans shall include at a minimum, but shall not be limited to the following:

- a. Detailed timeline and phasing of development for each parcel, as well as anticipated timing and phasing for all remaining development parcels.
 - b. A parking plan to ensure adequate skier parking is available during each construction phase.
 - c. Schedule for construction and completion of all public improvements including utilities, plazas, multi-use paths and pedestrian infrastructure, streets, transit improvements, landscaping, and lighting.
 - d. Timing of occupancy for any employee and affordable units.
 - e. Occupancy permits for all employee and affordable units must be received prior to receiving occupancy for the last ten market rate units for parcel B.
16. The applicant has submitted a draft Construction Mitigation Plan. Concurrent with the review of each CUP, a comprehensive construction mitigation plan shall be required for the applicable parcel. These plans shall include at a minimum, but shall not be limited to the following:
- a. Days and hours of construction in compliance with [Municipal Code 11-14-4](#).
 - b. Site logistics including construction administration, parking and transportation for construction vehicles and all employees.
 - c. Routing plans for construction traffic so that adjacent streets are not unduly affected.
 - d. Details for material stockpiling and staging on site.
 - e. Maintenance of pedestrian access and pathways, trails and trailhead parking during construction.
 - f. Recycling of construction waste in accordance with the applicants Sustainability Guidelines, including the minimizing of off-site soil/material transport.
 - g. Proposed construction signage including a visibly posted site supervisor phone number that is staffed 24 hr./day. This number shall also be on file with the Building and Police Departments.
 - h. The applicant shall be responsible for construction worker shuttles from Richardson Flats or other off-site parking locations.
 - i. A financial security will be required to ensure compliance with the agreed to Construction Mitigation Plan, consistent with existing practices of the City.
17. A Master Owners Association (MOA) will be formed for this MPD prior to or concurrent with any subdivision or condominium plat approval. The association or applicable project associations shall be responsible for maintenance of all landscaping, streetscape and plaza programming and improvements, multi-use and pedestrian paths and other public amenities that are a part of this MPD. The MOA shall coordinate recycling, snow removal and maintenance with the existing associations in the upper base area. Unless otherwise approved in #20, a

- parking management plan, represented to be between the MOA and the Resort Operator, will be required for and condition of approval of each CUP.
18. The developer shall upgrade utilities for the project as deemed reasonably necessary by the City Engineer. These upgrades shall be consistent with the application of such standards throughout the City.
 19. Concurrent with the review of the CUP for each parcel, the applicant shall satisfy fire protection requirements as specified by the Chief Building Official and the Park City Fire Service District.

Transportation and Parking - General

20. As part of the application for and Concurrent with the review of each CUP, the Parking Plan & TDM/PMP Studies shall be updated and modified as necessary by the applicant to evaluate transit use and demonstrate parking needs for the applicable parcel consistent with the Land Management Code in effect at the time of the CUP application along with and the MPD approval. These plans shall include at a minimum, but shall not be limited to the following:
 - a. A detailed plan for traffic operations and control during ~~peak hours of~~ ski season including peak hour or event mitigation and incentives for guests to take public transportation or carpool.
 - b. A detailed plan for parking operations including the specifics of the pay for parking system.
 - c. An evaluation of how Parking ~~shall be~~ being managed by the applicant so as to promote achievement of the 20% modal split and intersection LOS goals noted in Hales Engineering's 2/9/21 analysis.
 - d. ~~The applicant shall submit a~~ detailed plan for achieving and reporting to the City the applicant's progress towards the modal split and intersection LOS goals, which are expected to be achieved within five (5) years of the occupancy of parcel B's parking garage. The Plan shall include key performance indicators that are agreed to by and are reviewed with the City annually. The applicant shall be obligated to provide additional mitigation if the modal split and intersection LOS goals are not achieved within the anticipated time frame.
 - e. A contingency plan for satellite, large vehicle, overflow, employee parking and shuttle service. Shuttle service and parking supply must meet demand and capacities required. These numbers must be tracked and reported to the City annually.
 - f. ~~A condition that if adequate parking is not provided to handle peak day parking requirements, the City shall have the authority to require the applicant to expand as necessary at the applicant's sole cost, a public parking facility~~

~~including the provision of shuttles from that location. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, the Park City Chamber/Bureau and the Historic Park City Alliance, to provide creative solutions for peak day and special event parking. (See Transportation and Parking Mitigation Section)~~

- ~~g. The most recent High School lease includes the Resort use of 405 stalls on peak weekends and holidays. If the Resort is not able to continue to renew its lease with the School District for overflow parking on weekends and holidays the applicant shall notify the City within seven (7) days to discuss a contingency plan which may include use of the Richardson Flats parking facility, the Canyons Base Area, or expansion of another parking facility that~~Demonstrate that commitments have been secured for peak day/time off-site parking that equates to at least 400 up to 502 stalls, at the applicant and Resorts sole cost.
- h. The applicant shall install a bus shelter with supportive amenities, **including security lighting (and cameras?)** at Richardson Flats prior to the Occupancy of Building B's parking garage, consistent with the standards reasonably required by the City Engineer at the time of permit. **(bathroom?)**
- i. The applicant shall submit a comprehensive signage plan for parking and traffic on and off-site, including signage on I-80, US-40, SR-224 and SR-248 with the ability to message real-time traffic and parking information.
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 33. **If the Comfortable Carrying Capacity (CCC) increases due to mountain upgrades the Resort shall be obligated to provide parking off-site to meet the anticipated parking demand requirements.**

34. ~~The applicant and Resort shall pay an annual maintenance fee to the City for the anticipated reliance on and anticipate use of employee parking at Quinn's Junction and Richardson Flats, as determined in the Development Agreement. [REDUNDANT w/40]~~

Transportation and Parking - Mitigation

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50. The applicant shall comply with the City's Outdoor Lighting Code and Dark Sky Ordinance.
51. The applicant shall submit a construction waste management plan to the City's Planning and Sustainability Department for approval/denial pursuant to the standards in this paragraph prior to commencement of any demolition or construction at the project, which plan shall identify the manner in which the applicant shall log, report, and achieve a minimum diversion rate of 100% for demolished asphalt, and a minimum diversion rate of 50% of construction waste into not less than four material streams for recycling. From and after commencement of demolition or construction and throughout any demolition or construction process, the applicant shall submit quarterly reports to the City's Planning and Sustainability Departments demonstrating the applicant's compliance with the construction waste management plan.
52. Prior to issuance of a building permit for a particular building, the applicant shall submit a detailed energy model report and standard outputs to the City's Planning and Sustainability Departments for approval/denial pursuant to the standards set forth in this Condition for such building showing how the building is expected to meet the intended delivered [energy] targets and pEUI goals. The applicant may, at its election, submit detailed energy model reports and standard outputs for "building types" that may be utilized to satisfy this condition for one or more buildings in the project that are of the type modeled in the general model submitted. The energy models shall provide for a pEUI-25 average for the four (4) building parcels at full build-out, as stated in the Sustainability Guidelines.
53. Included with applications for building permits, the applicant shall submit building plans demonstrating at least a 20% energy savings for each building and/or building type compared to the State's currently adopted energy code (i.e. IECC 2018) and the use of high-performance building envelopes and mechanical, lighting, and/or window systems designed to accomplish such savings, in order to

- achieve the target pEUI-25 average for the four (4) building parcels at full build-out.
54. Building system commissioning shall be undertaken by a 3rd party commissioning agent to establish the energy efficiency of all building systems and to ensure said systems are operating as intended (energy modeled) to achieve the target pEUI-25 average for the four (4) building parcels at full build-out.
 55. For the first five years after receiving a certificate of occupancy, and again at 10 years, for each building, the applicant shall submit or cause to be submitted energy performance information for such building to the City's Planning and Sustainability Departments demonstrating actual building performance measured against the building performance goals for that building. Performance indicators shall include energy consumption, verification of on-site renewable energy generation, water consumption, waste management, and the targeted individual pEUI for the specific building. The applicant will meet with the City's Planning Commission within 90 days of these annual submissions to discuss any non-compliance with these Conditions of Approval, as well as a menu of operational actions that can be immediately taken to correct such noted deficiencies. Verification pathways include Energy Star Portfolio Manager or a similarly appropriate energy management programs.
 56. The applicant shall purchase Renewable Energy Credits ("REC") for each completed building in the project. The RECs shall be used to offset delivered [energy] to the project that is not supported by on-site renewable energy systems for a period equal to the lesser of: (a) five (5) years; or (b) the number of years from the date the final certificate of occupancy is issued for the applicable building and the estimated date that the City's fully renewable power source will be on line (currently estimated to be 2030). The number of RECs purchased for each completed building shall be equal to the difference between the anticipated delivered energy demand for a given building minus the anticipated on-site energy production attributable to such building. REC accounting shall be submitted to the City on an annual basis for the applicable REC offset period for the applicable building to demonstrate compliance with this Condition.
 57. The applicant shall install and commission at least a 678KW photovoltaic array for the entire project, which array shall be constructed on a phased basis in connection with the completion of the building[s] upon which the array is located. The applicant shall also design the applicable building electrical systems so as to accommodate additional on-site photovoltaic arrays if deemed appropriate by the applicant.
 58. All mechanical systems including but not limited to building HVACs, elevators, lighting and residential appliances (where such energy ratings are available) shall

- be Energy Star (or similarly rated) and must demonstrate above-standard energy performance, and be right sized for appropriate end-use.
59. All plumbing fixtures installed in the residential elements of the project shall be WaterSense (or similarly rated) to meet the EPA criteria as low-flow fixtures and reduce the water consumption of the project.
 60. The applicant shall employ best management practices for stormwater filtration in the project to increase the quality and decrease the quantity of stormwater runoff from the project.
 61. The applicant will utilize Waterwise landscaping as defined in the LMC, and irrigation techniques to decrease water consumption within the project.
 62. Each building shall include adequate areas for trash and recycling and all buildings shall have a mandatory recycling program for residents and commercial tenants. Recycling facilities shall include but are not limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Development Agreement

63. The City and the applicant will execute an Amendment to the Development Agreement in accordance with LMC Section 15-6-4, which includes language necessary to implement the Findings of Fact, Conclusions of Law and Conditions of Approval of this MPD.
64. The Amended Development Agreement, shall address future responsibility between applicant and VR CPC Holdings with respect to the continuing rights and obligations arising under the 1998 Development Agreement, which provisions shall provide for:
 - a. The City's authority to require the Resort Operator to limit lift ticket sales if parking mitigation fails to adequately mitigate peak day parking demands;
 - b. Coordination of parking solutions between the applicant, Resort Operator and the City with respect to peak day and special event parking, including the provision of additional shuttles if necessary.
 - c. The Resort Operator's obligation to notify the City within seven (7) days of the termination of the Resort Operator's agreement with the Park City School District for overflow parking to discuss a contingency plan which may include use and expansion of an offsite parking facility.

Alexandra Ananth

From: planning
Sent: Tuesday, August 31, 2021 1:34 PM
To: Gretchen Milliken; Alexandra Ananth
Subject: FW: [External] Transit center design PCMR Base
Attachments: image001.png

From: Clive Bush <cbushuk@gmail.com>
Sent: Tuesday, August 31, 2021 12:55 PM
To: Kim Fjeldsted <kim.fjeldsted@parkcity.org>
Cc: Sarah Hall <sarah.hall@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; John Phillips <john.phillips@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; planning <planning@parkcity.org>
Subject: [External] Transit center design PCMR Base

[CAUTION] This is an external email.

Kim:

Thank you for your clarification.

However, if the purpose of the simulation was to prove to the commission that the transit center design works - it fails in spectacular fashion.

To answer your specific points:

- The exercise was useful in several ways.
 1. The bus pull-in/out was modified afterward to create a sawtooth type of layout as it was observed to be easier for the buses to enter and exit bus bays for dropping off and picking up riders.

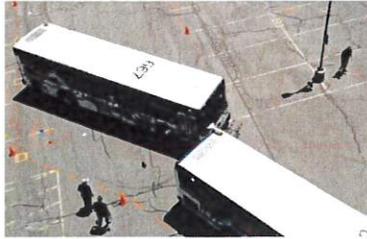
It was flattened to better serve 35ft Park City buses only.

2. Though test buses were not 40 ft (our electrics operate differently), turning movements were accommodated in real-time and had clearance, or would have clearance, for the additional 5 feet (*beyond the 38, the 35ft bus with bike rike down). **The commission was told 40ft buses were used at the last meeting - correction of the record is warranted**

There was no mention of accommodating longer buses during the simulation or in the transit plan presented at the meeting in June to the extent it seems most plausible that they were not accommodated in the simulation in real-time, or on any plan presented to the

commission to-date. Only 35 ft Park City buses turning radii are reflected on the transit plan presented in June. HVT buses also have bike racks in front.

CLEARANCE FROM SIMULATION VIDEO - 35FT BUSES - bay's 4/5



3. Once HVT obtains new buses, a turning radii exercise will be undertaken to ensure functionality. Using the software noted above, the design continues to remain satisfactory.

This would concur with my point above that updated radii to reflect 40 ft buses are yet to be accommodated or presented to the commission.

Regards,

Clive

Hi Clive

Yes, the three bus numbers below are 35-foot buses. The largest buses the City currently owns are 40 feet in length. They are electric, operate uniquely, and are being phased out of service. Future City buses will be 35-foot electric buses.

High Valley Transit (HVT) is using and planning for 40-foot busses, which must also be accommodated at the base. The proposed turnaround was designed using AutoCad and Autoturn (modeling software to run vehicle turning radii scenarios) and intended for 40-foot busses with a bike rack in front, for a total length of 43 feet (matching proposed HVT lengths). The field exercise used the City's 35-foot busses, with lowered front bike racks, for a total length of ~38ft.

- The exercise was useful in several ways.
 1. The bus pull-in/out was modified afterward to create a sawtooth type of layout as it was observed to be easier for the buses to enter and exit bus bays for dropping off and picking up riders.
 2. Though test buses were not 40 ft (our electrics operate differently), turning movements were accommodated in real-time and had clearance, or would have clearance, for the additional 5 feet (*beyond the 38, the 35ft bus with bike rike down).
 3. Once HVT obtains new buses, a turning radii exercise will be undertaken to ensure functionality. Using the software noted above, the design continues to remain satisfactory.

Please reach out if you have any additional questions.

Kim Fjeldsted

Transit Manager

Park City Municipal Corporation

parkcity.org

1053 Iron Horse Drive

Park City, UT 84060

o: 435.615.5351 | c: 801.557.7369



From: Clive Bush [mailto:cbushuk@gmail.com]

Sent: Thursday, August 19, 2021 4:40 PM

To: Kim Fjeldsted

Subject: [External] Park City Buses

[CAUTION] This is an external email.

Kim:

Can you confirm that Park City buses #640, 667 and 637 are all 35 feet long?

Thanks,

Clive Bush

Alexandra Ananth

From: deb <der0813@aol.com>
Sent: Monday, August 30, 2021 8:24 AM
To: Alexandra Ananth; Gretchen Milliken; Rebecca Ward; John Phillips
Cc: Mark Harrington; ndeforge@fabianvancott.com; douglasbrentlee@gmail.com
Subject: [External] PCMR Base Area Project

[CAUTION] This is an external email.

Good morning Gretchen, Alexandra and Rebecca.

As the review of the proposal for the PCMR Base Area appears to be finishing up, I wanted to ask for your feedback on how you believe the process will move forward in terms of timing. On the afternoon of the August 18th meeting, I received an email response from Alexandra stating public input would be left up to Chair Phillips. Rebecca also called and we discussed the likelihood of no public input being taken but was assured there would be ample time for such at a later meeting. We discussed the review of Findings of Fact and Conditions of Approval would likely continue into September with public input possibly taken, but if not, not to worry as there would be another meeting with a formal hearing with plenty of time for public input. Based on this conversation, it seemed we'd have another review in September and then perhaps a final presentation by staff and applicant in October prior to a vote. As you are all surely aware, there was no public input allowed at the August meeting.

Would you please provide an expected timeline for this project over the next few weeks beyond the already scheduled September 15th Planning Commission meeting? Unfortunately, I'm not confident what I've estimated above matches up with the Planning Department's plan. I, along with 500+ members of the community have been following this process and it seems appropriate to provide us with the anticipated schedule so we can plan and work accordingly.

I appreciate a timely response; thank you.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Sunday, August 29, 2021 10:02 AM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] PEG proposal

From: June Krigman <jrkrigman@gmail.com>
Sent: Saturday, August 28, 2021 4:53 PM
To: planning <planning@parkcity.org>
Subject: [External] PEG proposal

[CAUTION] This is an external email.

To the Planning Commission:

I find it unbelievable that you are even considering the development proposed by PEG at PCMR. We are in a drought that could last for years. We aren't supposed to water our lawns yet you're considering adding more hotels, residences, and commercial enterprises. Where will the water come from? What about our schools, police, and fire personnel? The traffic situation has gotten worse and yet you keep creating and adding to this traffic mess by allowing these developments. They should never be allowed to decrease the amount of parking at PCMR. There are insufficient satellite lots so the bus system will never solve this problem. The buses only work for those close to the mountain. My 15 minute drive to the mountain would take over an hour. More commercial development means more workers, which means the need for more affordable housing. Where does it end? There are no benefits to our community or the local residents. Zoning is overlooked, the general plan is ignored, and the quality of life in our community is deteriorating. There may be an agreement that allows building at PCMR but they should not be given an extra inch. In fact, there should be a moratorium on all building at this point.

**Respectfully,
June Krigman**

Alexandra Ananth

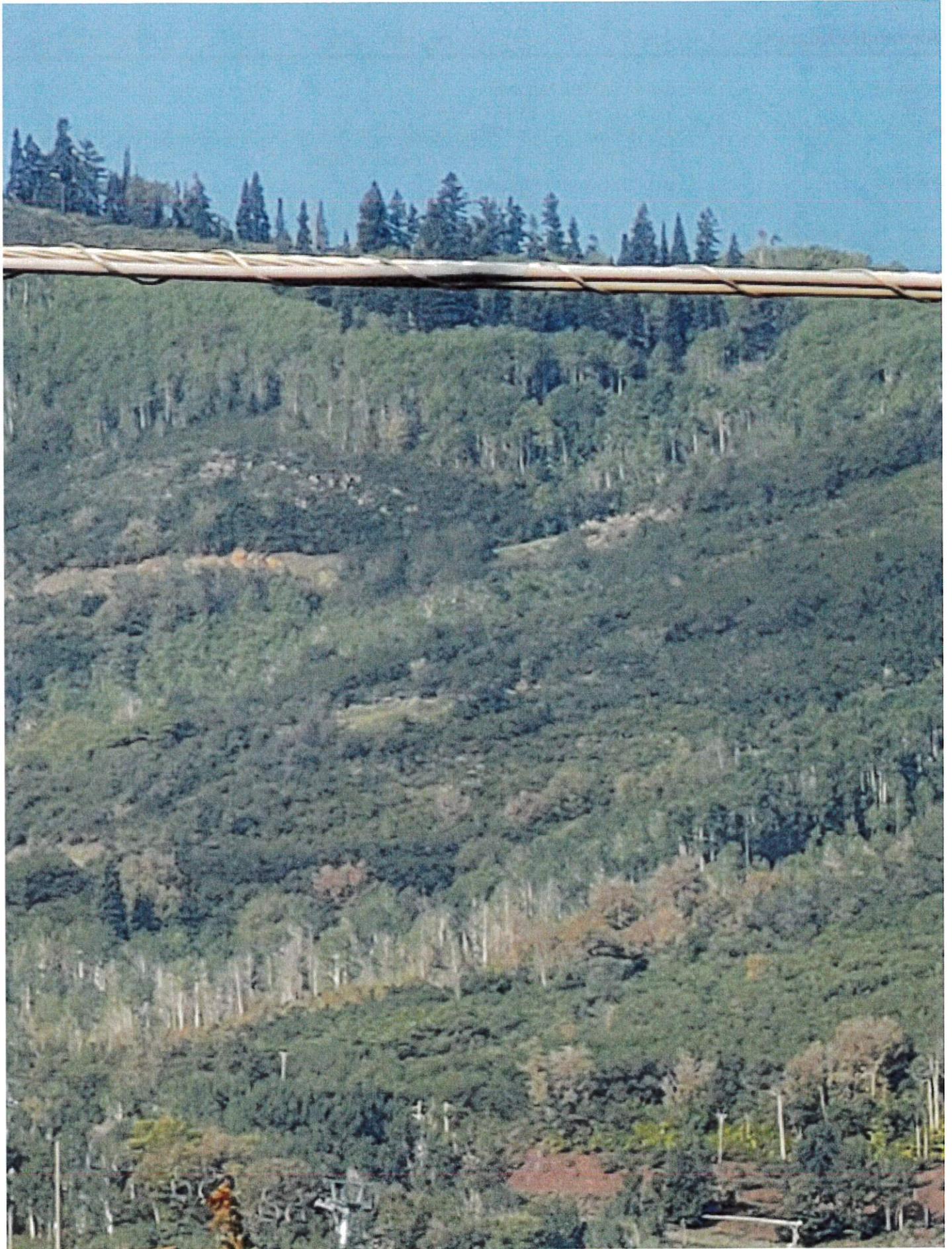
From: deb <der0813@aol.com>
Sent: Saturday, August 28, 2021 9:30 AM
To: John Kenworthy; John Phillips; Sarah Hall; Christin VanDine; Laura Suesser; Douglas Thimm; Bill Johnson; planning; Alexandra Ananth
Subject: [External] Loss of Amenity

[CAUTION] This is an external email.

Please look at the attached photo and identify under the current proposed site plan where this amenity will be located. If you zoom in, you'll see there are multiple vehicles with multiple bikes on top of the vehicle and cyclists unloading and prepping for a great ride.

This is just one example of a negative impact on our community. Unfortunately, there are many under the current proposal.

Sincerely,
Deb Rentfrow



Alexandra Ananth

From: planning
Sent: Monday, August 23, 2021 2:26 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] Park City - Council & Planning - On the Same Page

From: deb <der0813@aol.com>
Sent: Monday, August 23, 2021 2:08 PM
To: planning <planning@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; John Phillips <john.phillips@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>
Cc: Andy Beerman <andy@parkcity.org>; Max Doilney <max.doilney@parkcity.org>; Nann Worel <nann.worel@parkcity.org>; Steve Joyce <steve.joyce@parkcity.org>; Becca Gerber <becca.gerber@parkcity.org>; Tim Henney <tim.henney@parkcity.org>
Subject: [External] Park City - Council & Planning - On the Same Page

[CAUTION] This is an external email.

All,

During the City Council meeting on Thursday, August 19th, a couple of topics were discussed which resonated with me as the review of the PCMR Base Area Project continues. I've copied the Council in the event the Planning Department chooses to follow up.

1) Concern over construction vehicles and the serious accident at the DV Roundabout led to a discussion on what can be done to make sure these trucks, trailers, equipment, etc are being inspected and driven by individuals with the proper licensing. Chief Wade Carpenter stated they are doing their best and have put in an emergency request with UDOT re: Guardsman's Pass but are currently understaffed. It was suggested by a Council member that perhaps construction vehicles are stopped on their way in on 224 but per Chief Carpenter this is not possible without probable cause. I believe it was David Everett who then brought up the City has gone around to the current construction sites in Park City and advised the developers of the crack down and the necessity to keep vehicles properly maintained. He went further to state that all new projects are now having requirements added to the Construction Phasing & Mitigation Plans to include a requirement that all vehicles whether Developer, Sub-Contractor or otherwise owned arriving onsite are properly maintained/inspected or else take the risk of receiving a Stop Work Order for a minimum of 48 hours for the first offense and stiffer consequences for subsequent offenses. He added those who are currently developing in Park City are amending their construction phasing and mitigation plans to reflect these changes. Finally, he stated the City is planning to require all future developments to have an on-site Manager responsible for verifying and ensuring all construction vehicles, trailers, equipment are up to code. Lowell & Empire are not Guardsman's Pass; however, there have been too many trucks to count that barrel down (at times clearly over the speed limit) each of these streets with no or limited sidewalks from the Kings Crown development.

- Please make sure this on-site management and the related requirements are added as a condition of approval for the PCMR Base Area Project and included in the Applicant's Construction Phasing & Mitigation plans.

2) The matter of the difficulty businesses are having in hiring and keeping employees in the Service Industry was also discussed. One of the Council Members specifically stated he was aware of Service Industry jobs being advertised at \$35/hour in Hood River and \$25/hour in Bozeman and still not easily filled.

- Being able to fill positions in the service industry in Park City is critical to Sustainable Tourism (one of our pillars). There are "Help Wanted" signs all over town.
- Building 161 beds for the 530 new jobs expected at PCMR is a step in the right direction; however, this does nothing to help us achieve our Affordable Housing goals for those already working in Park City.
- Not providing any parking on site for the other jobs created or for the existing Resort Base employees who don't live right on a transit route but instead expecting them to park at a Park n Ride (Quinn's or Richardson's Flats) and either shuttle or bus in, clearly does not serve as an incentive to apply for work in the area. The dedicated bus lane on 248 is only 1.5 miles and then mixes in with general traffic at the High School.

I'm hopeful the first item has already been communicated to our Planning Department and this is "old news" and will be included in the final proposal to be voted on by the Planning Commission. As to the second item, not sure Park City is headed in a Sustainable Tourism direction with all of the growth we continue to experience without this proposed development. There will be consequences; let's do more than just "hope" it isn't the long-time local businesses and residents who suffer those consequences.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Monday, August 23, 2021 1:05 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] Park City Transit Buses - PCMR Project

From: deb <der0813@aol.com>
Sent: Monday, August 23, 2021 1:01 PM
To: planning <planning@parkcity.org>
Subject: [External] Park City Transit Buses - PCMR Project

[CAUTION] This is an external email.

Please include the email below in Public Record; I inadvertently forgot to include this email address in original correspondence.

Thank you.

Deb Rentfrow

-----Original Message-----

From: deb <der0813@aol.com>
To: john.robertson@parkcity.org <john.robertson@parkcity.org>
Cc: john.kenworthy@parkcity.org <john.kenworthy@parkcity.org>; bill.johnson@parkcity.org <bill.johnson@parkcity.org>; sarah.hall@parkcity.org <sarah.hall@parkcity.org>; christin.vandine@parkcity.org <christin.vandine@parkcity.org>; laura.suesser@parkcity.org <laura.suesser@parkcity.org>; john.phillips@parkcity.org <john.phillips@parkcity.org>; douglas.thimm@parkcity.org <douglas.thimm@parkcity.org>
Sent: Fri, Aug 20, 2021 11:26 am
Subject: Park City Transit Buses

Good morning, John.

I wanted to follow up on an item that was discussed during the Planning Commission meeting this past Wednesday, August 18th. Commissioner Johnson asked if there was any difference in bus lengths and if so, could it potentially pose a problem for the transit center as currently proposed. I believe this was perhaps in response to my comment during public input at the July meeting as I stated I had witnessed buses having to do a u-turn at the current resort Transit Center and there appearing to be an issue for HVT. It was on a Wednesday when the Farmer's Market was going on and Empire was closed due to re-paving. A neighbor of mine actually witnessed this and suggested I step out to see for myself, which I did. The Park City bus had a much easier time of making the turn-around. This also led me to observe both a Park City bus and a High Valley Transit bus sitting adjacent to each other further indicating the High Valley bus appeared longer. Caroline Rodriguez from Summit County confirmed their buses are 40' long plus have a bike rack. During the meeting, you stated the Park City buses were the same length rather than only 35' long.

I'm not trying to be petty, but a 35'+rack versus a 40'+rack could make a difference in terms of the navigation/turning radius through the proposed Transit Center. I did some research on the Park City Transit website and found documentation from 2019 supporting the Park City buses are indeed only 35' long. Would you please check into this and either confirm or revise your statement so we all have accurate information? I believe it's critical the Commissioners have all of the facts and if there is a difference, the applicant has the opportunity to go through the process of re-verifying their proposed Transit Center is capable of facilitating both without losing efficiency. With the number of buses the applicant is

stating there needs to be an hour in order to achieve the 20% modal split, having to jockey around and/or wait for other buses to leave would definitely have consequences to achieving this goal.

I look forward to your response.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: Barton Bodell <bartonbodell@mac.com>
Sent: Monday, August 23, 2021 9:36 AM
To: John Kenworthy; John Phillips; Laura Suesser; Sarah Hall; Christin VanDine; Bill Johnson; Douglas Thimm
Cc: planning; Alexandra Ananth
Subject: [External] Fwd: Disturbing Public Meeting regarding Park City Mountain Base Area Development

[CAUTION] This is an external email.

Planning commissioners-

I was on the board of THINC for a number of years battling to hold the Treasure Hill crew accountable. They too had undeniable rights to develop on their land, but the project just kept morphing into a larger and larger development all while attempting to skirt many of the rules without any regard for the community. Well guess what- we didn't let that happen and our town is sooooo much better for it. We ultimately passed the open space bond with one of the largest margins of victory this town has ever seen and now we have a lot of happy PC residents (and tourists). How did we do this? We were present in large numbers at every planning commission meeting and we were allowed to give public comment- and we did. We also raised hundreds of thousands of dollars from the community in order to hire an attorney to make sure we weren't just viewed as "the angry mob", but had well thought out/sound talking points and rebuttals based on **facts**. We were a formidable opponent because we were allowed to have a voice. That planning commission made sure of it.

You do not get to deny the community public comments in this process. Since when is that acceptable? I'm blown away at how this process is going compared to the Treasure Hill process. Night and day so far- and not for the better.

John has said it all below, so I will not reiterate his very specific points (that he is teeing up for you), but I do concur. Please make this e-mail a part of the public record- especially being this seems to be the only means to make our point these days.

Unfortunately- very disappointed, Barton Bodell

1025 Norfolk Ave 84060

From: John Stafsholt
Sent: Thursday, August 19, 2021 8:04 AM
To: john.kenworthy@parkcity.org; john.phillips@parkcity.org; laura.suesser@parkcity.org; sarah.hall@parkcity.org; christin.vandine@parkcity.org; bill.johnson@parkcity.org; douglas.thimm@parkcity.org
Cc: planning@parkcity.org; alexandra.ananth@parkcity.org
Subject: Disturbing Public Meeting regarding Park City Mountain Base Area Development

Dear Planning Commissioners,

I have been very reluctant to write to you over the last year regarding the PEG development, but I can no longer remain silent.

Last night's public meeting was literally unbelievable to me and I'm sure I'm not alone, but we will never know because once again public input was cancelled.

Our attorney was also not allowed to speak.

I can't believe that you (commissioners) want to make a vote in a vacuum?

The length of the meetings are due to the speed that you and PCMC are racing toward an approval.

It makes no sense, we have one chance to create a world class base area that serves our community and visitors.

You know that you are rushing through the process.

It is extremely obvious that many LMC codes are not met, there is scant/any data to support the developer's claims, there is a stated reliance on a future CUP process that will not fix the oversights, and there are Conditions of Approval that can't be enforced.

PEG is a developer bringing an extremely critical, large scale development proposal to this community. PEG is dictating all terms to both the PC planning staff and PC planning commission (with one notable vocal exception last night).

Don't agree?

Great, I hope not!

Then please explain why the staff report goes line by line with Findings of Fact that are not facts, and Conditions of Approval that are not measurable nor enforceable.

As our PC planner went through a small subset of these line items, Commissioners were requested to accept each of them, or after objection, urged to wordsmith small verbiage changes.

As a clear example, PEG's attorney dictated terms to you (our city representatives), telling you that you are required to accept these terms as written or the project can NOT be approved by our Park City code. Verbiage changes are only helping your conscience for the time when it is approved, they are not changing this project one bit.

Conditions of Approval are never/rarely enforced.

Also, the CUP process comes after your project approval, and the CUP process comes with a legal assumption of its eventual approval.

The CUP process can NOT be relied upon to fix the deficiencies at all, you must fix them now.

PEG is dictating the timeline, dictating the terms, dictating the tone, and they have not made any substantive project changes since the new year.

Clearly, the only answer to this current project is DENIAL.

The public comments have been denied by our Planning Commission, why?

The excuse is due to time constraints, long drawn out meetings with too much to cover.

These are your decisions, number of meetings, information to cover, public input, that is all up to you.

There needed/needs to be more PCMR development only meetings and these additional meetings needed/need more preparation time between each of them.

This project will become the signature development that will be the future identity of the town of Park City.

The Commission has failed to give this project it's correct and necessary attention and we and our future generations will be stuck with the impacts of this project.

This is a project that has started with one goal, developer profit, and that goal has shaped all aspects of the project.

There is no/little concern for the adjacent 100+ year old neighborhood or our local citizens or the look and feel of our town's signature identity (from Empire Ave think China Bridge with a couple of additional stories).

There is increased traffic with no thoughts for increased accessibility (pedestrian walkways, moving sidewalks, escalators, bridges), nor integration with current or future operations mountain operations. The goal is gaining unwarranted concessions from a commission that is largely new and inexperienced, coupled with a City Planning department that is also grossly understaffed, new and locally inexperienced.

These requested changes/exceptions do one thing for certain, unduly increase the value of the land and building rights.

PEG is rushing the approval in an effort to likely sell the approval (just like myriad developers before them).

Robert Schmidt publicly stated that parking management will be sold back to the resort operator. This is the minimum that will be sold after your approval.

Commissioners are the only people that have the power to hold back the wants of the developer and uphold our codes and laws that were put in place as protections for our town and citizens.

This project is not a World Class Resort Base and it will define our town's identity.

You know this.

Traffic. Parking.

PEG is requesting you to rely on no reliable data for traffic, trip reduction or AVO's.

Therefore no conditions of approval could ever be enforced.

Please remember, conditions are never enforced in Park City and that is a joke.

I would remind you that the two main traffic intersections discussed were studied by Fehr & Peers back in 2005 and even back then these intersections were rated E & F (on an A-F scale). i.e. already failed. (see below A)

Treasure Hill also made this ridiculous argument that their 1,150,00 sq ft project would reduce traffic by 30%.

You should know better and require real data.

For many recent years, Park City taxpayers have been paying non-Park City police officers to come to our town and sit in their marked cars with their lights flashing.

These highly paid, highly visible, police officers sit at 6 Park City intersections, for 4 hours every day during ski season afternoons (3-7PM).

These intersections have failed and PEG will not decrease trip traffic.

As a condition of approval, PEG states parking will be improved and there will be no impact.

That is ridiculous, pay \$25-40/day to park, or park in the Old Town neighborhood, which will skiers choose?

PEG said "if there were neighborhood impacts, they could build additional parking" (sure, and a bit late. Also how many cars are going to circle looking for cheaper, better parking).

Who is going to face these developer imposed impacts, the neighborhood and the town, PEG will not enforce parking, that is another unmitigated impact that this project brings (along with additional costs and responsibilities to PCMC).

As a reminder, through a recent GRAMA request RRAD found that over the last 3 years, PCMC Parking Enforcement has issued a total of 6 parking citations near PCMR!! Yes, SIX.

Higher AVO's, no proof, but great, guess what?

The clearance height for PEG's parking levels are 8'2"!

This is not enough for even a large SUV with a ski box, let alone any large vehicles or Sprinter van that could actually transport higher AVOS.

This is again proof that PEG is only cutting corners on the project and saving excavation costs everywhere possible.

When you (commissioners) request a real world parking clearance, then the building heights will go up again.

The approval requires all parking to be underground (Building B is not) and there is no mitigation or reason other than cost savings to PEG. Dig deeper, add 1 or 2 more underground levels or Denial.

No parking nor density is allowed to be shifted between parcels, but PEG is completely ignoring the original approval and DA in their submittal without reason, just convenience and cost savings for them. Denial.

Building heights.

For those not around at the time, Parcel A was allowed the greater height due to it's location up against the mountain and the need for an iconic structure at the base.

Also, Parcel A complied with the 100% underground parking requirement and was far removed from the neighborhood and therefore given a large height exception.

The 1998 DA expired, it is irrelevant for Parcels B-E. (see below B) (1998 DA Exhibit D It was never extended prior to expiration)

This is the 2021 Concept Master Plan not the 1998 DA.

Still the 1998 DA was much lower. (see below C)

There are no grandfathered heights, the LMC also does not allow you to give PEG these height exceptions without compliance to 6 items. PEG has complied with none. Denial. (see below D)

These are huge building height exemptions (not the typical 20% for 10% of the roofline).

Requests are: (using PEG's inaccurate numbers)

Parcel B: 2.2X allowed. 78'

Parcel C: 2.1X allowed. 75'

Parcel D: 1.7X allowed. 60'

Parcel E: 2.4X allowed. 83'

Just a reminder, if PEG's current 2021 Concept Master Plan had to conform to all current code it would be much smaller (at most 66% of its current sq footage).

PEG is picking and choosing which code to use for which portions of the development.

Both PCMC and you (Commissioners) are aiding PEG by allowing this inconsistent usage of LMC codes vs. Development Agreements required for which aspects of the project. This benefits PEG without merit.

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Robert said that date would be 13-15 years from now! Due to an eight year build out!

Sounds like there is no chance to enforce that critical part of this project approval.

I applaud your willingness to put in the work for our town.

The best way I can think of to remind you of what is at stake, is this.
 If you approve this current project, Building B will be built first.
 Think of a large plaque on the front of Building B with all your names on it.
 Use that plaque as a decision criteria for your choices.
 If you truly enforce code, it will be OK, if you accept PEGs proposal.....

Thanks for your service (which at this time I readily admit I am not willing to do).
 Respectfully submitted,
 John Stafsholt

PS: Please include in the next packet as public input.



John Stafsholt
 Cell 435.513.2933
 Email jstafsholt@msn.com
 PO Box 1993 Park City, UT 84060-1993

Addendum A: 2005 Fehr & Peers Traffic Study

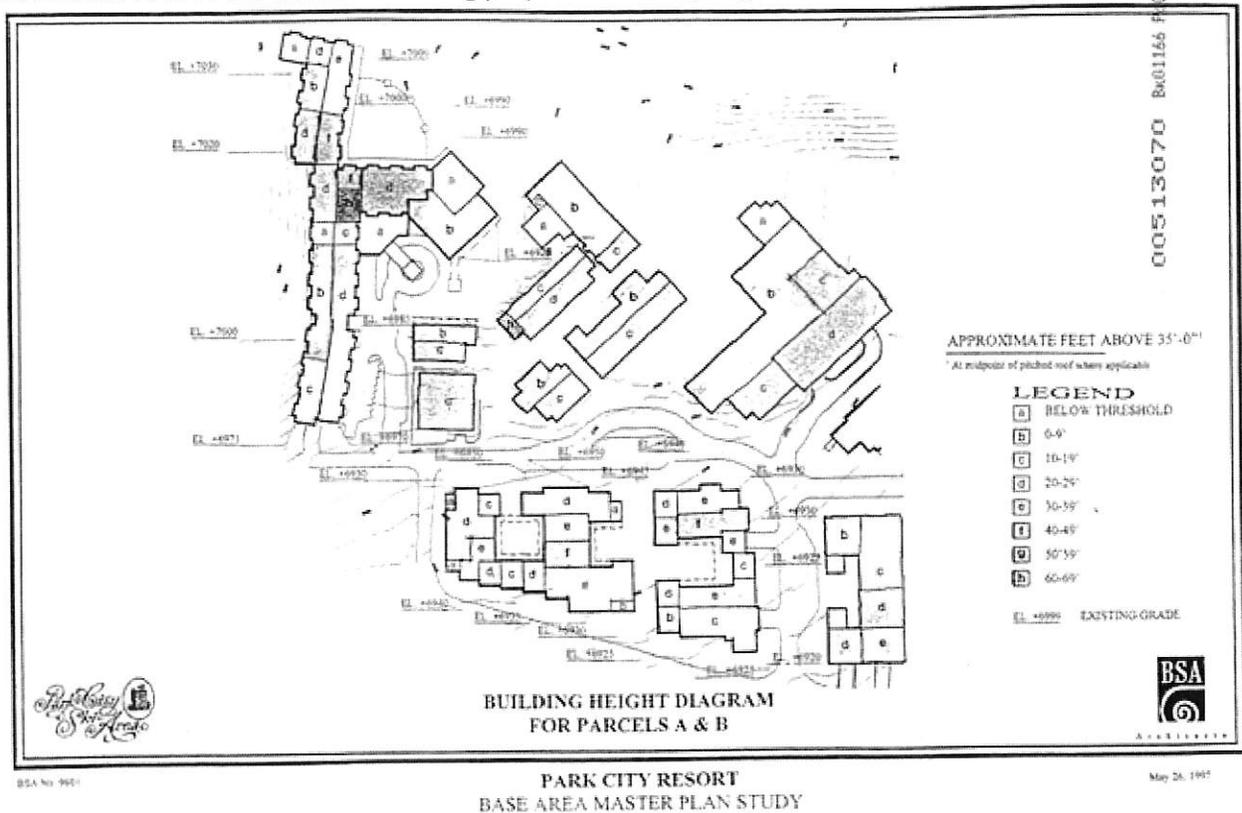
TABLE 2				
<i>PM Peak Hour Level of Service Summary</i>				
Intersection	Without Mitigation		With Mitigation²	
	LOS	Avg. Delay (Sec/Veh)¹	LOS	Avg. Delay (Sec/Veh)¹
Existing Winter Conditions				
Deer Valley Drive / Park Avenue	E	71.0	D	42.6
Empire Avenue / Silver King Drive	F	>50.0 ³	B	11.8
Winter Plus Project Conditions				
Deer Valley Drive / Park Avenue	E	74.2	D	45.1
Empire Avenue / Silver King Drive	F	>50.0 ³	B	12.9
<p>1. This represents the overall intersection LOS and delay (seconds/vehicle) for signalized intersections and the worst approach delay for unsignalized two-way stop controlled intersections</p> <p>2. Mitigations for Deer Valley Drive include separate eastbound and southbound dual left turn lanes and modifications to the signal phasing. Mitigations for the Empire Avenue / Silver King Drive intersection include signalization and lane modifications to accommodate the signal.</p> <p>3. The results reported for this table are based on traffic volumes measured in February 2005 instead of the forecasted winter conditions traffic volumes used in the Treasure Hill TIA. As such, the results for the Empire Avenue / Silver King Drive intersection do not match those reported in the Treasure Hill TIA.</p> <p>Source: Fehr & Peers, July 2005.</p>				

Addendum B: 1998 DA section 7.9

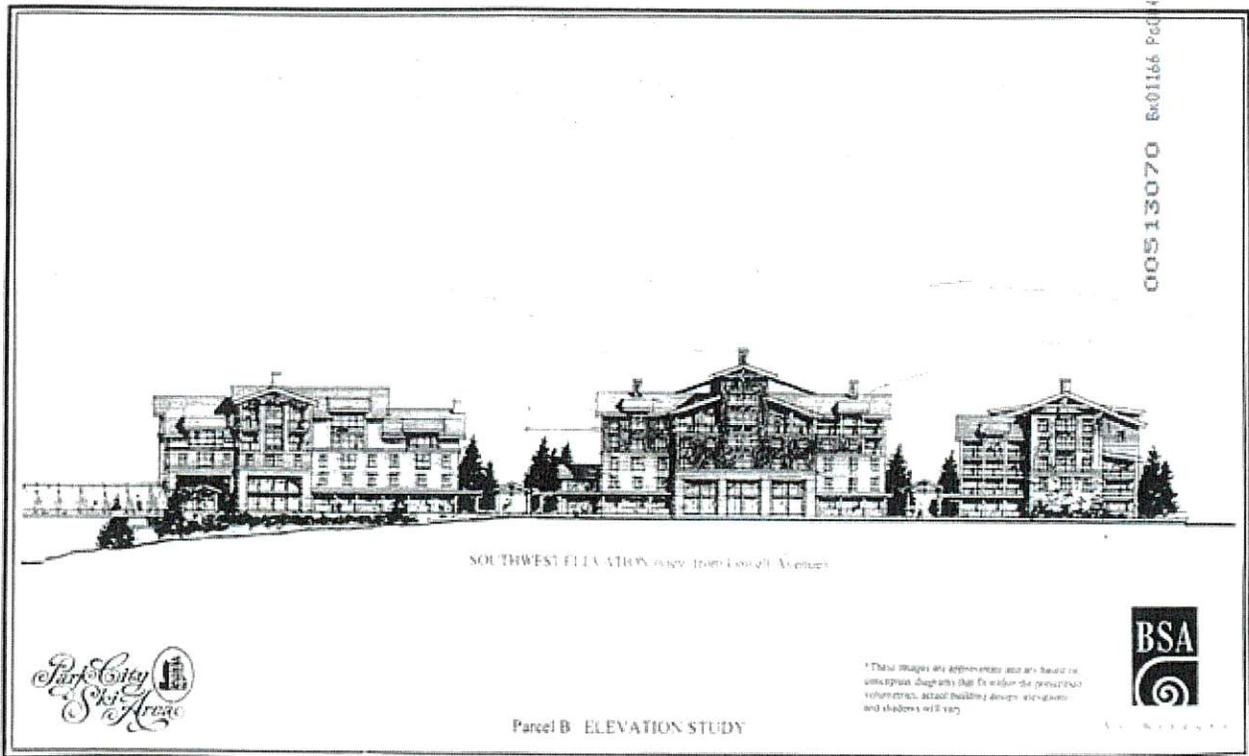
There were well over two years of inaction after Parcel A was completed and there was never a Planning Commission extension.

7.9 Duration. This agreement shall continue in force and effect until all obligations hereto have been satisfied. The PCMR Concept Master Plan shall continue in force and effect for a minimum of four years from its issuance and shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Upon expiration of the minimum four-year period, approval will lapse after two years of inaction, unless extended for up to two years by the Planning Commission.

Addendum C: 1998 DA Exhibit D showing proposed building heights above 35' RC zoning



Addendum C: 1998 DA Exhibit D (note the pedestrian walkway through the “village” vs. the current (single massive building))



BSA&R No. 967/18

**PARK CITY RESORT:
BASE AREA MASTER PLAN STUDY**

July 31, 1996

Addendum D: Park City LMC 15-6-5 Master Planned Development Requirements

BUILDING HEIGHT The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. The Applicant must request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made, according to Subsections (1) through (5) below. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, **the Planning Commission must find that:**

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits.
2. **Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site specific analysis.**
3. **There is adequate Landscaping and buffering from adjacent Properties and Uses.**
4. **Increased Setbacks and separations from adjacent projects are proposed.**
5. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible.
6. The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District. If and when the Planning Commission grants additional Building Height based on a Site specific analysis, the approved additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission. Additional Building Height shall be specified as a Finding of Fact in the Master Planned Development Approval, in the Development Agreement, and on each plat within the Master Planned Development that includes a Building with an additional Height allowance.

Alexandra Ananth

From: John Kenworthy
Sent: Sunday, August 22, 2021 8:26 AM
To: Alexandra Ananth
Subject: Fwd: [External] PCMR Base Area Over Development

Sent from my iPad

Begin forwarded message:

From: Glidefar <glidefar16@yahoo.com>
Date: August 20, 2021 at 9:22:49 PM MDT
To: John Kenworthy <john.kenworthy@parkcity.org>
Subject: [External] PCMR Base Area Over Development

[CAUTION] This is an external email.

Dear Planner John:

A special thanks for your diligence in holding the developer and Planner Ananth to the PC LM Codes in last Wednesday's meeting. These meetings have gone on for so long without real positive change from PEG. They want every square inch developed with no real facts on the transportation needs, excessive building heights, correct parking scheme, shadow studies, soil studies, pollution etc.

We are residents of the Silver King Condos built in 1983 and are afraid the area will be destroyed for losing the Old Town ambiance. We would not see the mountain with 103 foot hotel in front of us. Such height is vulgar.

Please keep up asking for compatibility in the neighborhood with proper transportation and structures that we can be proud of. This project could be under construction for 8-10 years as Mr. Schmitt just mentioned. That is different than what was offered in his mitigation plan. There is no plan on how all of the construction traffic will impact the neighbors and the visitors to the mountain. I see it as an awful mess. We are so squeezed in with this project... this town is not 1998 anymore.... Something has to give.

Best Regards,
Deborah and Patrick Hickey
Silver King Condo

Alexandra Ananth

From: John Stafsholt <JSTAFSHOLT@msn.com>
Sent: Thursday, August 19, 2021 8:04 AM
To: John Kenworthy; John Phillips; Laura Suesser; Sarah Hall; Christin VanDine; Bill Johnson; Douglas Thimm
Cc: planning; Alexandra Ananth
Subject: [External] Disturbing Public Meeting regarding Park City Mountain Base Area Development

[CAUTION] This is an external email.

Dear Planning Commissioners,

I have been very reluctant to write to you over the last year regarding the PEG development, but I can no longer remain silent.

Last night's public meeting was literally unbelievable to me and I'm sure I'm not alone, but we will never know because once again public input was cancelled.

Our attorney was also not allowed to speak.

I can't believe that you (commissioners) want to make a vote in a vacuum?

The length of the meetings are due to the speed that you and PCMC are racing toward an approval.

It makes no sense, we have one chance to create a world class base area that serves our community and visitors.

You know that you are rushing through the process.

It is extremely obvious that many LMC codes are not met, there is scant/any data to support the developer's claims, there is a stated reliance on a future CUP process that will not fix the oversights, and there are Conditions of Approval that can't be enforced.

PEG is a developer bringing an extremely critical, large scale development proposal to this community.

PEG is dictating all terms to both the PC planning staff and PC planning commission (with one notable vocal exception last night).

Don't agree?

Great, I hope not!

Then please explain why the staff report goes line by line with Findings of Fact that are not facts, and Conditions of Approval that are not measurable nor enforceable.

As our PC planner went through a small subset of these line items, Commissioners were requested to accept each of them, or after objection, urged to wordsmith small verbiage changes.

As a clear example, PEG's attorney dictated terms to you (our city representatives), telling you that you are required to accept these terms as written or the project can NOT be approved by our Park City code.

Verbiage changes are only helping your conscience for the time when it is approved, they are not changing this project one bit.

Conditions of Approval are never/rarely enforced.

Also, the CUP process comes after your project approval, and the CUP process comes with a legal assumption of its eventual approval.

The CUP process can NOT be relied upon to fix the deficiencies at all, you must fix them now.

PEG is dictating the timeline, dictating the terms, dictating the tone, and they have not made any substantive project changes since the new year.

Clearly, the only answer to this current project is DENIAL.

The public comments have been denied by our Planning Commission, why?

The excuse is due to time constraints, long drawn out meetings with too much to cover.

These are your decisions, number of meetings, information to cover, public input, that is all up to you.

There needed/needs to be more PCMR development only meetings and these additional meetings needed/need more preparation time between each of them.

This project will become the signature development that will be the future identity of the town of Park City.

The Commission has failed to give this project it's correct and necessary attention and we and our future generations will be stuck with the impacts of this project.

This is a project that has started with one goal, developer profit, and that goal has shaped all aspects of the project. There is no/little concern for the adjacent 100+ year old neighborhood or our local citizens or the look and feel of our town's signature identity (from Empire Ave think China Bridge with a couple of additional stories).

There is increased traffic with no thoughts for increased accessibility (pedestrian walkways, moving sidewalks, escalators, bridges), nor integration with current or future operations mountain operations.

The goal is gaining unwarranted concessions from a commission that is largely new and inexperienced, coupled with a City Planning department that is also grossly understaffed, new and locally inexperienced.

These requested changes/exceptions do one thing for certain, unduly increase the value of the land and building rights.

PEG is rushing the approval in an effort to likely sell the approval (just like myriad developers before them).

Robert Schmidt publicly stated that parking management will be sold back to the resort operator.

This is the minimum that will be sold after your approval.

Commissioners are the only people that have the power to hold back the wants of the developer and uphold our codes and laws that were put in place as protections for our town and citizens.

This project is not a World Class Resort Base and it will define our town's identity.

You know this.

Traffic. Parking.

PEG is requesting you to rely on no reliable data for traffic, trip reduction or AVO's.

Therefore no conditions of approval could ever be enforced.

Please remember, conditions are never enforced in Park City and that is a joke.

I would remind you that the two main traffic intersections discussed were studied by Fehr & Peers back in 2005 and even back then these intersections were rated E & F (on an A-F scale). i.e. already failed. (see below A)

Treasure Hill also made this ridiculous argument that their 1,150,00 sq ft project would reduce traffic by 30%.

You should know better and require real data.

For many recent years, Park City taxpayers have been paying non-Park City police officers to come to our town and sit in their marked cars with their lights flashing.

These highly paid, highly visible, police officers sit at 6 Park City intersections, for 4 hours every day during ski season afternoons (3-7PM).

These intersections have failed and PEG will not decrease trip traffic.

As a condition of approval, PEG states parking will be improved and there will be no impact.

That is ridiculous, pay \$25-40/day to park, or park in the Old Town neighborhood, which will skiers choose?

PEG said "if there were neighborhood impacts, they could build additional parking" (sure, and a bit late. Also how many cars are going to circle looking for cheaper, better parking).

Who is going to face these developer imposed impacts, the neighborhood and the town, PEG will not enforce parking, that is another unmitigated impact that this project brings (along with additional costs and responsibilities to PCMC). As a reminder, through a recent GRAMA request RRAD found that over the last 3 years, PCMC Parking Enforcement has issued a total of 6 parking citations near PCMR!! Yes, SIX.

Higher AVO's, no proof, but great, guess what?

The clearance height for PEG's parking levels are 8'2"!

This is not enough for even a large SUV with a ski box, let alone any large vehicles or Sprinter van that could actually transport higher AVOs.

This is again proof that PEG is only cutting corners on the project and saving excavation costs everywhere possible.

When you (commissioners) request a real world parking clearance, then the building heights will go up again.

The approval requires all parking to be underground (Building B is not) and there is no mitigation or reason other than cost savings to PEG. Dig deeper, add 1 or 2 more underground levels or Denial.

No parking nor density is allowed to be shifted between parcels, but PEG is completely ignoring the original approval and DA in their submittal without reason, just convenience and cost savings for them. Denial.

Building heights.

For those not around at the time, Parcel A was allowed the greater height due to it's location up against the mountain and the need for an iconic structure at the base.

Also, Parcel A complied with the 100% underground parking requirement and was far removed from the neighborhood and therefore given a large height exception.

The 1998 DA expired, it is irrelevant for Parcels B-E. (see below B) (1998 DA Exhibit D It was never extended prior to expiration)

This is the 2021 Concept Master Plan not the 1998 DA.

Still the 1998 DA was much lower. (see below C)

There are no grandfathered heights, the LMC also does not allow you to give PEG these height exceptions without compliance to 6 items. PEG has complied with none. Denial. (see below D)

These are huge building height exemptions (not the typical 20% for 10% of the roofline).

Requests are: (using PEG's inaccurate numbers)

Parcel B: 2.2X allowed. 78'

Parcel C: 2.1X allowed. 75'

Parcel D: 1.7X allowed. 60'

Parcel E: 2.4X allowed. 83'

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Thanks for your service (which at this time I readily admit I am not willing to do).

Respectfully submitted,

John Stafsholt

PS: Please include in the next packet as public input.



John Stafsholt

Cell 435.513.2933

Email jstafsholt@msn.com

PO Box 1993 Park City, UT 84060-1993

Addendum A: 2005 Fehr & Peers Traffic Study

TABLE 2
PM Peak Hour Level of Service Summary

Intersection	Without Mitigation		With Mitigation ²	
	LOS	Avg. Delay (Sec/Veh) ¹	LOS	Avg. Delay (Sec/Veh) ¹
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1. This represents the overall intersection LOS and delay (seconds/vehicle) for signalized intersections and the worst approach delay for unsignalized two-way stop controlled intersections.

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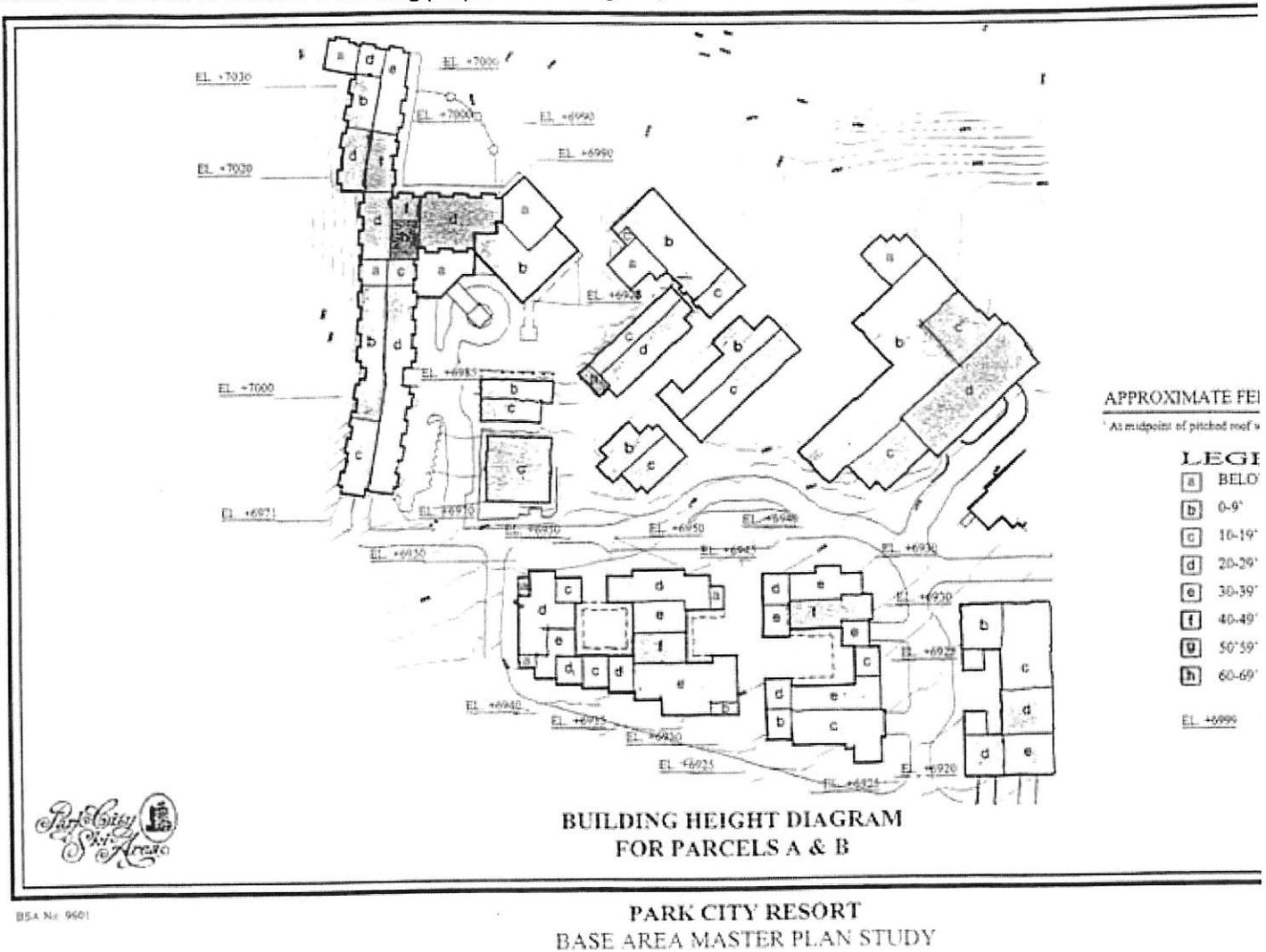
Source: Fehr & Peers, July 2005.

Addendum B: 1998 DA section 7.9

There were well over two years of inaction after Parcel A was completed and there was never a Planning Commission extension.

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Addendum C: 1998 DA Exhibit D showing proposed building heights above 35' RC zoning



Addendum C: 1998 DA Exhibit D (note the pedestrian walkway through the "village" vs. the current (single massive building))



BSA&R No. 960118

**PARK CITY RESORT:
BASE AREA MASTER PLAN STUDY**

Addendum D: Park City LMC 15-6-5 Master Planned Development Requirements

F. BUILDING HEIGHT The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may grant an increase in Building Height based upon a Site specific analysis. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HR-3, HR-4, HR-5, HR-6, HR-7, HR-8, HR-9, HR-10, HR-11, HR-12, HR-13, HR-14, HR-15, HR-16, HR-17, HR-18, HR-19, HR-20, HR-21, HR-22, HR-23, HR-24, HR-25, HR-26, HR-27, HR-28, HR-29, HR-30, HR-31, HR-32, HR-33, HR-34, HR-35, HR-36, HR-37, HR-38, HR-39, HR-40, HR-41, HR-42, HR-43, HR-44, HR-45, HR-46, HR-47, HR-48, HR-49, HR-50, HR-51, HR-52, HR-53, HR-54, HR-55, HR-56, HR-57, HR-58, HR-59, HR-60, HR-61, HR-62, HR-63, HR-64, HR-65, HR-66, HR-67, HR-68, HR-69, HR-70, HR-71, HR-72, HR-73, HR-74, HR-75, HR-76, HR-77, HR-78, HR-79, HR-80, HR-81, HR-82, HR-83, HR-84, HR-85, HR-86, HR-87, HR-88, HR-89, HR-90, HR-91, HR-92, HR-93, HR-94, HR-95, HR-96, HR-97, HR-98, HR-99, HR-100. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height are made, according to Subsections (1) through (5) below. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, **the Plan must include the following findings:**

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height, but rather provides desired architectural variation, unless the increased square footage or Building volume is offset by additional Development Credits.
2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of circulation have been mitigated as determined by the Site specific analysis.
3. There is adequate Landscaping and buffering from adjacent Properties and Uses.
4. Increased Setbacks and separations from adjacent projects are proposed.
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Alexandra Ananth

From: planning
Sent: Wednesday, August 18, 2021 4:34 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] Park City Mountain Parking Lot Proposal

-----Original Message-----

From: Marianne Cone <chapcone@gmail.com>
Sent: Wednesday, August 18, 2021 2:48 PM
To: planning <planning@parkcity.org>
Subject: [External] Park City Mountain Parking Lot Proposal

[CAUTION] This is an external email.

When I was on Park City Council, and the Montage developers met with us, their comment was "This will put Park City on the map."

This was post-Olympic games and I was quite sure we were "on the map."

Decades later we are not only on the map, we are deluged with requests which will negatively impact our town without providing any benefits. The PEG developers will get more than they give.

We do not need to compromise our vision, our code and our future by allowing greater height, density, traffic and other impacts.

Respectfully,

Marianne Cone Chaplin

August 18, 2021

VIA E-MAIL (planning@parkcity.org)

Park City Planning Commission
P.O. Box 1480
Park City UT 84060

Re: Park City Mountain Base Area Development—MPD Modification

Dear Commissioners and Staff:

I am writing on behalf of RRAD Coalition, Inc, a non-profit organization comprised of many Park City residents, business owners, and homeowners. RRAD submits the following comments in advance of the August 18, 2021 Planning Commission Meeting. RRAD has not yet had a chance to review and respond to each of the proposed Findings of Facts and Conclusions of Law given the lateness of the staff report, but it will do so and provide a detailed response. Sufficeth to say that many of the proposed findings are inaccurate and unsupported by any data. But for now, RRAD will focus on the specific questions raised by staff in its August staff report and highlight some of the more glaring issues with the project that have not yet been resolved and cannot be resolved based on current plans.

Questions Raised by Staff:

First, staff notes that the parking garage on Parcel B encroaches into the setbacks on Lowell Avenue below grade. Staff also correctly notes that the LMC only allows below-grade encroachments in rear and side setback areas. The frontage on Lowell Avenue clearly constitutes a front setback area. Although staff attempts creatively suggest that it could be a side setback simply because there is no garage exit on Lowell, that fact is legally irrelevant. Section 15-15 defines frontage as "that portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot." There is no way to spin this so that the frontage of the building on Lowell Avenue is not a front setback. Consequently, the developer must seek a setback variance under Section 15-6-5, which it cannot receive for the reasons cited below.

Second, staff notes that the developer is seeking to exceed the 10% allowance for Resort Support Commercial and Accessory Use for Parcel C. Although the amount of the allowance is nowhere stated in the report or the proposed findings, the developer's plans exceed the 10% by over 200%. But staff correctly notes that the LMC does allow for a variance on this issue.

Third, staff requests a discussion around the "clarity of responsibility and obligations between the application or future owners of the development parcels, and the Resort." This is very appropriate given that the proposed findings and conditions of approval frequently

confuse that issue and speak of the applicant and the developer interchangeably. This issue is particularly pertinent given the general lack of enforceability or consequences for a great deal of the proposed conditions of approval. The Planning Staff and Commission should also consider and address how PEG has standing to seek an amendment to the 1998 DA to which it was not a party. The 1998 DA is a contract between the City and Powdr. Many of the enforcement issues that causing a great deal of concern and confusion stem directly from the fact that neither Powdr nor its successor are at the table, and it is unclear how PEG has any legal right to request an amendment to a contract to which it is not a party.

Traffic Circulation Plan Not Viable or Salvageable: The developer's traffic circulation plan simply will not work. It will greatly exacerbate the already congested residential roads, especially on Empire Avenue, and result in failed intersections throughout the entire site. It will push traffic that is currently limited to the outskirts of the resort area into the center of the site and onto residential roads. It is based on flawed and contradictory assumptions and methodologies, including a minimum AVO that even the developer now concedes it cannot reach. The proposed Findings of Fact stating otherwise are incorrect.

It is critical to note that this disastrous plan is not a function of the site itself. It is the direct result of the developer's failure to focus on, and design around, transit and transportation first. One of the most glaring examples of this failure is the developer's insistence on moving half the parking spaces currently located at the entrance to the resort on Parcel E into the middle of the already overburdened traffic circulation system on Parcel B. That single, ill-advised decision would mean 380 additional parking spaces on Parcel B, which would be a 50% increase from what currently exists there. Two-thirds of all day skier parking for the entire resort would therefore be located on Parcel B, which would push virtually all the related traffic onto Empire Avenue and force it to circulate through the entire site. All shuttle and vehicle drop-off traffic would also be forced onto Empire. Yet, according to AECOM, the traffic on Empire already exceeds the road capacity and "impedes access for adjacent residents." The City's General Plan, Resort Center Area Plan Principle 6 requires a decrease of resort impacts on surrounding residential communities. By substantially increasing, and likely doubling, current traffic on Empire, the developer's plan violates the General Plan. Finding of Fact #103 is therefore inaccurate.

The developer's decision to move hundreds of parking stalls from Parcel E to Parcel B also results in a major density shift from what was approved and mandated in the 1998 DA. In fact, it results in an impermissible increase in FAR for that parcel, given that it includes an additional 114,000 square feet of above-grade parking that the 1998 DA required be included in FAR calculations. That shift in parking in turn squeezes the available area for the transit center and shuttle drop-off areas to unreasonably small and unscalable footprints, creating numerous conflicts with pedestrians, cars, and buses. There was a reason that the 1998 DA limited the density on each parcel and prohibited any shifting of that density. We are seeing the consequences of the developer's failure to comply with that condition in its traffic circulation plan.

Another fundamental flaw is the developer's unilateral decision to change the approved use on Parcel C from a skier-services area to a hotel. That change dramatically increases the parking and traffic needs in the center of the resort site and creates much more intensive uses of the area. The 1998 DA contemplated a single hotel on Parcel A, which is now the Marriott Mountainside. A second hotel was never contemplated in the DA and cannot be

reasonably accommodated on the site without creating all the problems we now see with the site circulation issues.

Clive Bush, a former traffic engineer and consultant and a long-time Park City resident, recently submitted a 22-page report detailing numerous additional flaws and failings with the traffic circulation plan. Among the many problems, he notes that the applicant has not demonstrated that the site circulation design can accommodate significant modal shifts to substantial pedestrian, transit, and drop-off activity. There is also not sufficient flexibility built into the concepts to adapt to peak conditions, seasonal variations, or future emerging technologies and trends. Even the computer simulation was an overly simplistic macro-model based on computerized assumptions that ignored required micro-adjustments of real-life conditions of things like compressed drop-offs, conflicts of through lanes, snow clearing, storage of snow and expectant slow down and increased spacing of vehicular traffic during inclement weather. He further notes that the developer attempts to justify parking reductions on inapplicable national averages rather than actual data collection, real-life observation, or industry-specific uses.

In summary, as discussed in various meetings, reports, and comment letters, none of the proposed Findings of Fact #83-91 are factually accurate. For many of them, no information has been provided by the developer upon which such findings could be made, such as adequate areas for snow storage or adequate areas for trash and recycling, or are contrary to the information that is available, such as the AECOM's conclusion that the developer has failed to show that the vehicle and shuttle drop-off areas are adequate. And AECOM's solution that the developer be required to provide areas to increase shuttle and vehicle drop-off areas in the parking garages would simply create a different problem of significantly reducing available parking for day skiers far below the current 1,200 spaces.

Off-Street Parking Inadequate for Hotel: As numerous commissioners have repeatedly noted, there is not enough parking on Parcel C for the newly planned hotel. In claiming otherwise, the developer relies on erroneous assumptions and proposals that violate the LMC. First, the developer claims that Building C can accommodate additional parking through use of tandem or stacked parking spaces. But Section 15-3(I) of the LMC only allows tandem parking for "Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts." Therefore, no tandem parking can be permitted for the hotel site. Finding of Fact #59 is legally improper and Finding of Fact #62 is inaccurate.

Second, the developer claims it has enough parking based on purported fluctuations in demand throughout the day. But those assumptions do not match reality or even its own claims. For example, the developer fails to account for the fact that the peak demand for parking will be not only at night for its guests but continue to the next morning and into the peak day skier hours. Those guests and their vehicles will not simply disappear at midnight. According to the developer, they will mostly stay on site and ski at the resort. That assumption is built into the developer's contention that the hotel will reduce day skier parking demands and resulting traffic. That assumption is a key foundation of its circulation plan. Yet the developer has failed to account for that scenario in its parking counts for the hotel. Findings of Facts #42, 58-62 are incorrect.

LMC Requirements for Building Heights Exceptions Not Met. The developer's failure to comply with the prohibition on shifting density under the 1998 DA has not only resulted in a disastrous circulation plan, it also dooms its request for height variances. Section 15-6-5(F)

of the LMC expressly states that a height variance can only be granted if it will not result in any increased density granted through a "Transfer of Development Credits." The developer's request would increase the density previously granted for Parcel B under the 1998 DA as part of the transfer of development credits.

Keep in mind that the DA did not grant a blanket increase in density for the entire site as a whole to be simply divided by the developer between parcels as it saw fit. To the contrary, the DA specifically allocated the increased density by parcel, stating that the "maximum square footages, unit equivalents and volumetrics as described in the Park City Mountain Resort Base Area Master Plan Study are the maximums permitted for each development Parcel" and that the "volumetrics represent maximums that can be achieved on any given parcel." (Section 3.1.) The 1998 DA further expressly prohibits transfer of any square footage from one parcel to another. The developer cannot now claim that it meets the conditions for a height variance on Parcel B and C when the density on each parcel is significantly more than what was separately allocated in the DA, on which it relies. Nor can it claim to be in keeping with the density allowed for Resort Support Commercial and Accessory Uses under the LMC given that they exceed the permitted amount by 200% in direct violation of the LMC. Proposed Finding of Fact #70 is therefore incorrect. The Planning Commission must find that this prong has not been met.

The Planning Commission also lacks discretion to approve the height variances under the fourth prong of Section 15-6-5(F). That section requires increased setbacks as a condition for height variances. That makes perfect sense—if you are going to increase the height of a wall that is adjacent to your neighbor, then you also must have a corresponding increase in the setback between that wall and neighbor. That is not the case here. The developer attempts a sleight of hand by claiming entitlement to a height increase for one facade by pointing to an increased setback on a completely different area on the site. That is not sufficient. It is improper to rely on average setbacks for the entire site to justify a height increase for a specific building, as it would completely defeat the purpose to the increased setback requirement in the first place. That is particularly true with respect to Parcel B. There does not appear to be a single façade on any building that has an increased setback. In fact, three facades have reduced setbacks. The Planning Commission cannot possibly find that the developer has met its burden under the fifth prong with respect to that parcel. Proposed Finding of Fact #75 is therefore inaccurate with respect to Parcel B and inadequate with respect to the site as a whole because it fails to consider the setbacks parcel-by-parcel and façade-by-façade. The Planning Commission must therefore find that the fifth prong has not been met.

The Planning Commission also lacks discretion to approve the height variances under the fifth prong, which requires that "additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible." At the last meeting the developer mentioned for the first time that it was intending to put a helicopter pad in the middle of area it claimed as open space on Parcel D. If so, that area would no longer qualify as open space under the LMC. Additionally, no area where there is any Building or Structure counts as Open Space, as defined in Section 15-15 of the LMC. That is true even if landscaping or plaza areas are constructed on top of the structure. To the extent the developer is counting any of that as part of its claimed open space for the project, it cannot do so. But we still do not have any plans from the developer or staff showing exactly what they are counting and what they are not. And without that information, or even all the necessary detail about where it is putting what, the Planning Commission cannot find that the

developer has met its burden under the LMC for demonstrating compliance with minimum open space requirements, including those required for building height variances. Proposed Finding of Fact #76 is therefore not yet established.

LMC Requirements for Setback Reductions Not Met. The developer also still has not met the requirements for the setback reductions it seeks on Parcel B. Section 15-6-5 of the LMC only allows the Planning Commission to grant setback reductions if they are "necessary for desired architectural interest and variety." At the last meeting, the developer conceded that it needed the setback reductions in order to fit in all the parking it wants on Parcel B. It also seeks setback reductions to meet all the other LMC requirements, such as façade variation, while maximizing density and parking on the site. That is not a legally permissible basis for setback reductions under the LMC. As for the below-grade garage on Lowell Avenue for which a variance is also requirement, there is no possible argument to made that a setback reduction for an underground parking garage is "necessary for desired architectural interest or variety." The Planning Commission must therefore find that the developer has not met its burden of showing that the LMC requirements for setback reductions on Parcel B are satisfied. Proposed Finding of Fact #36 is not accurate.

Open Space. For the reasons discussed above in connection with the building height variance request, the developer has failed to meet its burden of showing that its plans comply with the LMC requirements for open space. The Planning Commission must therefore find that this requirement has not been met. Proposed Finding of Fact #39 is not accurate.

Given the foregoing, and the additional issues raised by RRAD, the Commissioners, and the public throughout the project review, the Planning Commission cannot make the necessary findings for approval of this project.

Thank you for your consideration.

Sincerely,



Nicole M. Deforge

cc: client; alexandra.ananth@parkcity.org

Alexandra Ananth

From: Tom Gadek <gadek@pacbell.net>
Sent: Wednesday, August 18, 2021 3:30 PM
To: John Phillips; Sarah Hall; Laura Suesser; Bill Johnson; Douglas Thimm; Christin VanDine; John Kenworthy
Cc: Alexandra Ananth
Subject: [External] PEG

[CAUTION] This is an external email.

Dear Commissioners,

Park City Municipal Corporation (PCMC) represents the Park City Community and its citizens. In this regard the City Council sets rules for the benefit of the Community as a whole (i.e., traffic, safety, Land Management Code, etc.) and answers to the voting citizens of Park City. The Planning Commission is appointed by the City Council to oversee the development of property within Park City and advises the City Council on behalf of the citizens and community of Park City regarding proposed developments. This advice is guided by the Park City Planning Department and the City's Land Management Code as approved by the City Council.

The Park City Planning Commission has been considering PEG's proposed development at Park City Mountain Resort's base area within the Park City limits for an extended period of time. It should be noted that the current PCMR is the result of the combination of the formerly independent Park City Mountain and Canyons ski resorts. Vail Resorts acquired Canyons Resort in 2013, then PCMR in September 2014. The Park City Planning Commission approved Vail's plan to combine the resorts in March 2015 (Salt Lake Tribune, Aug. 3, 2015). Consequently, today's Park City Mountain Resort has two base areas for historical reasons, one inside the Park City limits under the aegis of PCMC and the PC Planning Commission (the former Park City Mountain ski area) and one outside the Park City limits under Summit County's aegis (the former Canyons ski area). The Park City Planning Commission approved a high speed gondola connecting the ski terrain of the two former resorts and Vail built it in short order. Currently, it is possible for skiers to easily transit from the Canyons Village PCMR Base to the Park City PCMR Base. While the Park City Planning Commission has struggled with Transit into and out of the proposed PEG development, these discussions have been limited to the existing 224 and 248 road corridors which are already strained during the ski season. The Planning Commission should direct PEG and Vail to consider leveraging PCMR's property, right of way and resort infrastructure to swiftly and easily move visitors between the two resort bases via rail, bus or gondola systems on the PCMR resort property in a manner consistent with the City's Transit First initiatives. This would relieve pressure on the City and its citizens to bear the economic and infrastructure burden of PEG's plans.

We all know that PEG and Vail are connected at the hip. Ask and you may receive.

Furthermore, the Planning Commission should stay true to its obligations to the Park City Community and the Safety, Health and Quality of Life of the Citizens of Park City in recognizing their requirement to hold PEG to the existing Land Management Code in considering any approval for the current PEG proposal. The Planning Commission has already recognized that PEG's proposal was substantively different from the approved 1998 Development Agreement for the PCMR base area development. The Planning Commission alerted PEG that its plans did not comply with the 1998 PCMR Base Area Master Plan Study Concept Master Plan and required a new plan some time ago. PEG neglected your guidance in proposing elevations for the proposed structures with building heights in excess of 80 feet. They may be consistent with the 1998 plan's altitude based elevation limit, but greatly exceed Park City's current 35 foot height limitations. The proposed development seems to pick and choose what is advantageous from the 1998 plan while

neglecting other aspects of the 1998 plan which are not advantageous to PEG. The negotiations leading to the 1998 plan paid a price for exceptions to the LMC while PEG wants to claim that prize without paying the price.

PEG's journey before the Planning Commission has focused on 15 or more topics in individual meetings disconnected from any global overview of the proposal. I believe the PEG proposal would benefit from another iteration which tries to get the details of each topic into a global proposal which might actually benefit Park City, its citizens and community. What is being analyzed today for Findings of Fact and Conditions of Approval is a hodgepodge, excessive for the sake of excess and does nothing for the Park City Community or its Citizens.

Respectively

Tom Gadek

Daly Ave.

Old Town Park City

Alexandra Ananth

From: Trent Davis <tdavis@compass-management.com>
Sent: Wednesday, August 18, 2021 1:59 PM
To: Sarah Hall; John Kenworthy; John Phillips; Laura Suesser; Dougla.thimm@parkcity.org; Christin VanDine
Cc: Alexandra Ananth
Subject: [External] PEG

[CAUTION] This is an external email.

Hello Planning Commission and Alexandra,
We encourage the Planning Commissioners to support the PEG development. For 30 years the base area tenants and residential have been waiting to see the base renovated, bringing new life to the area. Let's not wait another 30 years to support a new, dynamic base that helps resolve 30 years of traffic, congestion, transit, and parking.

The City should show its support to all of Park City by supporting and approving the development. Thus helping create a new, modern base area that has addressed almost all City requests, including traffic flow, parking, transit, building heights, setbacks, housing and view corridors.

Help Park City support all its ski hill base areas. Park City should be known as the best ski town in the world. Approve the PEG base area development.

Sincerely

Trent Davis

Village Venture / Resort Center Limited.

O 435-649-1842

C 435-731-0115

tdavis@compass-management.com Compass-Management.Com

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Alexandra Ananth

From: CSM Embree <queenofthejordanelle@gmail.com>
Sent: Wednesday, August 18, 2021 11:15 AM
To: John Kenworthy; John Phillips; Sarah Hall; Laura Suesser; christin.vandyne@parkcity.org; Douglas Thimm; Gretchen Milliken; Alexandra Ananth; Bill Johnson
Subject: [External] PCMR - PEG development

[CAUTION] This is an external email.

Dear Commissioners,

I understand that there will be a discussion regarding the conditional approval of the proposal from PEG for development of the parking lots at the base of PCMR. I am not against development of the lots, although i have a number of concerns. I'll let all of my concerns except for two 'slide' today. To me, the most important is building height. I've lived in several ski towns in North America, and have travelled to others. There is no joy in approaching or entering the grounds of a ski resort that is blocked from view by buildings over 80 feet high! The height proposed by PEG is inconsistent with the character of Old Town. i feel for the developer, which wishes to have a minimum number of units, but we are talking about the character of the small city (we a "town"). A lot has already changed with Vail coming in (and that's OK). But, adding several very high buildings in the small area of the parking lot will forever change the character of Old Town. I would urge the Commission to ask the developer to keep building heights in line with buildings in Old Town and Shadow Ridge.

The other topic is transportation. Have the issues really been resolved enough? I understand that circulation questions are being addressed, but the increase in the number of vehicles coming into the area has not. Is there a way to align traffic and transportation considerations with the larger efforts being considered for Park City? For example, the Snow Park development proposal gives us hope that not all increases in visitors must result in increases in vehicular numbers and traffic. My fear is that the base of PCMR becomes morass of idling vehicles - not because they want to idle, but because of traffic snarls on powder days, because of people struggling to carry equipment across roads, and any other issues that WILL arise on any given ski day - emergency or otherwise.

I understand that PEG needs to know asap if it should keep at this effort. No doubt, the process is chewing up alot of resources. I hope PEG keeps at it, as the development is important to Park City. But, it is of critical importance that the Commission addresses the specifics of conditional approvals so that more clarity can be had by the community and PEG. thank you!

C. (Sid) Embree
BES (Urban & Regional Planning), MES, MBA
(435) 631-9089



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Alexandra Ananth

From: David Gordon <gordosgang@yahoo.com>
Sent: Wednesday, August 18, 2021 10:01 AM
To: John Kenworthy; John Phillips; Sarah Hall; Laura Suesser; christin.vandyne@parkcity.org; Douglas Thimm; Gretchen Milliken; Alexandra Ananth; Bill Johnson
Subject: [External] PCMR Base Development

[CAUTION] This is an external email.

Dear Commissioners,

The review of the proposed development for the PCMR base area has been lengthy and cumbersome. Your efforts and commitment are appreciated. Unfortunately, it now seems that the process is attempting to move forward without resolution to critical issues. The open issues of transit/circulation, building heights, setbacks and required parking are critical issues that will have major impacts on the design, location and size of the proposed structures. By moving on to discuss conditions for approval, it appears as though the applicant's proposals regarding these critical issues will be conditionally accepted.

The applicant has stated that they cannot justify any further modifications to the proposed structures. However, if the Commission does not accept the building heights as proposed, the applicant must make modifications that may impact the overall building footprints and not just lower the roof lines. If the applicant's proposed exception to required parking is not accepted, the parking structure design must be modified. If the applicant's proposed transit/shuttle areas are not accepted as adequate to anticipated demands, the overall building footprints must be modified. If the applicant's request for exceptions to setbacks is not accepted, building modifications are required. If any of the critical issues are not accepted as proposed and modifications are required, the applicant will have the option to comply or abandon the project.

It is time for the Commission to take a firm position on these critical issues and determine whether the applicant's current proposal should move forward "as is" or whether the applicant will need to conform to more restrictive exceptions to the LMC and transit requirements. There is no need to get bogged down in the details of conditions of approval until these critical issues are resolved.

Sincerely,

David Gordon
50 Shadow Ridge Lane
Park City, UT 84060

On May 21, 2021, at 3:05 PM, David Gordon <gordosgang@yahoo.com> wrote:

Dear Planning Commissioners and Staff,

Thank you for your efforts and commitment to the extensive review, discussion and community involvement in the Park City base area development project. The latest addition of the Q&A portion of the May 19 meeting provided a very effective means of actively engaging the community.

With regards to the parking analysis, the underlying assumptions driving the applicant's requests for a reduction in LMC required parking should be scrutinized further and not merely accepted as presented. There will certainly be residents of the employee/affordable units that have cars that will need to be parked. It is very doubtful that these employee/affordable units will serve the J1 foreign workers that tend to be the seasonal workforce without personal vehicles. The relatively low daytime demand for the hotel guests is puzzling given that the daytime activity is the reason to be there unlike traditional hotels where guests are there for overnight accommodations and not daytime activities. This may increase requirements as arriving and departing guests may overlap their stays as they maximize their daytime activities. Yes, many will arrive via shuttle services but not all. The premise that most retail and commercial demand would overlap with guests already on site seems to be sound and this aspect would warrant a reduction to LMC requirements.

Given the conflicting statements regarding open space, it would be appropriate for the staff to clearly define for the commissioners, applicant and public what qualifies as open space according to the LMC for such a project. It would then be the applicant's obligation to present the comprehensive calculation of open space and provide detailed mapping of such a calculation.

With regards to volumetrics, it seems unclear as to whether above grade parking is included or excluded in the applicant's submission. Details of the applicant's calculation should be provided and made available to the public for each level of each structure on the various parcels with drawings to support the dimensional areas measured. An understanding of the approved "98" volumetrics is also required as there appear to be conflicting statements concerning what was considered above grade and below grade. More extensive below grade parking certainly seems to be a means to reduce building heights. Despite the recent modifications to the project to include more step backs of the roof lines, the overall height and scale of the project will completely replace the historic "old town" atmosphere of the base area with modern mass. Perhaps exceptions to the open space requirements would allow modifications that could reduce requested exceptions for building height. The mountain area is adjacent to much of the project and offers tremendous open space to enjoy. The proposed concept of moving mass and height towards the mountain side of the project should diminish the impact on existing adjacent

properties. Working within the LMC and conforming to the requirements for granting exceptions will be a challenge but it is good to see the commission addressing this proactively.

The upcoming discussion of circulation and transit will be very interesting. Consideration must be given to the movement of the masses at peak times within the project as they transition from parked vehicles, transit, drop offs and the internal and neighboring structures, becoming pedestrians moving through the project to the mountain. The elevation changes will challenge those with gear and equipment, whether for winter or summer activities, and adequate assistance such as escalators and ramps should be considered. Especially concerning is the crosswalk on the corner of Shadow Ridge and Lowell which will contend with the transit center traffic. The concept of the pedestrian bridge or tunnel should not be lost. The current concept appears to provide some bike access to the project but the transit through the project to the mountain trails seems to be missing. It would be remiss to assume riders will dismount to move through the project to the trail system. And of course there is significant concern for efficient access by emergency services, the life flight landing pad must be defined.

This project will define the base area for many years to come. With an efficient transit concept, adequate parking, and reasonable mass and impact; development will be welcomed by the majority of the community and should reward all stakeholders.

Your efforts and commitment are appreciated.

David Gordon
50 Shadow Ridge #302
Park City, UT 84060

Alexandra Ananth

From: J Moira Howard <moira_howard@yahoo.com>
Sent: Tuesday, August 17, 2021 11:31 PM
To: Alexandra Ananth; Gretchen Milliken
Cc: John Phillips; Laura Suesser; John Kenworthy; Douglas Thimm; Sarah Hall; christin.vandyne@parkcity.org; Bill Johnson
Subject: [External] PEG

[CAUTION] This is an external email.

Please include in public comments:

My comments on remarks/points made at the July 21, 2021 planning Commission meeting re PEG proposed development:

* PEG's consultant, Pete Williams, stated Resort capacity and visitation levels are expected to remain unchanged.

Resort capacity may not be changing but Vail will not turn customers away! They have reduced season ticket prices by 20% with the intent of getting more people on the mountain to spend more money there.

* PEG asserted that by adding lodging, you end up with a surplus of parking stalls. Their analysis assumed a reduction in people lodging further away from the resort and having to transit into the resort.

How? Locals and near locals are not going to be lodging at the Resort. They are going to drive, be driven or perhaps take transit. Number of parking stalls required will not be reduced by adding lodging. If anything, it will add to the parking requirement.

Generally, it is more expensive to lodge slopeside. Other hotels, etc. are not now going to be empty just because there is additional lodging slopeside.

* Comm. Johnston and Chair Phillips referenced micro transit.

Is that likely to the Resort? Service would be overwhelmed by people looking for a free ride.

* Mr Schmidt says they've implemented 30-minute free parking for drop-off/pick-up and 15-minute free parking in day-skier stalls.

Not all ski programs start or finish at the same time so this may not be adequate for parents who have children in different programs.

* Mr Schmidt says there are 126 surplus parking stalls on non-peak days. Currently employees of the Resort and base area businesses are likely using the surplus stalls.

In other words, they aren't surplus. I don't really think we are too worried about non-peak days. Peak are the concern and that is most of the ski season.

* Mr Schmidt says that in their discussions with Vail, existing shuttle drop-off runs east-west at the south end of Parcel B.

Yes but in the parking lot, not in or at the side of the street.

* Mr Gibbons stated they adjusted the parking analysis by not providing parking for employee housing.

Really! A percentage of seasonal employees *might* not have cars but what about those who do, as well as year-round employees?

* Parking at Quinn's, Richardson - 650 stalls currently underutilised. PEG thinks 200 employee parking spots will be required. It is in everyone's interest to make sure these employees can get to work.

It won't only be employees parking there. It will also be people you expect to park remotely. Will there be sufficient spaces? It is also in everyone's interest that *skiers* can have easy access to the Resort.

* Mr Schmidt stated that what is good for the applicant and the resorts would be good for the other base area owners and their intent is to include those owners in their plans for shuttling and encouraging off-site parking.

Because it suits PEG to do so. A couple of existing businesses have already stated how difficult it is to get/retain employees. PEG's plan would make it even more difficult and may dissuade current employees.

* Parking analysis upgrade plan notes. Nightly rental of homes within a quarter mile - there are 260 private rentals and the analysis assumes 4 guests per unit.

Some will probably have at least 12 guests. Renters cram in as many as possible.

* Valet parking.

The valets are going to be busy running between C, D and E to return cars to guests at peak hour! Let's hope guests have all had a good day on the hill!

* Mr Schmidt says hotel guests with cars might not be at the resort during the day - they might go to Solitude or wherever and that would free up spaces.

People staying at *other resorts* also *come here* for a day's skiing so that more than cancels out Mr Schmidt's hope.

* Mr Schmidt says ski patrol will essentially cross the plaza to access the clinic.

How does ski patrol get the rescue toboggans to the clinic?

* Helipad may be placed on Parcel D.

If a helicopter is required then it is probably an emergency! Are we going to stop all traffic, remove people from the vicinity, haul the patient across the road.....?! Is there even sufficient space/clearance to safely land and take off?

Helipad, like traffic, should have been a priority NOT an afterthought!

* Plans for temporary snow storage.

I think it will prove difficult/impossible with the trees/landscaping PEG is supposed to instal.

* PEG shows a ski beach along the plaza.

This is at the foot of the lifts (safety?) and will also make access to the plaza more difficult for ski patrol and others.

* Cars exiting garage on Parcel D.

As opposed to what Mr Schmidt seems to think, if they are blocked by traffic from turning left to go down Empire, they will have as much difficulty getting across Empire and down 14th. His other 'solutions' only add to traffic congestion. Impatient drivers take chances and can cause accidents.

* Cycle racks:

Two tier racks, such as those shown at the following, would save space/accommodate more:

<https://www.youtube.com/watch?v=0MmoIhv04hM&t=48s>

<https://www.dero.com/product/dero-decker/>

* Mr Schmidt reiterated PEG's intent to maintain the feel of Park City in the resort.
Doesn't seem like it. PEG continues to show misleading semi-aerial depictions of buildings as opposed to ground level views. Are they afraid to show us the true view-blocking, incompatible mini Manhattan they want to create?

* It is quite obvious from the overhead depiction of Parcel B that there will be no view corridor.

* Did PEG exclude NAC parcel from open space?

* Is the building on Parcel D truly 4 storeys at Empire/Silver King? Bottom floor looks double height.

If PEG wants to proceed, they should submit a plan that suits the site - not what suits them!!

Thank you.

Moira Howard
(PC resident, LMV owner)

Alexandra Ananth

From: planning
Sent: Tuesday, August 17, 2021 6:25 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] AECOM Report - PCMR Base Area

From: deb <der0813@aol.com>
Sent: Tuesday, August 17, 2021 5:55 PM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>
Cc: planning <planning@parkcity.org>
Subject: [External] AECOM Report - PCMR Base Area

[CAUTION] This is an external email.

All,

The definition of most is *1) greatest in quantity, extent, or degree 2) the majority of* according to the Merriam-Webster Dictionary.

AECOM's statement on page 70 of the Staff Packet reads "AECOM has determined that most issues have been resolved throughout the course of the application process."

- Fourteen points were identified and included in their table on pages 71-74 of the Staff Report
- Seven of the points recommend a future or additional submittal to address/resolve
- 7/14 is not most; it's half and to state otherwise is misleading

AECOM mentions very specific requests made to the applicant which have never been met; what will make the applicant meet the requests down the road and not just during the construction period but also after? Examples include the following:

1. Back of house plan (Table Item #3)
2. Analysis to demonstrate a drop-off area of only 8 vehicles is sufficient and no quantifiable analysis demonstrating that six shuttle spaces will be enough (Table #4) The AECOM goes on to state a concrete commitment of spaces for overflow drop-off/pick-up needs to be provided - separate point, but this impacts number of day-skier resulting in a reduction of spots from 1,200. And further, AECOM states the applicant doesn't adequately address the need for flex space for future loading/unloading.

No means of enforcement is identified for any of the 14 points. General terms/phrases are used that are completely subjective such as the following:

1. "Diligent effort" - How will this be mandated? Who determines what diligent is? What if there isn't diligent effort? (Table Item #1)
2. The applicant should work with the City to track key performance metrics including AVO, parking utilization, transit ridership, and average minutes of traffic delay. Who's the City's point person on this and how will the Applicant be required to collect such data? If they don't, what happens? (Table Item #6)
3. "More concrete statement of strategy" - Who determines what's concrete enough? What if the strategy doesn't work? Do we really believe we can incentivize day-skiers to arrive and depart at off-peak times? (Table Item #8)
4. Intersection layouts need to be resolved during the design phase - How can this be postponed? Circulation is paramount to the success of this project. (Table Item #9)
5. "Incorporate more substantial biking and mountain biking accommodations" - This is vague and subjective and not a priority for the applicant. (Table Item #10)
6. "Shared parking is needed and should be explored" - They explore and find no options available, then what? Or they don't explore, then what? (Table Item #12)

Without a functioning site plan design prior to approval, traffic, vehicle drop off, parking and pedestrian and bike connectivity will likely drop in priority for the applicant as their focus is not on the impacts of this project on nearby residents or the community as a whole. There is not a single Condition of Approval which holds the applicant's feet to the fire should their Site Circulation including the PMP or TDM fail. The City will have no recourse other than to sue and it's unrealistic to believe that would occur. We'll continue to have studies performed, do community surveys and talk about, talk about, talk about how it needs to be fixed. Bold Action requires rejecting this proposal as currently designed or advising the applicant to make significant changes.

Thank you for seriously considering these outstanding issues and the importance of resolution before any approval.

Sincerely,

Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Tuesday, August 17, 2021 5:00 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] PCMR Base Area - Findings of Fact

From: deb <der0813@aol.com>
Sent: Tuesday, August 17, 2021 4:45 PM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>
Cc: planning <planning@parkcity.org>
Subject: [External] PCMR Base Area - Findings of Fact

[CAUTION] This is an external email.

All,

Taken directly from Staff Packet page 68 "...or if the applicant and Commission should return to substantive discussions on the application and proposed site plan and exceptions."

Unless the Planning Commission is prepared to vote a non approval for the current proposal, based on the submission to date, there really is no option other than to return to additional substantive discussions on the application. Why? Primarily because the applicant is asking for exceptions which have not met the required criteria for granting under the LMC nor have they met requirements of the General Plan for the Resort Center.

Building Height:

Under the LMC Section 15-6-5(F), there are six criteria which must ALL be met in order to grant additional building height beyond 35' as zoned and unfortunately, these criteria have not been met even though #67 on page 83 of the packet would lead one to believe otherwise. Again, the six criteria include the following:

- 1) *The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits; NOT MET - Parcel C is over the allotted square footage*
- 2)
- 3) *Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site specific analysis; NOT MET - Views from adjacent neighborhoods will be erased - the applicant's renderings continue to be misleading and not to scale*
- 4) *There is adequate Landscaping and buffering from adjacent Properties and Uses; UNKNOWN - a complete landscaping plan has not been submitted and drawings are not to scale*
- 5) *Increased Setbacks and separations from adjacent projects are proposed; NOT MET - Average setback is not the measuring stick*

6. 5) The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible; **UNKNOWN - the applicant recently admitted the heli-pad may have to go in an area on Parcel D which has previously been included in the Open Space calculation**
7. 6) The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District. If and when the Planning Commission grants additional Building Height based on a Site specific analysis, the approved additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission. Additional Building Height shall be specified as a Finding of Fact in the Master Planned Development Approval, in the Development Agreement, and on each plat within the Master Planned Development that includes a Building with an additional Height allowance. **UNKNOWN - the applicant has not provided renderings of each parcel from every vantage point**
8. Again, the zoned maximum height for the Resort Center is 35' which is ignored in the Findings of Fact and instead a comparison is drawn to the EXPIRED portion of the '97 MPD and '98 DA. On page 83 of the packet, #68 states the building heights are consistent with the 1997 approved plans. This is **untrue** with the exception of Parcel E as shown in the table below.
- 9.
- 10.

PARCEL	1997 Maximum	Applicant's Proposed Maximum	Additional Proposed Height	Additional Increase (%)	Consistent as stated in Report?
B	78	87	9 FT	11.5%	NO
C	75	103	28 FT	37.3%	NO
D	60	71	11 FT	18.3%	NO
E	83	84	1 FT	1.2%	YES

In addition, LMC Section 15-6-6 (B) and (F) pertaining to Findings of Fact specifically **have not been met** although included on page 89 of the Staff Packet #124 and #128 -

*The Master Planned Development, as conditioned
 (B) meets the minimum requirements of Section 15-6-5;
 (F) is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;*

Chair Phillips during the July meeting requested the Applicant provide a complete deck with the most up to date illustrations of the project. Was this request met and if so, please make it available to the public for review. Regardless, we should all keep in mind the number of illustrations and exhibits provided by the applicant that state "not to scale" or similar caption. How can it be determined the project fits in with the adjacent neighborhoods without proper scale? In addition, the artistic license to add mountains to reduce the apparent scale should not be allowed; illustrations should be updated to accurately reflect the site and its surroundings.

The decision before you is monumental. Please do not approve this project as currently designed.

Sincerely,

Deb Rentfrow

COMPREHENSIVE LIST OF UNFINISHED AECOM REQUISITES:

AECOM: Additional auto roadway capacity at Park Ave/Empire Ave/SR-224 which would likely require new ROW.

ME: Not addressed – E-Bike trail is now taken up with roadway to create 5 driving lanes

Widen Empire Ave from Park Ave to Silver King Dr.

Needs resolution – possible or not?

Separate passenger loading area for taxis, transportation network company (TNC) trips, and other pick-up/drop-offs.

NOT DONE for this growing segment to drop-off, wait or pick-up.

AECOM recommends that the study area be increased to include the intersection of SR-224/SR-248 including Homestake Rd/SR-224, Iron Horse Dr/SR-224, and Bonanza Dr/SR-224.

Not done – internal patterns of flow prioritized for vehicular traffic as this proposal does changes off-site patterns too.

The City's desired goal is to achieve LOS D or better conditions during "worst case" peak hours. The TIS's methodology to study peak hour conditions on President's Day weekend is most likely in line with Park City's goal, however, the developer should demonstrate this.

There is evidence that Presidents weekend is no longer a peak traffic day due to Vail Corp's management practices. Visitors are prioritized over locals on holiday dates.

The TIS focuses primarily on PM peak hour conditions. AECOM recommends that an AM peak hour analysis also be performed to evaluate the proposed infrastructure during the inbound period.

Should include the increased study area.

Construction of channelized movements, such as for right turns as proposed by the developer, are not recommended as they are less comfortable for pedestrians and bicyclists.

They still exist in current plan and applicant recommends/requires the same at Park Ave/Empire – how does removing these as recommended affect transit and vehicular movements and queuing and so on.

Growth rates in the TIS are based on "historical data." While historical data can serve as a reasonable way to validate traffic forecasts, Park City is included in version 1.0 beta of the Summit/Wasatch Travel Model as well as version 1.0 of the Summit County Travel Model. AECOM recommends the development team review these models along with historical data to create traffic forecasts for the study area.

We should be using both immediate past historical data as there is a shift in Park City's use along with The Chambers drive-in marketing/Vail's growth. Future growth needs to account for these not local population figures that are subordinate to these by a wide margin.

Pedestrian flows due to day skiers are significant but don't appear to be analyzed at the proposed crosswalk locations. This should be incorporated into the analysis. Additional details on how traffic was rerouted should be more thoroughly explained, preferably with graphics.

The simulation was woefully inadequate, uses estimated people analysis with no first hand observations or account for skiers, families with equipment, inclement weather, conflicts with drop-zones, and so on.

No safety analysis was discussed in the TIS. We recommend an analysis of historical crashes be undertaken, especially regarding pedestrian and bicycle crashes, as well as other severe or fatal crashes within the study area and note potential mitigation measures, if applicable to address dangerous conditions that could be worsened with this project.

No safety analysis done. The recent fatal pedestrian accident on Lowell comes to mind – no sidewalk that perpetuates this danger in the proposed plan.

The site plan should include exclusive priority bus lanes from SR-224 to the PC Base area main bus stop.

Stops short of 224

Ride-hailing/drop off area. We recommend estimating the current and future number of drop offs that could occur at one time. The drop off areas in the master plan are likely not large enough, especially given recent trends of increasing TNC mode share.

Not been done – applicant has used erroneous estimated data and then averaged it throughout a peak hour that ignores peaks in use. No allowance for future trends.

In addition, provide description of how school bus/tour groups in larger 40-foot private buses will utilize these drop offs for loading, pedestrian flow, and then where they will park for the day.

Nothing provided, none are accounted for. No consideration of oversized vehicles has been made that currently offload and wait at the north of First-time lot.

Park City Municipal Code 15-6-6 Findings

Per Park City Municipal Code [15-6-6 Required Findings And Conclusions Of Law](#), the planning commission must find (in addition to other findings) that the development:

- a) Protects residential neighborhoods,

VMS is a proven failing strategy that tries to fight against the relentless tide of Google, Wave, Apple and every car manufacturer calculating the quickest route in real-time.

- b) Promotes the use of non-vehicular forms of transportation through design and by providing trail connections,

1. According to this plan, pedestrian and cycling facilities are adjacent to traffic. Park City Municipal Code 15-6-5 Master Planned Development Requirements Section G (Site Planning) states that pedestrian and bicycle circulations shall be separated from vehicular circulation. It is unclear from the concept presented how much separation can be accomplished with the available space.

Still unclear throughout, while design provides inadequate multi-use trail on Empire Avenue by converting shoulder to a driving lane.

2. The multi-use paths and sidewalks are shown on the plan in concept only, and it is not clear if there is adequate space to accommodate the proposed widths. A multi-use path that is 12 feet wide is generally desirable with 2 feet of clear zone on either side. Additional engineering drawings are necessary to understand if that can be achieved within the proposed footprint. A capacity analysis of the paths that accounts for both summer and winter use should be provided.

Engineered drawings as presented do not accommodate this requirement.

- 1. The estimated number of pedestrians and cyclists using the facilities should be compared to the size of the facility. A 5-foot wide sidewalk may not be adequate. The draft PCMC Street Typologies shows a 6-foot minimum, with 8 feet preferred (behind curb placement).

Not done or accommodated to desired specification.

- 2. Pedestrians must take a circuitous route to access the pedestrian plaza and its associated businesses, the ski slope, and trails from the main direction of travel (the town or east side of Lowell Avenue). The crosswalk across Lowell Avenue is adjacent to the loading dock for Building C (Hotel), and the space immediately in front of the plaza is reserved for vehicle drop-offs. Building C creates a wide barrier for pedestrians and cyclists to access trails from the town or east side of Lowell Avenue. This area sees a significant amount of mountain bike activity. People currently park in the surface parking lots on Lowell to access the trails and also

ride from town and neighboring residences. With the removal of the surface parking lots which currently serve as staging areas for bikers, there should be a plan specific to mountain bike staging and access to trails.

Clearly AECOM has visited the site and the applicant has not – this needs addressing.

- c) Addresses and mitigates traffic. The congestion on Empire Avenue, particularly in the PM peak, impedes access for adjacent residents.

The applicant's TIS shows that the intersection of SR 224/Deer Valley Drive/Park Avenue/Empire Avenue operates at LOS D under current conditions and is projected to operate at LOS F under the build conditions. The applicant is not offering mitigation to improve this intersection. The updated traffic memo from February 3, 2021, shows poor LOS at this intersection in 2040 with project traffic added, but does not provide the no build LOS, so there is no basis for comparison.

The no-build LOS needs review by independent engineer.

The applicant is proposing circulation modifications in the form of four traffic signals and one HAWK signal; however, no signal warrants have been submitted to date.

The HAWK is a most troublesome location conflicts with drop-off and proximity of loading zone and so on.

No detailed analysis is provided for the vehicular loading zones on Lowell Avenue to verify that this area won't block through traffic on Lowell Avenue.

It will block both – no analysis done – field study will prove this is a wholly inadequate design

The plan does not outline how a 20% reduction in vehicular traffic could be achieved.

Still missing in any detail or proven metrics.

The applicant has not demonstrated that the design of Scenario 2b can accommodate significant modal shifts to substantial pedestrian, transit, and drop-off activity. There is also not sufficient flexibility built into the concepts to adapt to peak conditions, seasonal variations, or future emerging technologies and trends.

Not done - the applicants simulation was an overly simplistic macro-model based on computerized assumptions that ignored required micro-adjustments of real-life conditions of things like compressed drop-offs, conflicts of through lanes, snow clearing, storage of snow and expectant slow down and increased spacing of vehicular traffic during inclement weather. NO FLEXIBILITY FOR EXISTING VARIATIONS OR FUTURE REQUIREMENTS ARE CONSIDERED.

The bus drop-off area has limited space, is not activated or programmed, has limited amenities, and is not programmed for future mobility trends (for example, bike share,

electric charging). The current bus stop location is disorienting for transit riders to navigate through the existing development to the slopes. The design appears to add transit on to an existing development rather than integrating it into the design.

Mostly still true

The City's General Plan ([Resort Center](#)) also encourages off-site parking:

Implement alternative parking location with state-of-the-art public transportation connection.

Plan is not devised, proven and remains uncertain

Develop cooperative, trip reduction strategies through shared management plan of multiple public and private entities.

Undeveloped or proven metrics to assess.

Utilize a park-n-ride facility for the resort to assist with both employee and visitor peak parking.

Undeveloped or proven metrics to assess.

Back-of-House Circulation

The applicant has not provided a plan for back-of-house services and how they would overlay with the guest experience including vehicular circulation, loading docks, deliveries, waste, snow removal, and service/maintenance. Park City Municipal Code 15-6-5 Master Planned Development Requirements G (Site Planning) states, "the site plan must include adequate areas for trash and recycling containers and shall include an adequate circulation area for pick-up vehicles. 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."

Not done-seems to require more undeveloped space, including internal serviceways than provided for in design?

Separate drop-offs from transit operations and accommodate an anticipated growth in drop-offs from microtransit, ride-hailing, shuttles, and eventually automated vehicles.

No flexibility for anticipated growth and change in modes of transport

Consider encouraging people to go to and from the ski resort at different times of day.

The ski resort could offer a half-day pass option that could encourage people to leave near mid-day.

Not remotely feasible – see Vail's corporate PR.

These recommendations are in accordance with Park City Municipal Code 15-6-6, which states that the use of non-vehicular forms of transportation should be supported through design and by providing trail connections.

1. To accommodate anticipated volumes of pedestrians, to allow for pedestrians and cyclists to pass each other either in the same or opposite direction, and to accommodate ski equipment, AECOM recommends either a 12-foot wide multi-use path with 2' of clear zone on either side as stated in the previous memo, or a minimum 15-foot-wide path with no clear zone. For summer use, 15 feet would allow for 4 users side by side. Provide at least 2 feet of separation between pedestrian and cycling facilities and roadways. Park City Municipal Code 15-6-5 Master Planned Development Requirements Section G (Site Planning) states that pedestrian and bicycle circulations shall be separated from vehicular circulation.

Not accommodated.

3. Expand the major crosswalks on Lowell Avenue to 24 feet wide and consider raised crosswalks like the examples shown below, pending approval of City Engineer and considering snow removal and maintenance issues. Other crosswalks should be at least as wide as the approaching trail or sidewalk.

Not addressed.

The draft PCMC Street Typologies shows a 6-foot minimum sidewalk, with 8 feet preferred (behind curb placement). AECOM recommends 8-foot sidewalks where possible to accommodate anticipated volumes of pedestrians, to allow for pedestrians to pass each other either in the same or opposite direction, and to accommodate ski equipment.

Not accommodated.

The crosswalk on Lowell Avenue near Building D is adjacent to the loading dock for Building C (Hotel), and the space immediately in front of the plaza is reserved for vehicle drop-offs. AECOM recommends the crosswalk be moved more directly in front of the plaza, with vehicle drop offs being given less priority.

Whole area is very troublesome – it has not been addressed. The HAWK crossing interferes with drop-off zone, maneuvering cars impede the driving lane and loading dock conflicts with pedestrians and access to hotel.

Consider an alternative location for the loading dock for Building C as it requires valuable

frontage space on Lowell Avenue and conflicts with pedestrian movements.

Changes offer no improvement.

Reconfigure the shuttle drop-off area on the south to allow space for shuttles to park and to pass. As currently shown, shuttle vehicles cannot exit the loading zone if they are behind another shuttle. One solution is to use the main floor of Building B for sidewalk/shuttle drop off with cantilevered floors above.

Still VERY problematic – agree space on the floor of Building B is a must to accommodate today's shuttles and future growth, including waiting area as well as personal drop-offs and turnaround to escape this huge dead-end created by the dedicated bus lanes. Many conflicts exist in the current design – applicants demonstration of turning movements ignores them all.

Residential mitigation.

VMS At SR-224/SR-248 suggesting guests head east to the high school to take the free transit system (instead of paying for parking at the base).

Never does this overcome the use of onboard navigation systems. High School use is not guaranteed and is only on weekends and holidays – applicant needs an alternative guaranteed overflow option that is more convenient than the high school location that would pop-up on mobile navigation systems as overflow parking. One that's not on one of the most congested highways on weekdays and especially during the PM peak outflow of traffic from the resort.

The applicant has provided conceptual drawings for on-site circulation showing key intersections at Lowell Avenue/Silver King Drive, Silver King Drive/Empire Avenue, Shadow Ridge Road/Lowell Avenue, Shadow Ridge Road/Empire Avenue. Both of the Silver King Drive intersections are problematic in that they show "free right turns" (right turns that have an exclusive receiving lane which means vehicles are not required to stop other than for pedestrians). While free right turns are an efficient way to move traffic, they are less safe and more uncomfortable for pedestrians and bicyclists.

Still on latest technical drawing dated June 15, 2021 – affects design, queuing and so on.

AECOM recommends these free right turns be removed, the turning radii significantly reduced, and the right turning movements be moved closer to and controlled by the respective traffic signals (see Figure 4). This will also help eliminate the awkward merging of westbound traffic on Silver King Drive with right-turning traffic on southbound Empire Avenue to westbound Silver King Drive.

Requires redesign and analysis.

Residential and commercial guests should be prohibited from parking in adjacent

neighborhoods should parking for these uses run out. The applicant should provide a plan for how this will be accomplished. One option could be holding a certain amount of Day Skier parking in reserve for overnight guests if needed, or in anticipation of large events or busy weekends.

Not addressed.

3. Based on the applicant's own analysis, Building C is anticipated to be under parked by nearly 40 stalls during the late evening hours, and over parked by less than 10 stalls at several other hours of the day. Since there is no Day Skier parking under Building C, the applicant should demonstrate how they will manage a shortage of parking. For example, will valet parking be provided which uses extra stalls at other locations, or will hotel/commercial guests be directed to other locations?

The issue here is that the applicant's analysis is severely underestimated and flawed – shouldn't the City be recalculating the applicants data not just reviewing on it – standards seem to be lower here than when Treasure Hill was analyzed by the City's then hired consultant in 2017 for the original Triton study? Recommended is 100% hotel occupancy review for hotel and 10th busiest day for all traffic analysis to be in-line with our peers in the mountain community. As one might expect generic standards for this are not suitable for a resort ski town.....

Alexandra Ananth

From: Deborah <glidefar16@yahoo.com>
Sent: Tuesday, August 17, 2021 3:39 PM
To: Alexandra Ananth; Gretchen Milliken; sarah.hall@parkcity.org; John Kenworthy; John Phillips; Mark Sletten; Laura Suesser; Douglas Thimm; Christin VanDine
Subject: [External] PCMR Base Area Over Development

[CAUTION] This is an external email.

Dear Alexandra Ananth and Planning Commissioners:

I have read the latest staff report for tomorrow's meeting and find the information presented unfair and inaccurate. PEG is not meeting the town's criteria and Planner Ananth is ignoring her duties to follow the codes and laws of Park City. Why are you promoting such an awful plan? What is the motive here? The lack of a traffic plan is enough to stop this project immediately. The building heights are outrageous! You will RUIN Park City!

You have ignored the impact on the locals citizens. All for the greed of money! Please stop this project and ask for a redesign that is flattering and efficient for the town to be a first class place to live.

A soils test should have been presented already... not delayed into the future. Construction pollution is critical and our WATER RESERVES are LOW. Halt the process now! What are you thinking?

We also have a new massive population growth since Covid issues have encouraged migration to the mountains. More traffic!

SAVE PARK CITY FROM OVERDEVELOPMENT!

Regards,

Deborah Hickey

Alexandra Ananth

From: planning
Sent: Monday, August 16, 2021 12:05 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: PCMR Base Project

From: mitchel Carter <mitchelcarter@hotmail.com>
Sent: Monday, August 16, 2021 12:03 PM
To: planning <planning@parkcity.org>
Subject: [External] PCMR Base Project

[CAUTION] This is an external email.

Dear Planning Commission,

I'm writing a brief email to express my concerns regarding the development of PCMR parking lot.

My gut is simply to state was a terrible idea! We're in the middle of a massive drought and we're considering a project like this? Not the mention the further impact on traffic in the area, and just how much we really want to start looking like South Tahoe??

PEG seems to want every inch they can get, and do not care one bit about how this will effect our community. I'm sure you're all very aware of this, but once this is done we can't go back! Paid parking at our base?? Huge buildings? Higher density in an already dense environment? Hundreds of thousands additional gallons of water used on an annual bases?

Please stop this project from becoming our reality - you're our only hope to keep over development from further engulfing our town!

Thank you,

Mitch Carter

Exhibit E: Master Planned Development Process

The regulatory process and requirements for Master Planned Developments are outlined in [LMC § 15-6, Master Planned Developments](#).

The purpose of the MPD Chapter is to describe the process and criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

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

The Planning Commission is the primary review body for MPD's. The Planning Commission shall approve, approve with modifications, or deny a requested MPD with written findings of fact, conclusions of law, and in the case of approval, conditions of approval. All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan.

To approve an MPD, the Planning Commission is required to make the Findings outlined in [LMC § 15-6-6\(A-O\)](#) as follows:

- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Appeals of Planning Commission action shall be conducted in accordance with [LMC § 15-1-18](#).

Once the Planning Commission has approved an MPD, the approval is put in the form of a Development Agreement (DA). The DA must be ratified by the Planning Commission, signed by the Mayor and the Applicant, and recorded with County. Minor administrative modifications are allowed. Construction is required to commence within two (2) years.

After an MPD is approved the developer must subdivide individual parcels, and seek Conditional Use permits if required by the Planning Commission at the time of the MPD approval.

Exhibit F: Additional Background Information

On July 8, 2020, the Planning Commission determined the applicant’s site plan was a “Substantive Modification” to the 1998 Master Planned Development, as defined in [LMC § 15-6-4\(K\)\(2\)](#), and would therefore justify review of the entire Master Plan and Development Agreement (DA).

Although unit Density is vested under 1998 DA, the applicant’s site plan has been newly applied for and is being reviewed under the current [MPD Code](#). Exceptions to Setbacks and Building Height have also been newly applied for and will be evaluated under the current MPD Code. Without limiting the Planning Commission’s review of the full MPD, staff understands current expectations of the Commission are to focus primarily on the following:

Topic	How Reviewed	Relevant Code
Unit Density	1998 DA including allocation between parcels and maximum gross square footage allowance; net reduction of UE’s proposed along with a shifting of density among parcels; shifted density = Substantive Amendment/ Blended Review	1998 DA; 2019 First Amendment to the DA
New Site Plan	Substantive Amendment to Exhibit D of the 1998 DA	15-6-5(G)
Perimeter Setback Reductions	Newly applied for	15-6-5(C) 15-2.16-3(C), (E), and (G)
Building Height Exceptions	Newly applied for	15-6-5(F) 15-2.16-4
Parking	Substantive Amendment to Exhibit K of the 1998 DA; Reduction newly applied for	15-6-5(E) and comparison to mitigation in 1998 DA
Traffic and Transportation Mitigation	Substantive Amendment to Exhibit J of the 1998 DA	Traffic and Transportation Master Plan and comparison to mitigation in 1998 DA
Affordable Housing	Blended proposal per 2015 COA ; Newly applied for Housing Authority review	Current LMC/ Housing Resolution for parcels B-E based on employee generation; propose incorporating 23 bed deficiency but not apply new Housing Resolution; pending review of Housing Authority
Phasing Plan	Substantive Amendment to Exhibit H of the 1998 DA	15-6-4(G)(7) requires a Phasing Plan

Project History

PEG Development has submitted an application requesting to amend the [1998 Park City Mountain Resort \(PCMR\) Development Agreement \(DA\)](#), and specifically, to replace expired Exhibit D of the DA, the [1998 PCMR Base Area Master Plan Study Concept Master Plan](#), with a new Master Plan, known as the [Park City Base Area Lot Redevelopment Master Plan Study](#).

The redevelopment of the Park City Mountain base area provides an exciting opportunity to greatly improve the existing base area with improved transit access circulation and amenities, purposeful and active open spaces, attractive mountain architecture, skier services and amenities, conference space and housing opportunities, in keeping with [Park City's General Plan](#) and the MPD Requirements of [LMC Chapter 15-6](#).

Proposal

On February 13, 2020, PEG Development submitted an application to the City Planning Department to amend the 1998 PCMR Development Agreement (1998 DA) by replacing expired Exhibit D, *the PCMR Base Area Master Plan Study or Concept Master Plan*, with a new Master Plan.

Approval of the proposed amendment to the DA will result in either a new or amended DA, replacing the 1998 DA. Should this project be approved, subdivision and conditional use permit (CUP) approvals will be required for each parcel prior to the issuance of any building permits.

OFFSITE PARKING RESERVATION AGREEMENT

THIS OFFSITE PARKING RESERVATION AGREEMENT ("Agreement") is made and entered into as of the 15 day of May, 2018, by and between SUMMIT COUNTY, a body corporate and politic of the State of Utah, whose address is 60 N. Main Street, P.O. Box 128, Coalville, Utah 84017 ("County"), and THE CANYONS RESORT VILLAGE ASSOCIATION, INC., a Utah non-profit corporation, doing business as the Canyons Village Management Association, whose address is 1790 Sunpeak Drive, B-104, Park City, Utah 84098 ("CVMA"). CVMA and County are referred to individually as a "Party" and collectively as the "Parties".

WITNESSETH

A. County has approved the Canyons Specially Planned Area ("Canyons SPA") pursuant to an Amended and Restated Development Agreement for the Canyons Specially Planned Area adopted by Ordinance 334-A, dated November 15, 1999 (as amended, the "Development Agreement");

B. CVMA is a master owners association established pursuant to the Development Agreement within the Canyons Specially Planned Area (as defined in the Development Agreement);

C. County is entering into this Agreement solely in its capacity as political subdivision of the state of Utah and not in its capacity as a member of CVMA (defined below);

D. In compliance with Section 3.3.5(a) of the Development Agreement, CVMA prepared and delivered to County The Canyons Specially Planned Area Master Transportation Plan Report, dated December 2015 ("Transportation Plan");

E. CVMA has undertaken and performed substantial work in furtherance of goals and objectives described in the Development Agreement and the Transportation Plan to mitigate transportation, traffic and related impacts on State Road 224 ("SR224") arising from the location, development and/or operation of the Canyons Resort located near SR224 (collectively, "Traffic Impacts");

F. TCFC PropCo LLC ("TCFC"), as the master developer under the Development Agreement and a member of CVMA, has agreed, concurrently with the execution of this Agreement, to enter into agreements with County under which TCFC would subject substantial portions of its development properties in the Canyons SPA to assessment in connection with the County's issuance of assessment area bonds that, in part, would assist in funding construction of some of the County's remote Park & Ride Lots (defined below) intended to reduce the Traffic Impacts;

G. County has requested that CVMA enter into this Agreement under which CVMA would make substantial payments that would partially fund County's operation and maintenance of such Park & Ride Lots in furtherance of reducing the Traffic Impacts;

H. County and the Utah Department of Transportation (“UDOT”) have entered into that certain Construction & Maintenance Agreement for Ecker Hill Park & Ride Facility, Project: _____, dated _____, 2018, a copy of which is attached as Exhibit A to this Agreement (the “UDOT Agreement”) granting a license to County for the construction and operation of the Park & Ride Lot referred to in this Agreement and defined in this Agreement as the Ecker Hill Park & Ride Lot.

I. County desires to construct and operate the Ecker Hill Park & Ride Lot, and may construct and operate other Park & Ride Lots, and desires to grant a license to CVMA for access to and exclusive use of Reserved Parking Stalls (defined below) therein for the purposes set forth in this Agreement.

J. The Parties desire to enter into this Agreement for such purposes.

AGREEMENT

NOW THEREFORE, in consideration of the promises and mutual covenants contained in this Agreement, the Parties hereby agree as follows:

1. Definitions:

“Access Cards” has the meaning set forth in section 4.1.1 below.

“Access Plan” has the meaning set forth in section 4.1.1 below.

“Act” has the meaning set forth in section 22.

“Anniversary Date” has the meaning set forth in section 5.1 below.

“Annual Fee” has the meaning set forth in section 5.1 below.

“Annual Report” has the meaning set forth in the Phasing Plan (Exhibit B).

“Agreement” has the meaning set forth in the preamble of this Agreement.

“Canyons SPA” has the meaning set forth in the recitals of this Agreement.

“Canyons Village” means the lands within the Canyons SPA over which CVMA has jurisdiction pursuant to the Development Agreement.

“County” has the meaning set forth in the preamble of this Agreement.

“County Services” has the meaning set forth in section 3 below.

“County Bus Services” has the meaning set forth in section 3.4 below.

“CPI Cap” has the meaning set forth in section 5.3 below.

“CVMA” has the meaning set forth in the preamble of this Agreement.

“CVMA License” has the meaning set forth in section 2.3 below.

“CVMA Member” means a “member” of the CVMA as defined and determined in accordance with Section 1.10 of The Canyons Resort Village Management Agreement, dated November 15, 1999, as amended (the “Management Agreement”); provided, however, for purposes of this Agreement, the County shall not be considered to be a CVMA Member (or a CVMA User (defined below)) even though the County may come within the definition of a “member” under the Management Agreement.

“CVMA Shuttle Bus Services” has the meaning set forth in section 4.2 below.

“CVMA Users” has the meaning set forth in section 2.3 below.

“Default” has the meaning set forth in section 7.1 below.

“Development Agreement” has the meaning set forth in the recitals of this Agreement.

“Ecker Hill Park & Ride Lot” has the meaning set forth in section 2.1.1 below.

“Fee Commencement Date” means the date that is ten (10) days after the date on which all of the following conditions are satisfied:

- (a) County shall have given written notice to CVMA that
 - (i) the Ecker Hill Park & Ride Lot is fully constructed and operational in accordance with the requirements of the UDOT Agreement and this Agreement, and the Ecker Hill Park & Ride Lot and the Initially Reserved Parking stalls are available for CVMA’s use in accordance with this Agreement;
 - (ii) the Kilby Road Improvements are fully constructed and operational and available for use by the CVMA Users for vehicular and pedestrian access to the Ecker Hill Park & Ride Lot; and
 - (iii) the UDOT Agreement (and the UDOT License granted to the County therein) is in full force and effect according to its terms;

Provided, however, that in no event shall the Fee Commencement Date be earlier than May 1, 2019. The foregoing notices shall constitute certifications by County to CVMA that the matters set forth therein are true and correct on the date the notices are given and as of the Fee Commencement Date.

“Future Reserved Parking Stalls” has the meaning set forth in the Phasing Plan (Exhibit C).

“GRAMA” has the meaning set forth in section 21 below.

“Initial Term” has the meaning set forth in section 6 below.

“Initially Reserved Stalls” has the meaning set forth in the Phasing Plan (Exhibit C).

“Kilby Road Improvements” means the improvements to the portion of Kilby Road, a County Road, which will provide vehicular and pedestrian access to the Ecker Hill Park & Ride Lot, which improvements shall be constructed by County.

“Licensed Park & Ride Lot” or “Licensed Park & Ride Lots” has the meaning set forth in section 2.1.2 below.

“Management Agreement” has the meaning set forth in this section 1.

“Option” has the meaning set forth in the Phasing Plan (Exhibit B).

“Option Term” has the meaning set forth in section 6 below.

“Option Takedown Parking Stalls” has the meaning set forth in the Phasing Plan (Exhibit B).

“Other Users” has the meaning set forth in section 2.2.3 below.

“Park & Ride Lot” means a parking lot and related improvements and facilities that are constructed, operated and maintained by County in the Snyderville Basin of Summit County for use by County and other persons or entities, including the CVMA and CVMA Users as permitted by this Agreement, for the Permitted Uses.

“Parking Passes” has the meaning set forth in section 4.1 below.

“Party” or “Parties” has the meaning set forth in preamble of this Agreement.

“Payment Date” has the meaning set forth in section 5.1 below.

“Permitted Uses” means pedestrian and vehicular access to and use of Licensed Park & Ride Lots for (i) the parking of vehicles in the Reserved Parking Stalls as provided for in this Agreement and the picking up and dropping off of passengers in designated areas in the Licensed Park & Ride Lots to facilitate the transfer of passengers by Bus Service to locations in the County, including the Canyons Village, (ii) the use of any facilities located in or about the Licensed Park & Ride Lots for the convenience of passengers, such as bus shelters and (iii) and such other uses as may be determined by County in its sole and absolute discretion.

“Phasing Plan” has the meaning set forth in section 2.1 below.

“Records” has the meaning set forth in section 9 below.

“Replaced Parking Stalls” has the meaning set forth in section 8.1, below.

“Replacement Parking Stalls” has the meaning set forth in section 8.1, below.

“Reserved Parking Stalls” has the meaning set forth in section 2.1 below.

“Reserved Parking Stall Fee” has the meaning set forth in section 5.1 below.

“Required Takedown Parking Stalls” has the meaning set forth in the Phasing Plan (Exhibit B).

“SR224” has the meaning set forth in the recitals of this Agreement.

“TCFC” has the meaning set forth in the recitals of this Agreement.

“Term” has the meaning set forth in section 6 below.

“Termination Notice” has the meaning set forth in section 8.

“Traffic Impacts” has the meaning set forth in the recitals of this Agreement.

“Transportation Plan” has the meaning set forth in the recitals of this Agreement.

“UDOT” has the meaning set forth in the recitals of this Agreement.

“UDOT Agreement” has the meaning set forth in the recitals of this Agreement.

“UCA” has the meaning set forth in section 21 below.

2. Provision of Reserved Parking Stalls in Ecker Hill Park & Ride Lot; Grant of License:

2.1 Park & Ride Lots and Reserved Parking Stalls. On and subject to the terms and conditions of this Agreement, County, during the Term, will provide the following parking facilities and reserve, designate, license and make available therein to CVMA at the times and in the numbers required by and otherwise in accordance with the phasing plan attached as Exhibit C (the “Phasing Plan”), including without limitation the Initially Reserved Parking Stalls required on the Fee Commencement Date and the Future Reserved Parking Stalls as are thereafter required under the Phasing Plan, for the exclusive use of CVMA Users (collectively, the “Reserved Parking Stalls”).

2.1.1 The Park & Ride Lot to be constructed by County in accordance with the UDOT Agreement on land as described and depicted on Exhibit A (the “Ecker Hill Park & Ride Lot”), and

2.1.2 Such other existing or future Licensed Park & Ride Lots as may be accepted by CVMA, and subject to the County’s written consent, which consent may not be unreasonably withheld, which are necessary to satisfy the requirements of the Phasing Plan and section 8.2 after the Fee Commencement Date,

(each a “Licensed Park & Ride Lot” and collectively, the “Licensed Park & Ride Lots”). For purposes of this Agreement, the term Reserved Parking Stalls shall

include the Initially Reserved Parking Stalls and the Future Reserved Parking Stalls.

2.2 Reservation of Parking Stalls.

2.2.1 The total aggregate number of Initially Reserved Parking Stalls within the Ecker Hill Park & Ride Lot shall be designated by County and accepted by CVMA on the Fee Commencement Date, for which an Annual Fee is payable under this Agreement on the Payment Date, shall be one hundred (100).

2.2.2 The physical location of the Reserved Parking Stalls in each Park & Ride Lot shall be clearly designated, whether by signage installed by County or otherwise at the County's cost, for exclusive use by the CVMA Users.

2.2.3 Subject to CVMA's reasonable prior written approval, without reduction of the related Reserved Parking Stall Fee, County may permit persons or entities other than the CVMA Users ("Other Users") to use some or all of the Reserved Parking Stalls which CVMA may determine to be in excess of the current needs of the CVMA Users during the period beginning May 1 and ending October 30; provided, however, CVMA shall under no circumstances, including without limitation section 12.2 below, be liable as a result of any such use by Other Users.

2.3 Grant of License. On and subject only to the terms and conditions of this Agreement, County hereby grants a license to CVMA throughout the Term for nonexclusive access to and use of the Ecker Hill Park & Ride Lot (and other Licensed Park & Ride Lots, if any, as permitted by this Agreement), and the exclusive use of the Reserved Parking Stalls within the Ecker Hill Park & Ride Lot (and other Licensed Park & Ride Lots, if any, as permitted by this Agreement), by CVMA, CVMA Members and the respective employees, guests and invitees of CVMA and CVMA Members (collectively, "CVMA Users"), for the Permitted Uses (the "CVMA License").

2.4 Timing of Ecker Hill Park & Ride Lot. County hereby designates, and CVMA hereby acknowledges that, the Ecker Hill Park & Ride Lot will be the sole Licensed Park & Ride Lot constructed and available for use pursuant to the CVMA License on the Fee Commencement Date and thereafter during the Term unless and until other Park & Ride Lots are provided by County and accepted by CVMA as Licensed Park & Ride Lots; provided, however, that nothing set forth in this paragraph 2.4 shall reduce the County's obligation to provide Reserved Parking Stalls, in the number and at the times required by the Phasing Plan and section 8.2, below, in Licensed Park & Ride Lots.

2.5 Costs and Expenses. County shall be responsible for and shall pay all costs and expenses relating to the design, acquisition, construction, improvement,

maintenance, repair, replacement, and any required restoration and/or removal of any improvements from, and the provision pursuant to this Agreement of the Reserved Parking Stalls in the Ecker Hill Park & Ride Lot or in any other Licensed Park & Ride Lot to which CVMA and its Members are granted access for permitted uses under sections 2.3 and/or 8.2, including without limitation the costs and expenses relating to County's performance of its obligations under the UDOT Agreement.

3. County Services: During the Term (and as necessary prior to the commencement of the Term) County agrees to provide and perform the following services at or in connection with the Licensed Park & Ride Lots without charge or expense to CVMA or the CVMA Users ("County Services").
 - 3.1 Parking Lots and Related Improvements. County shall construct, install, operate, maintain, repair, and replace (a) the Licensed Park & Ride Lots, roads and driveways providing for vehicular and pedestrian access to and circulation within the Licensed Park & Ride Lots, walkways, signage, striping, parking stalls, fencing, lighting, bicycle stands, and bus shelters; (b) the gates, equipment, wiring and controls for the electronic operation of access gates to the Reserved Parking Stalls within the Licensed Park & Ride Lots with electronic access cards issued pursuant to this Agreement; (c) all utility facilities necessary or used for the operation of the Licensed Park & Ride Lots in a reasonably safe condition; (d) as required by the Phasing Plan, the installation, operation and maintenance of bus shelters at the Licensed Park & Ride Lots; and (e) with respect to the Ecker Hill Park & Ride Lot, the facilities and improvements (in addition to those specified in (a) through (d) above) required by the UDOT Agreement, and the Kilby Road Improvements.
 - 3.2 Utilities and Other Services. County shall furnish all utility and other services at the Ecker Hill Park & Ride Lot as may be (a) necessary for its operation in a reasonably safe manner and in compliance with applicable laws, ordinances, regulations and governmental requirements, and (b) required by the Phasing Plan or any separate written agreement of the Parties.
 - 3.3 Access to Parking Stalls. At all times during the Term without cost or expense to CVMA or CVMA Users, County shall provide vehicular access to the Ecker Hill Park & Ride Lot, and the Reserved Parking Stalls located therein, through one or more electronically automated access gates designated and operated by County, and, if the gates fail or cease to operate electronically, County shall provide for the manual operation of the gates to assure timely and convenient access by CVMA Users. On a timely basis, without charge to CVMA or the CVMA Users, County shall provide CVMA with all necessary information for the electronic operation of the access gates by CVMA Users as contemplated by this Agreement at the Ecker Hill Park & Ride Lot, and shall supply CVMA with access cards for issuance to the CVMA Users. The CVMA acknowledges that during various times the Ecker Hill Park & Ride Lot may be temporarily closed by the County

for maintenance and upkeep. The County shall give the CVMA at least ten (10) days advanced notice of such temporary closures.

3.4 Bus Services. County will install bus stops at the Ecker Hill Park & Ride Lot and provide public bus service to transport CVMA Users and other members of the public from such bus stops to the County transportation hub located at Kimball Junction and other location(s) approved by County serving the Canyons Village ("County Bus Services"). County Bus Services will be provided in accordance with schedules published by the County in its sole and absolute discretion.

3.5 Cooperation. CVMA and County agree to reasonably cooperate with each other with respect to the use and operation of the Ecker Hill Park & Ride Lot.

4. Access and Parking Passes; CVMA Shuttle Bus Services:

4.1 Issuance of Passes: CVMA and County shall determine access policy to the Ecker Hill Park & Ride Lot, which may include (i) issuance to CVMA Users of electronic access cards for use at access gates at the Ecker Hill Park & Ride Lot ("Access Cards"), and (ii) parking passes for visible display on the dashboard or on the rear view mirror of the vehicles of CVMA Users to indicate to County the CVMA's issuance of an Access Cards for the parking of the vehicles by CVMA Users in Reserved Parking Stalls ("Parking Passes"). Without restriction by this Agreement, CVMA may impose rules and conditions for the issuance of Access Cards and Parking Passes to CVMA Users for the benefit of CVMA and may charge CVMA Users a security deposit when issuing Access Cards and Parking Passes and a fee for lost Access Cards and Parking Passes. At CVMA's election, County and CVMA shall establish a mutually agreeable written plan for updating and controlling electronic access by CVMA Users who are authorized from time to time to have access to the Ecker Hill Park & Ride Lot (the "Access Plan"), and in connection with the Access Plan, CVMA agrees to periodically notify County if and as CVMA acquires actual written notice of CVMA Members' issuance or termination of access cards or passes. .

4.2 Additional Bus Services: At its sole election, and in addition to the County Bus Services and without limiting or otherwise affecting County's obligation to provide the County Bus Services required by section 3.4 above, CVMA may elect to provide shuttle bus services to transport CVMA Users to and from the Ecker Hill Park & Ride Lot. Without the consent or approval of County, CVMA may enter into agreements with others to provide this service ("CVMA Shuttle Bus Services"). At the very least, CVMA shall provide CVMA Shuttle Bus Services to ensure that employees within the Canyons Village have a guaranteed ride back to the Ecker Hill Park & Ride Lot.

4.3 Use: County acknowledges that CVMA has no right, authority or obligation to require any CVMA Users to use the Ecker Hill Park & Ride Lot (or other Licensed Park & Ride Lots, if any), the County Bus Services or the additional bus services (if any) for any purpose. Subject to the preceding sentence, according to

a plan adopted by CVMA, CVMA agrees to promote and encourage CVMA Members and their employees to use such facilities and services to mitigate Traffic Impacts. The plan may involve CVMA marketing channels, such as newsletters; website messaging; employee communications, orientations and solicitations of feedback; inclusion in event materials; event user/rider appreciation days; and, additional educational outreach programs as they may arise.

- 4.4 Assessment by CVMA. Nothing set forth in this Agreement shall require, limit or otherwise affect the right of the CVMA to assess Members for costs, fees and expenses (including without limitation Annual Fees) incurred by CVMA under this Agreement, or charging CVMA Users for use of the Ecker Hill Park & Ride Lot, the CVMA Shuttle Bus Services (if any) or fees or costs incurred by CVMA under or incident to this Agreement.

5. Compensation for License and County Services.

- 5.1 Payment. No later than the date (each a "Payment Date") that is the Fee Commencement Date or the annual anniversary of the Fee Commencement Date (each, as applicable, an "Anniversary Date") during the Term of this Agreement, CVMA shall pay in advance to County as compensation for the CVMA License and the County Services to be rendered under this Agreement an amount (the "Annual Fee") determined by multiplying (a) the number of Reserved Parking Stalls on the Payment Date as determined under the Phasing Plan times (b) the amount charged annually by County for each of the Reserved Parking Stalls (the "Reserved Parking Stall Fee").
- 5.2 Amount of Reserved Parking Stall Fee. The Reserved Parking Stall Fee on the Commencement Date shall be \$800.00 per year, and accordingly, unless adjusted pursuant to the Phasing Plan, the Annual Fee payable by CVMA on the Fee Commencement Date shall be \$80,000.00.
- 5.3 Adjustment of Reserve Parking Stall Fee. The Reserved Parking Stall Fee shall be adjusted on the 5th, 10th, and 15th Anniversary Date for each successive 5-year period of the Term based on the aggregate increase (if any) in the Mountain Region Consumer Price Index determined by the Bureau of Labor Statistics during the immediately preceding 5-year period, provided, however, in no event shall any such increase in the Reserved Parking Stall Fee exceed twenty (20%) (the "CPI Cap").
- 5.4 Reduction or Reimbursement of Annual Fee: The Annual Fee payable by CVMA hereunder shall be reduced, or, if already paid by CVMA, shall be reimbursed to CVMA, as the case may be, if and to the extent that Reserved Parking Stalls, including Future Reserved Parking Stalls, are not provided to, or are not accessible or usable by CVMA or the CVMA Users.

6. Term; Extension of Term: The term of this Agreement (“Initial Term”) shall commence on the Fee Commencement Date and, unless earlier terminated or extended as provided herein, shall terminate at midnight on the date that is twenty (20) years after the Fee Commencement Date. CVMA shall have three (3) additional consecutive ten (10) year option(s) to renew and extend the Initial Term (each an “Option Term”) as provided herein. CVMA may exercise each Option Term by delivering written notice thereof to County not less than one hundred twenty (120) days prior to the expiration of the Initial Term or, if exercised, the immediately preceding Option Term. The Annual Fee payable to County during an Option Term shall be determined at the commencement date of the Option Term. The Initial Term and each Option Term exercised by CVMA are collectively referred to herein as the “Term”.
7. Default; Rights and Remedies upon Default:
 - 7.1 Default. In the event that a Party should fail to perform any of its material obligations under this Agreement and if such failure continues more than thirty (30) days after receipt of written notice from the other Party specifying such failure, or such longer period as may be reasonably required to cure such default, then such uncured failure shall be a “Default” hereunder.
 - 7.2 Remedies. Following an event of Default by a Party hereto, the Party not in Default, as its sole remedy, shall have the right to specific performance.
8. Termination; Rights and Obligations on Termination of UDOT Agreement
 - 8.1 Termination of Agreement. This Agreement may be terminated only upon the written agreement of the Parties.
 - 8.2 Termination of UDOT Agreement; Replacement Parking. Within ten (10) days of (i) County’s receipt of oral or written notice from UDOT of a termination or an intention to terminate the UDOT Agreement or (ii) a determination by the Summit County Council to permanently cease its operation of the entire Ecker Hill Park & Ride Lot and terminate the UDOT Agreement because the operation of such facility does not satisfy the County’s transportation goals and objectives for which the facility was opened (each a “Termination Notice”), County shall notify CVMA in writing as to whether specific Reserved Parking Stalls located in one or more other Licensed Park & Ride Lots (collectively, the “Replacement Parking Stalls”) will be available to replace each of the Reserved Stalls in the Ecker Hill Park & Ride Lot (collectively, the “Replaced Parking Stalls”), and, if so, to confirm that County shall take all actions necessary to assure that affected CVMA Users will have access to all Replacement Parking Stalls in the manner required by this Agreement immediately upon termination of the UDOT Agreement. If County does not timely deliver such designation of the Replacement Parking Stalls, or if the Replacement Parking Stalls are not available for use by CVMA Users in accordance with the preceding sentence, then the Annual Fee for each of the Replaced Parking Stall shall be reduced and refunded to CVMA, and the Annual Fee for each of the Replacement Parking Stalls shall be reduced, pro rata

for each day that the Replaced Parking Stalls and the Replacement Parking Stalls were not available for CVMA use in accordance with this Agreement. At least thirty (30) days before making any determination described in part (ii) above, County agrees to consult in good faith with CVMA regarding if and how the operation of the Ecker Hill Park & Ride Lot may be continued in a manner that achieves such transportation goals and objectives of the County and the parking needs of CVMA and the CVMA Members (including the needs of the CVMA Users). If no Replacement Parking Stalls are available as described above, CVMA shall have the right to Replacement Parking Stalls in each successive Licensed Park & Ride Lot whose location is acceptable to CVMA, in its sole and absolute discretion, which CVMA has approved in writing and in which the County has consented in writing, which consent shall not be unreasonably withheld. CVMA shall have the right to Replacement Parking Stalls in each Licensed Park & Ride lot until it has obtained the same number of Replacement Parking Stalls that it would have been entitled to in the Ecker Hill Park & Ride Lot before UDOT's termination of the UTOT Agreement.

9. Maintenance and Inspection of Records: CVMA shall maintain records (“Records”) that (i) reasonably identify and account for the Parking Passes issued by CVMA to CVMA Users and (ii) include the plan contemplated by section 4.3 above as adopted from time to time by CVMA to promote and encourage the use of Licensed Park & Ride Lots by CVMA Members. Upon reasonable advance notice from County, CVMA shall make the Records available to County for its inspection, review and audit during reasonable business hours. CVMA shall retain the Records for six (6) years.
10. Assignability; Successors and Assigns: The rights and obligations under this Agreement are not transferable or assignable in whole or in part without the express written consent of the Parties, which consent shall not be unreasonably withheld, conditioned or delayed. This Agreement shall be fully enforceable and binding on any permitted successor or assign of a Party.
11. Independent Contractor Relationship: The Parties intend that an independent contractor relationship will be created by this Agreement. No agent, employee, or representative of the CVMA or CVMA Users shall be deemed to be an employee, agent, or representative of County for any purpose, and no agent, employee, or representative of County shall be deemed to be an employee, agent, or representative of CVMA for any purpose. Each Party will be solely and entirely responsible for its respective acts and for the respective acts of its agents, employees, subcontractors or representatives during the Term of this Agreement.
12. Indemnification:
 - 12.1 Indemnification by County. County shall indemnify and hold CVMA and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against CVMA arising out of County's ownership, operation and/or use of the Ecker Hill Park & Ride Lot or any

Licensed Park & Ride Lot in which CVMA has the right to Replacement Parking Stalls, the County's defective performance or failure to perform any aspect of this Agreement, or County's negligence or intentional or willful conduct; provided, however, that if such claims are caused by or result from the concurrent negligence or intentional or willful misconduct of CVMA, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence or intentional or willful misconduct of County; and provided further, that nothing herein shall require County to hold harmless or defend CVMA, its agents, employees and/or officers from any claims arising from the sole negligence or intentional or willful misconduct of CVMA, its agents, employees, and/or officers.

12.2 Indemnification by CVMA. CVMA shall indemnify and hold County and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against County arising out of CVMA's use of the Ecker Hill Park & Ride Lot or any Licensed Park & Ride Lot in which CVMA has the right to Replacement Parking Stalls, or CVMA's negligence or intentional or willful conduct; provided, however, that if such claims are caused by or result from the concurrent negligence or intentional or willful misconduct of County, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence or intentional or willful misconduct of CVMA; and provided further, that nothing herein shall require CVMA to hold harmless or defend County, its agents, employees and/or officers from any claims arising from the sole negligence or intentional or willful misconduct of County, its agents, employees, and/or officers. Notwithstanding anything to the contrary contained herein, CVMA shall have no liability or responsibility for any damage to the Ecker Hill Park & Ride Lot or any Licensed Park & Ride Lot in which CVMA has the right to Replacement Parking Stalls, or to persons or property within the Ecker Hill Park & Ride Lot or any Licensed Park & Ride Lot in which CVMA has the right to Replacement Parking Stalls caused by any CVMA User, including without limitation CVMA Members and their respective employees, guests and invitees.

13. Waiver: No failure of any of the Parties to exercise any power given to it under this Agreement, or to insist upon strict compliance with any obligation, responsibility, or condition under it, and no custom or practice of the Parties at variance with its terms, shall constitute a waiver of the Parties' right to demand exact compliance with those terms upon any subsequent default.
14. No Third Party Beneficiaries: The Parties intend this Agreement and their respective performances of their obligations under this Agreement to be solely for the benefit of the Parties and not for the benefit any other persons or entities other than the CVMA Users; and no other persons or entities may rely thereon. Notwithstanding the foregoing, only County or CVMA or their respective permitted successors or assigns shall be entitled to enforce this Agreement, it being the express intention of the Parties that no CVMA User other than CVMA shall be entitled to enforce this Agreement.

15. Amendments: Either Party may request modifications and amendments to this Agreement, however, no modification or amendment to this Agreement shall be valid or binding upon either Party unless such modification or amendment be in writing and signed by both Parties.
16. Notices: All notices, demands, or other communications given under this Agreement shall be in writing and shall be delivered to the appropriate Party at the address set forth below (subject to change from time to time by written notice to the other Party). All notices, demands or other communications shall be considered as properly given if delivered personally or sent by first class United States Postal Service mail, postage prepaid, or by Overnight Express Mail or by overnight commercial courier service, charges prepaid, except that any notice of default shall be sent by certified mail or overnight commercial courier service, return receipt requested, charges prepaid. Notices so sent shall be effective three (3) business days after mailing, if mailed by first class mail, and otherwise upon delivery or refusal; provided, however, that non-receipt of any communication as the result of any change of address of which the sending Party was not notified or as the result of a refusal to accept delivery shall be deemed receipt of such communication. For purposes of notice, the address of the Parties shall be:

If to CVMA:

The Canyons Resort Village Association, Inc.
ATTN: Brian Madacsi, Director
1790 Sunpeak Drive, B-104
Park City, Utah 84098

With a Copy to:
Glen Watkins
Jones Waldo Holbrook & McDonough, PC
170 South Main Street, Suite 1500
Salt Lake City, Utah 84101

If to County:

Summit County
Summit County Manager
P. O. Box 128
Coalville, UT 84017

With a Copy to:
Summit County Attorney
P. O. Box 128
Coalville, UT 84017

17. Attorney's Fees and Costs: If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing Party in such proceeding

shall be entitled to recover from the other Party, in addition to any other relief to which such Party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding, which shall be determined in such proceeding.

18. Jurisdiction and Venue:

18.1 This Agreement has been and shall be construed as having been made and delivered within the State of Utah, and it is agreed by each Party hereto that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance.

18.2 Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

19. Severability:

19.1 If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States or the State of Utah to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

19.2 If it should appear that any provision hereof is in conflict with any statutory provision of the State of Utah, said provision, which may conflict therewith, shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

20. Incorporation of Recitals and Exhibits; Entire Agreement: The recitals and exhibits to this Agreement are hereby incorporated by reference and made a part hereof. This Agreement contains the entire agreement among the Parties concerning its subject matter, and no representations, inducements, promises, or agreements, oral or otherwise, between the Parties with reference to it and not embodied in this Agreement shall be of any force or effect.

21. Government Records Access and Management Act: CVMA acknowledges that County is a governmental entity subject to the Utah Government Records Access and Management Act ("GRAMA"), Utah Code Ann. ("UCA") §§ 63G-2-101 to 901, and may be required to disclose certain information and materials to the public, upon request. CVMA further acknowledges that documents it submits to the County may be considered a "public record" under GRAMA. CVMA agrees to timely refer all requests received by CVMA from third parties pursuant to GRAMA for documents, materials and data in its possession relating to this Agreement and its performance to County for response by County.

22. Governmental Immunity: County is a body corporate and politic of the State of Utah, subject to the Governmental Immunity Act of Utah (the "Act"), UCA §§ 63G-7-101 to 904, and County does not intend that anything contained in this Agreement as a waiver or

modification of the provisions of the Act. Nothing set forth in this Section 22 is intended to limit the obligations or liability of County under Section 12.1 of this Agreement.

23. Interpretation: The terms of this Agreement constitute the written expression of the mutual agreement of the Parties and shall be construed neutrally and not for or against either Party.
24. Survival of Provisions: The following provisions of this Agreement shall survive the expiration or termination of this Agreement for a period of four (4) years: 7, 12, 13, 14, 16, 17, 18, 19, 20 and 22.
25. Counterparts: This Agreement may be executed in several counterparts and all so executed shall constitute one agreement binding on all the Parties, notwithstanding that each of the Parties are not signatory to the original or the same counterpart. Further, executed copies of this Agreement delivered by facsimile or email shall be deemed an original signed copy of this Agreement.
26. Further Assurances: The Parties agree to execute and deliver such additional documents and instruments and to perform such additional acts as any other Party may reasonably request or as may be reasonably necessary or appropriate to effectuate, consummate, or perform any of the terms, provisions, or conditions of this Agreement.

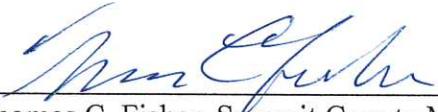
IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year set forth below.

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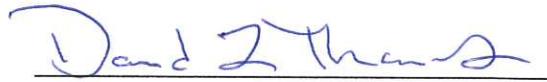
COUNTY COUNTERPART SIGNATURE PAGE

COUNTY:

SUMMIT COUNTY,
a political subdivision of the State of Utah

By: 
Thomas C. Fisher, Summit County Manager

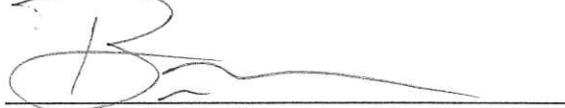
Approved as to Form:


David L. Thomas
Chief Civil Deputy

CVMA COUNTERPART SIGNATURE PAGE

CVMA:

THE CANYONS RESORT VILLAGE
ASSOCIATION, INC.

A handwritten signature in black ink, appearing to be 'B. Madacsi', written over a horizontal line.

By: Brian Madacsi, Executive Director

EXHIBIT A
Copy of UDOT Agreement

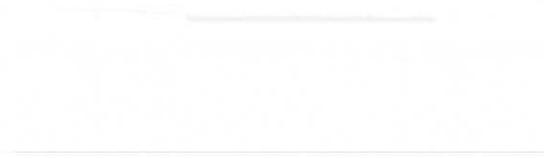


EXHIBIT B

Phasing Plan

1. Initial Reservation of Parking Stalls in the Ecker Hill Park & Ride Lot.

As more particularly set forth in section 2.2 of the Agreement, the aggregate number of Reserved Parking Stalls designated by County and accepted by CVMA under this Agreement on the Fee Commencement Date and for which an Annual Fee is payable under this Agreement, shall be one hundred (100), (the “Initially Reserved Stalls”). All of the Initially Reserved Stalls shall be located and reserved solely in the Ecker Hill Park & Ride Lot.

2. Option to Take Down Additional Parking Stalls.

CVMA shall have the right and option (“Option”), upon giving written notice to County, to take down and include as additional Reserved Parking Stalls under this Agreement up to one hundred (100) additional Reserved Parking Stalls for exclusive use of CVMA Users in the Ecker Hill Park & Ride Lot or other Licensed Park & Ride Lots (“Future Reserved Parking Stalls”). Such notice shall specify the number of the Future Reserved Parking Stalls for which the notice is exercised, the “Option Takedown Parking Stalls.” Within thirty (30) days after giving such notice to County, CVMA shall execute an amendment of this Agreement reflecting the addition of the Option Takedown Parking Stalls, and pay to County an Annual Fee (determined in accordance with section 5.1 of the Agreement and prorated as necessary for any partial year for which payment is being made), for each of the Option Takedown Parking Stalls. The number of Option Takedown Parking Stalls, if any, taken down by CVMA pursuant to an exercise of the Option, shall be credited against and reduce the number of Required Takedown Parking Stalls CVMA is required to take down pursuant to subsection 3 below.

3. Mandatory Obligation to Take Down Additional Parking Stalls.

CVMA, after its delivery to County of an Annual Report setting forth CVMA’s determination that County has issued final, unconditional certificates of occupancy for fifty percent (50%) or more of the aggregate square footage of residential and commercial density constructed in the Canyons Village, agrees to take down and include as additional Reserved Parking Stalls under this Agreement one hundred (100) of the Future Reserved Parking Stalls, less the number of Option Takedown Parking Stalls, if any, previously taken down by CVMA pursuant to its exercise of the Option, collectively, the “Required Takedown Parking Stalls.” Within thirty (30) days after County’s receipt of such Annual Report, CVMA agrees to execute an amendment to this Agreement evidencing the takedown of the Required Takedown Parking Stalls (including the aggregate number thereof), and to pay to County an Annual Fee (determined in accordance with section 5.1 of the Agreement and prorated for any partial year for which payment is being made), for each of the Required Takedown Parking Stalls.