



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
August 28, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, August 28, 2019.

MEETING CALLED TO ORDER AT 5:30 PM.

I.ROLL CALL

II.MINUTES APPROVAL

- II.A. Consideration to Approve the Planning Commission Meeting Minutes from August 14, 2019.
[PC Minutes 8.14.19](#)

III.PUBLIC COMMUNICATIONS

IV.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

V.CONTINUATIONS

- V.A. 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue (Woodside Park Phase II Master Planned Development) Remand. On July 16, 2019, the Board of Adjustment reviewed an Appeal of the May 22, 2019 Planning Commission approval of the Master Planned Development application and remanded the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C). The Planning Commission will review the applicant's updated submittal for compliance with 15-6-5(C) Master Planned Development Requirements - Setbacks. PL-18-03822
A) Public Hearing B) Continuation to September 11, 2019
[Continuation Staff Report](#)

VI.CONSENT AGENDA

VII.WORK SESSION

VIII.REGULAR AGENDA

- VIII.A. Annexation Policy Plan and Land Management Code Amendments – The Park City Planning Commission will hold a public meeting to consider amendments to the Annexation Policy Plan and the Annexation Expansion Area, a map that highlights properties the City may consider annexing in the future. The Annexation Policy Plan and Annexation Expansion Area are codified in the Land Management Code Title 15, Chapter 8. The proposed Annexation Expansion Area includes (1) the northeastern portion of the Round Valley area, (2) the southeast quadrant of the Quinn’s Junction Intersection at Highway 40 and State Road 248 to the Summit County border to encompass City-owned Clark Ranch, the Richardson Flat development-restricted area, and private property, and (3) the City-owned Bonanza Flat open space along the City’s southern boundary in unincorporated Wasatch County. Members of the public and affected entities are invited to attend, may examine the proposed plan, and provide input. GI-10-00416 and PL-19-04300
A) Public Input B) Motion to Set Public Hearing for September 11, 2019
[Staff Report](#)
[Exhibit A](#)
[Exhibit B](#)
- VIII.B. Land Management Code (LMC) Amendments - Regarding Historic Preservation in 15-11 including amendments to the following sections: 15-11-2(C) Terms and Qualifications of Members; 15-11-8(A) Staff Assistance; and 15-11-12.5 Historic Preservation Board Review for Material Deconstruction. All references to Utah Heritage Foundation will be updated to reflect their new organizational name of Preservation Utah. The Historic Preservation Board Review process for Material Deconstruction will be updated as directed by City Council. PL-19-04232
A) Public Hearing B) Possible Recommendation for City Council on September 12, 2019
[Staff Report and Exhibits](#)
- VIII.C. Twisted Branch Road - Subdivision – East of Montage and Empire Lodge. The Applicants, REDUS Park City LLC and Park City Municipal Corporation, are proposing to create three lots of record for 1) an Existing City Water Tank; 2) a private on-mountain restaurant; and 3) and an existing City water pump station. The plat also creates six non-development parcels for Deer Valley to be used for access, utilities, ski runs, public trails and trailheads, bridges, snowmaking, etc., and open space. The property is subject to the Amended Flagstaff Development Agreement and Technical Reports. No changes to SR 224 are proposed. PL-17-03664
A) Public Hearing B) Possible Recommendation for City Council on September 12, 2019
[Staff Report](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit E](#)
[Exhibit F](#)
[Exhibit G](#)
[Exhibit H](#)
[Exhibit I](#)
[Exhibit J](#)
[Exhibit K](#)
[Exhibit M](#)
[Exhibit N](#)

Exhibit O
Exhibit P
Exhibit Q
Exhibit S
Exhibit T

IX.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. 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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 14, 2019

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director, Bruce Erickson; Hannah Tyler, Planner; Caitlyn Barhorst, Planner; Laura Kuhrmeyer; Planner; Alexandra Ananth, Planner; Rebecca Ward, Land Use Policy Analyst; Margaret Plane, Legal Counsel

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ROLL CALL

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

ADOPTION OF MINUTES

July 10, 2019

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes of July 10, 2019 as written. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Bruce Erickson reported that he would be presenting the Annexation Policy Plan on August 28th. A powerpoint would be made available to the public on the website. The powerpoint was presented to the City Council a few weeks. The Staff report with the recommendations will be available on Friday, August 23rd. Director Erickson noted that the Staff had met with Wasatch County earlier that day and would be meeting with Hideout Town the following day.

Chair Phillips disclosed that he would be recusing himself from 158 Main Street this evening because he is working on that project. He would also be recusing from both applications for 901 Woodside Avenue due to a prior working relationship with the

applicant. He did not want that association to impact the Planning Commission's decision.

Commissioner Suesser disclosed that she would be recusing herself from 900 Round Valley Drive because he was involved in the original annexation agreement with Intermountain Health Care. Commissioner Suesser disclosed that she had a meeting with Steve Issowitz regarding the trails around the Deer Valley ponds, but that meeting would not impact her discussion or decision on the Deer Valley parking issues on the agenda this evening.

Commissioner Kenworthy disclosed that she is a landlord to Deer Valley seasonal housing. It has been a long-term relationship and it would not affect his decision this evening. Commissioner Kenworthy would not be recusing himself. Commissioner Kenworthy disclosed that Jerry Fiat was his neighbor on Woodside but that would not affect his decision on the 901 Woodside items on the agenda.

Commissioner Sletten disclosed that three weeks ago he had breakfast with Steve Issowitz on a subject completely unrelated to the Deer Valley item on the agenda. Mr. Issowitz mentioned that the item would be on the agenda and that was the extent of the conversation on that matter. Commissioner Sletten would not be recusing himself.

Commissioner Thimm noted that John Nepstad, with Fehr and Peers, was present for an agenda item. He disclosed that his company has worked with Mr. Nepstad's company over the years but never on anything in Park City. Commissioner Thimm stated that their association would not have any bearing on his decision or vote this evening.

Commissioner Kenworthy disclosed that he has had conversations with Steve Issowitz on matters unrelated to the Deer Valley Parking Plan on the agenda.

Director Erickson noted that the last item on the agenda, Marsac Mining Claim 61, was being to continued. He requested that the Planning Commission move this item under the Continuations Section of the agenda as item V.B.

MOTION: Commissioner Thimm made a motion to rearrange the agenda and move Marsac Mining Claim 61 to the Continuations Section as Item V.B. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

CONTINUATIONS – (Public Hearing and Continue to date specified.)

V.A. 245 Woodside Avenue – Plat Amendment – Proposal to remove an interior lot line to create one (1) lot of record 2,812 square feet in size.
(Application PL-19-04209)

Chair Phillips opened the public hearing. There were no comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE 245 Woodside Avenue plat amendment to September 11, 2019. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

V.B. Marsac Mining Claim 61 (approximately 8925 Marsac Avenue)– Zoning Map Amendment The Applicant is proposing to rezone a 1.2-acre portion of Marsac Mining Claim 61 (approximately 8925 Marsac Avenue) located within the Flagstaff Annexation Area from Recreation Open Space to Residential Development.
(Application PL-18-04046)

Director Erickson reported that the Staff was requesting a Continuation to September 11, 2019 in order to continue the reviews for the Staff report. The applicant has stipulated to a continuance at this point. The Planning Commission could open a public hearing; however, he encouraged people to hold the majority of their comments until after the Staff report and the analysis are completed for the meeting on September 11th. Chair Phillips opened the public hearing.

John Rachin was confused about the exact plat they were talking about. He asked if it was application PL-18-04046 referred to in the letter or something different. He did not have the 46 number on his page and that was the reason for his confusion. Chair Phillips informed him that it was the same Application PL-18-04046.

Mr. Rachin was bothered by the continuation because he is an owner on 1 Empire Pass. He has great interest in this application, but he will not be in Park City in September. He requested to make his comments now and hopefully someone else would speak in September on behalf of the Owners from 1 Empire Pass.

Mr. Rachin asked for the reason for changing the ROS designation. Director Erickson stated that because this item was being continued, he preferred to take the questions and provide responses in the Staff report so all the public could see their responses.

Mr. Rachin wanted to know what was planned for the Empire Link trail that goes through the property. Chair Phillips assured Mr. Rachin that the Staff would address his questions when they prepare the Staff report. Commissioner Suesser stated that he was also welcome to submit comments to the Planning Department prior to the meeting on September 11th and the Planning Staff would forward them to the Planning Commission and include them as part of the record. He could email his comments to planning@parkcity.org. The Staff report for the September 11th meeting will be available on the City website on Friday, September 6th.

Mr. Rachin noted that this was the second continuance, and he asked if he could expect another continuance on September 11th. Director Erickson noted that the applicant had requested the Continuance. The item was being continued to give the Staff the opportunity to work through the Staff report to make sure the report is accurate and all comments are addressed.

A representative for the applicant was present and offered to give his contact information to Mr. Rachin. The two stepped into the hall to exchange the information.

Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE Marsac Mining Claim 61 to September 11, 2019. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

VII.A Deer Valley Resort Base Area Parking Plan update pursuant to the Twelfth Amended and Restated Large Scale Master Planned Development Permit Section G. Off-Street Parking. The capacity of the surface parking lots in the Snow Park Community was exceeded on 10% or more of the days during the 2018-2019 ski season. Therefore, the Planning Commission is reviewing the parking in said area.

Director Erickson wanted it clear for the public and the Planning Commission that this as the beginning of the process. Draft information regarding transit counts, etc. was contained in the Staff report; however, the Staff would not their analysis until they hear direct proposals from Deer Valley Resorts. The purpose of this work session was to get input and questions from the Planning Commission on the record to help with the

analysis. It would also give Deer Valley the opportunity to respond with how they see their planning going forward.

Planner Hannah Tyler stated that the item this evening is the Deer Valley Resort Base Area Parking Plan Update, which was in response to a directive in the Development Agreement. During the 2018/2019 ski season the City found that Deer Valley had exceeded parking allocations established within the 12th Amended and Restated Large Scale Master Planned Development. Section G of that development agreement addresses parking allocations. Planner Tyler noted that the Development Agreement establishes that if Deer Valley Resort exceeds the surface parking lot capacity on more than 10% of the skier days, they needed to come back to the Planning Commission to discuss construction of additional parking.

Planner Tyler stated that as detailed in the Staff report, the language with regard to this capacity has been in the Development Agreement since 1993 or the 7th Amended. Since 1993 there have been a series of expansions to the parking areas, as outlined in Exhibit C. Currently, Deer Valley reports that there are 5 numbered parking lots totally approximately 1,250 parking spaces. During the 2018/2019 ski season, overflow days resulted in approximately 80 street parking spaces that were reported. Deer Valley was proposing to expand parking lot #5 by at least 80 parking spaces.

The Staff had reviewed the proposal and found that solely expanding the parking lot is not consistent with the General Plan or the City Council priorities. The pave-first strategy was in direct opposition to those goals. The City would like to see other implementation strategies coupled with that. Planner Tyler noted that the implementation strategies were outlined in the Staff report.

Planner Tyler reported that the City Engineer had provided a draft study of Deer Valley Drive, and he found that in order to accommodate safe street parking the bike lanes would need to be eliminated, which is also in direct opposition to the General Plan. That option was being looked at as a last resort. Planner Tyler believed many other implementation strategies could be executed first.

Planner Tyler stated that this was the first step in the process and the Staff would come back with other recommendations based on feedback from the Planning Commission.

Steve Issowitz with Deer Valley Resort stated that Deer Valley started talking about this parking plan during the season, and with all the heavy snowfall they worked with the City to try to eliminate street parking and take other measures. Mr. Issowitz stated that Deer Valley has always had a great working relationship with the City throughout the years. More recently, Planner Tyler has been very impressive and great to work with.

Mr. Issowitz introduced Tom Bennet, Legal Counsel; Garrett Lang, Mountain Venue Operations Manager; John Nepstad, a Consultant with Fehr and Peers; and William Keitor, part of the Guest Services Crew who is very knowledgeable about Deer Valley parking. Mr. Issowitz stated that the team was prepared to answer questions and address comments from the Planning Commission.

Mr. Issowitz originally thought they would have a work session and then work with the Staff administratively to move forward. However, they were pushed back a few meetings and since it is already August, they were losing their windows to schedule adding additional asphalt.

Mr. Issowitz remarked that within the existing Snow Park base area development parcel, they were planning to expand the parking lot from Snow Park Lodge over to the future development parcel. They have been active in the last six months moving forward. They have a fairly ambitious approach and the plan is to have something in front of the Planning Commission either by the end of the year or in the early part of winter next year. The entire village will not be planned at that point, but they would like to talk about streets, utilities, and the parking garage. Ms. Issowitz noted that this parcel is part of their future development parcel.

Mr. Issowitz stated that the goal is to provide some breathing room and expand the asphalt only in Lot 5. That would be the area furthest to the north; and approximately 65-75 feet; depending on the section. Alliance Engineering had included another piece to the far north, but they were not asking about anything related to that piece this evening.

Mr. Issowitz stated that where they built first the south section of Lot 5 and subsequently the north section of Lot 5 there is a jog. They would like to take the asphalt on the eastern edge and straighten it out because that little jog makes it difficult to park cars straight. Mr. Issowitz stated that their request represents approximately 48,000 square feet of asphalt or 1.1 acres. It should give them 2 full rows of parking, which should accommodate 90 cars with 45 cars in each row.

Mr. Issowitz stated that the Deer Valley MPD has always had a requirement that the development parcels going up to Silver Lake, Lower Deer Valley, etc., contain parking within each development. In the 7th Amendment in 1993, language was added stating "If the capacity of the surface parking lots in the Snow Park community exceeded on 10% or more of the days during any single ski season, the need for constructing additional parking in said area shall be reviewed by the Planning Commission." Mr. Issowitz noted that the MPD always contemplated a phased approach to constructing

parking over time and based on need. He stated that Deer Valley never had a desire to build all the parking up front. They do what they can with parking until it reaches a point where it is evident they need to build more. Mr. Issowitz noted that the Snow Park parking lot is a development parcel and it will be very dense. It is also designated as a receiving zone under the TDR ordinance. As an example, through the Treasure Hill negotiations, as the City was trying to get density off the hill, they designated both base areas of Park City Mountain Resort and Deer Valley as a receiving zone for that type of density.

Mr. Issowitz stated that prior to the MPD Deer Valley had a Special Exception Permit, which talked about skier capacity. The Special Exception Permit contemplated that parking would be based on skier capacity with one parking space for every five skiers on the hill. He presented an update that was done to the Master Plan in 1979. The update talks about a comfortable turning capacity at the resort. In 1978/1979 it was calculated as 9700 skiers. Dividing 9700 skiers by the 5 parking spaces in the Special Exception Permit results in 1,940 parking spaces. Currently, they have 1,250 spaces. If necessary, they can squeeze in a few additional cars.

Commissioner Thimm asked where the ratio of one car per 5 skiers originated. Mr. Issowitz assumed it was calculated in 1978. It was made as a reference and he was unsure whether or not it was a requirement to open. Planner Tyler explained that it was the measurement that was used in 1978. The bases areas counted quite a few skiers per car in the beginning of these development agreements.

Mr. Issowitz reviewed the history of the lots and how they have morphed over time. He noted that initially Lots 1, 2, 3 and 4 were there to serve the start-up years. In the early 1990s a side section of Lot 5 was added. When they were preparing for the Olympics, a temporary parking lot was added across the street from the Lodges. After the Olympics the lot was used for snowmaking. The north section of Lot 5 was added after the Olympics. Over the past 16 years Deer Valley has managed parking without further expansion.

Mr. Issowitz did not believe Deer Valley has ever tried to apply the paved first strategy; and they have done other things to combat paved parking. However, at this point they were requesting additional paving.

Mr. Issowitz stated that Deer Valley had many years where they exceeded their parking capacity and parked on the street. In past conversations between Deer Valley and the City, the answer was to open more asphalt the few days a year when additional parking is needed. The City and Deer Valley were always in agreement about street parking. He noted that during a City Council meeting this past winter, someone asked why the

no parking signs were even on the street if Deer Valley is allowed to cover the signs and park cars on the street. Mr. Issowitz stated that in the past when parking was being addressed, they knew that people would park on the street every day if they could. The answer was to put up no parking signs so everyone would park in the parking lots. When overflow parking is necessary, Deer Valley contacts the Police Department, it goes into the log, and they have the bags from the Police Department to cover the signs so people are not ticketed. That is how parking has always worked.

Mr. Issowitz presented a few points from Ski Utah which showed how far above average they were this past ski season. He presented another slide to show why he believes weather and snowfall correlate directly to the number of cars. The years of a booming economy also add to that factor. Mr. Issowitz stated that Deer Valley Resort considers the 2018/19 ski season the best year ever because people came consistently.

Mr. Issowitz noted that the Deer Valley parking lots are also used for various community events such as Sundance, the Arts Fest, and Tour Utah. Contractors use the parking lot to help with construction mitigation plans. They work closely with Fire Department Practices and other things in the park lot. Mr. Issowitz reviewed a chart that he believed supports the idea of how snowfall affects parking and the number of days they parked overflow. He noted that many days they had to park 10 to 15 cars on the street. There were only 11 days when they were above 90 cars. Mr. Issowitz stated that if they could add extra asphalt it would combat the number of days they would need to use overflow measures.

Mr. Issowitz commented on the discussion regarding Ikon. Deer Valley is different than some of the other Ikon owned resort. They have limited days when pass owners can ski and they have blackout days. Mr. Issowitz stated that last season they were up 14% from the prior year, and he attributed the increase to the snowfall. Of the 14% increase, only 2.1% was Ikon. Mr. Issowitz pointed to increases in other resorts throughout the State as evidence of how good the ski season was last winter.

Mr. Issowitz presented slides showing what Deer Valley has been doing outside a paved first strategy that were implemented over time. In terms of affordable housing in the Development Agreement, Deer Valley satisfied its affordable housing obligation for development in 1995. Included in that was their assistance in getting Mountainlands Community Housing Trust operational; as well as starting the Peace House. In addition, Deer Valley has its own employee housing with exactly 423 beds across four properties; Prospector and Snowshoe Inn, which are owned by Deer Valley; Rivers Edge, which they lease; and most recently 20 beds in Snow Country Condos. They plan to continue to add employee housing to the inventory moving forward. Mr. Issowitz

stated that the majority of the Deer Valley staff live within the Park City ZIP Codes. Wasatch County has the next highest percentage, followed by Salt Lake City and beyond.

Regarding transportation, Mr. Issowitz stated that Deer Valley continually discussed with the City the need for more direct and frequent transportation. However, most of the solutions are long-term and will not help Deer Valley in the next few years. Mr. Issowitz noted that Deer Valley fully subsidizes any of their Staff coming from the Valley on UTA. They also run buses daily from Heber. They also run their own shuttles between Deer Valley and the Rivers Edge at approximately 21 trips per days to and from the campground. Shuttles are also used to take the Staff into Heber for shopping trips.

Mr. Issowitz noted that Deer Valley provides Staff dining experiences across the Resort. They have three employee cafeterias for convenience and to keep the employees from having to travel for meals. Deer Valley has on-site child care; and based on need and eligibility the Staff can get an approximate 50% discount. Deer Valley also offers other benefits to their Staff.

Mr. Issowitz stated that they have been working with Park City Municipal, The Canyon, and Park City Mountain Resort to develop a ride-share app. After considering all the options, the Ride Amigos was the best fit and they hope to have it in place for the next ski season. The ride-share app should help to combat single-occupancy vehicles.

Commissioner Sletten commented on mass transportation and utilizing the City's bus system. He asked if Deer Valley had any discussions with the City Transportation Department. When he attended the Arts Festival, he noticed that lanes were blocked off just for buses. Commissioner Sletten remarked that if the City wants to encourage people to use buses, they need to make sure they are not stuck in traffic with everyone else. Unless there is an advantage, no one will ride the bus. Mr. Issowitz stated that for a number of years Deer Valley and the City have been having those types of discussions. He pointed out that UTA ridership dropped off once the electric buses came on and the routes changed. UTA buses used to come up the canyon and directly to the ski area. Now UTA goes to Kimball Junction and people need to make bus connections from there. It not only makes taking the bus less attractive to riders. Also, until the buses started using the shoulders, they were stuck in traffic. The buses coming from SR248 still sit in traffic.

Mr. Issowitz stated that he has been on the Transportation Task Force with the City and County for the last three years. They have all been working towards going to the plan that was recently implemented by UDOT, and they will wait to see how it progresses.

Commissioner Suesser commented on the shuttles coming from Summit and Wasatch and asked if those employees could utilize the gondola instead of coming into town. Mr. Issowitz replied that the gondola has a small parking lot and parking is an issue. The developer was supposed to build roughly 300 spaces, but the base area development was never done and those parking spaces never happened. Mr. Issowitz remarked that the gondola only goes to the top of Little Baldy and an employee would need to get into the gondola building and transport that way. He noted that Staff does not drive through Deer Crest and for that reason they do not have people coming through the gondola entry.

Commissioner Suesser asked if there were plans to expand the gondola parking lot. Mr. Issowitz clarified that it is Deer Crest property and there is no longer anyone from Deer Crest in the Country to work with. The road that UDOT is doing with the Jordanelle Parkway and with the portal that will go underneath Highway 40 will be started next Spring. Mr. Issowitz understood that the road is projected to be online by the end of 2020. It should be open for the 20/21 ski season if it stays on schedule. With the portal, Deer Valley has been in discussions with other developers on the other side of the highway the possibility to co-share or do something with parking and garages to access through the gondola. He pointed out that it was not a short-term solution.

Commissioner Kenworthy asked if Deer Valley owns all the one-acre property they were considering to pave. Mr. Issowitz answered yes. Commissioner Kenworthy asked if it would be part of the development that was entitled years ago. Mr. Issowitz answered yes. Commissioner Kenworthy understood that the request was for a temporary one-acre of asphalt. Mr. Issowitz replied that in 1980 Deer Valley did not want to build the entire parking lot because it was not needed at the time and it was expensive to maintain. In addition, they always imagined that would be the Village. Commissioner Kenworthy wanted to know the timing for construction. Mr. Issowitz estimated a year of solid planning for the Village itself, with tweaks for CUPs for the buildings above. The ability to put a shovel in the ground with utility work and potentially relocating Deer Valley Drive on the south end, he estimated the Spring of 2021.

Commissioner Kenworthy stated that if the Planning Commission allowed those parking spaces to be added, he assumed Deer Valley would not be averse to a five-year maximum time frame, and then it would be developed with green space. Mr. Issowitz did not think it could be turned into greenspace because as they build the village they need a place to park. The goal is to be able to phase the parking such that bite-sized pieces are taken each building season and have the garage open for use during that winter. He clarified that the area would serve as temporary parking for winter skiing, for

contractors, and various other things. If they were not here this evening, they would be here in 6-12 months asking for construction mitigation measures for constructing the parking lots.

Commissioner Kenworthy referred to page 20 of the Staff report and noted that one of the goals is to ensure transportation systems efficiently serve Deer Valley. He was in line for having efficient transportation systems serve Deer Valley. He sits on the Transportation Board on behalf of the Planning Commission and he has no idea how long that would take. Planner Tyler replied that the Transportation Planning Director was working towards that goal; however, there are issues with Federal funding and other matters. It was not as simple as sending a bus that direction. Transportation Planning was working effectively towards that solution.

Commissioner Kenworthy understood and respected the other goals outlined on page 20; but he thought it was important to have some kind of timeline or reality to achieving those goals. Director Erickson stated that if Deer Valley submits a development application over the next year they would need a hard plan in place on how they would respond to all these matters. The one within the City's control is attempting to reset the City Transportation Plan. One goal is to understand the Deer Valley customer and where that customer service standpoint lives inside of the transit system. They also need to understand where the Deer Valley employee customer sits inside that transportation system. Once they have that understanding, they can adjust the system to accommodate it. Director Erickson did not expect the Planning Commission to approve a development application until all the issues are figured out and addressed. Director Erickson remarked that the Planning Commission was looking at the current situation for Deer Valley. Once they get feedback from the Planning Commission on the prioritization Planner Tyler had included in the Staff report and listen to the public, they will have a better understanding of how to proceed.

Mr. Issowitz clarified that in conversations with Director Erickson and City Officials, they were asked to come in and make sure the Planning Commission understands what they do and what they were working towards. Many of the things they are working towards are complicated and take a long time.

Chair Phillips stated that when Deer Valley develops the base, transportation will be a major component in making the development function. Chair Phillips agreed that the paved parking could be seen as somewhat temporary; however, he did not want to discourage the applicant from looking at other options. He recognized how much Deer Valley already does in transporting employees and Staff. He believed they were trying to address transportation on their end.

Commissioner Suesser asked what percentage of the employee housing use the shuttles that Deer Valley provides. Mr. Issowitz stated that Prospector and Snowshoe are on the bus routes. There are exceptions, but Deer Valley does not allow their Staff to have cars at those properties. The employees at Rivers Edge are allowed to have cars, but nearly 100% take the shuttle. The shuttles are full and if someone works a late shift and misses the last shuttle, the need to find another ride.

Commissioner Suesser clarified that almost 100% of the Staff in employee housing get to Deer Valley by public or private shuttle. Mr. Issowitz was hesitant to say 100% but it was very close to that number.

Chair Phillips assumed this came to light because of the heavy snowfall and higher capacities this year. They have been over the 10% before and he wanted to know what triggered the conversation this time. Chair Phillips stated that if there is a public safety concern, he wanted to know how it would be addressed for the upcoming season. Rather than paving, he asked if they could facilitate those areas strictly for overflow parking.

Director Erickson explained what they were expecting from Deer Valley over the course of working administratively is to figure out some of the more fluid management techniques that could be applied this winter. For example, he thought Mr. Issowitz could address how his guest services are parking people along the street. He could address the snow removal on the walking paths along the street. The City may consider removing the bike lane for the winter and putting back in the summer. He stated that some aspects are flexible and moveable without building a parking lot. Director Erickson clarified that the City was not opposed to considering the parking lot; however, underlining technical issues need to be resolved.

In response to Chair Phillips, Mr. Issowitz stated that this came to light due to two complaints from owners in the Courchevel condos, which is across from Lot 5. That spiraled into using the MPD because they were supposed to look at this and Deer Valley agreed. As far as safety on the street, Mr. Issowitz stated that they sat down with the Police Department and he was told that the Police had not had any issues or complaints; or issues with emergency service vehicles. It's a matter of people being in the street and walking with ski boots, or doors opening. It is a low speed area and it has worked in the winter time for a lot of years. However, that was not an excuse for not looking at something different. For that reason, they asked John Nepstad with Fehr and Peers to do a full study with recommendations. Mr. Issowitz did not favor removing the bike lanes for the winter if there was another alternative.

Chair Phillips understood that this was the beginning of the process and a lot of work needed to be done. However, in general, knowing that there will be redevelopment and some of this would completely change, he encouraged the transportation to be amplified during the building out of these lots. He was also willing to consider more temporary arrangements with a sunset of some type. Chair Phillips emphasized that a lot of the transportation will change with the redevelopment. He was not comfortable looking at what it is today without looking at what it might likely be in ten years. Mr. Issowitz noted that there is a very significant component of the Snow Park development to be included for transit. If they adjust how Deer Valley Drive flows they may be able to have a more direct bus in and out without a passenger vehicle, which would help with flow and promote bus usage. Mr. Issowitz did not have the conceptual drawing available to show the Commissioners this evening.

Commissioner Suesser asked if there was still a skier cap in Deer Valley. Mr. Issowitz answered yes. Ms. Van Dine asked if the skier cap would be expanded at some point. Mr. Issowitz replied that the skier cap is related to the restaurant seating and experience in the lodges. On a per acre basis they have more than everyone else. From that standpoint the carrying capacity is substantial, but they have always had a value associated with lodges, dining, and other things of that nature, and the number fluctuates.

Commissioner Hall asked if Deer Valley provides incentives for staff or skiers for not using a single-occupancy vehicle. Mr. Issowitz stated that they did last year; however, they found some abuse. The HR group has plans in place for incentives. The Ride Amigos app will also tie into a way to incentivize and that can be more measured and tracked. Commissioner Hall asked if those incentives would only be for staff, or for skiers as well. Mr. Issowitz replied that it would be for skiers as well.

Commissioner Hall asked if Mr. Issowitz knew the percentage of skiers who are ski in/ski and the skiers who do not use parking. Mr. Issowitz did not have an exact number, but he noted that a significant number of condos and hotels in Deer Valley that are ski in/ski out. Holidays are not the biggest parking days because hotel occupancy is high.

Commissioner Kenworthy thought the additional parking would help with public safety because it will keep cars off the road. Looking at the big picture, he thought it was obvious that everyone wants an efficient and reliable transportation system. The question is what it will take to get there. Commissioner Kenworthy remarked that this was different than the SR248 issue because SR248 is a State Road and the 100 yards of asphalt will be there forever. They need to make hard decisions and they need to

find solutions as they find this roadway to an efficient and reliable transportation system.

Commissioner Sletten asked if the requested parking was ultimately approved by the Planning Commission and the City Council if it would be paved and operational by this coming winter. Mr. Issowitz stated that being operational this winter was the goal when they started talking about it months ago. Due to the delays in coming to the Planning Commission, they were losing their window to lay the asphalt. The goal was still to have the parking in place this winter. Ms. Issowitz pointed out that they were only proposing to expand the asphalt 65-75 feet on the west and straighten out the jogged piece. They were not adding an entire parking lot or doing additional grading. It would be an easy job but they need approval before anything can be scheduled.

Planner Hall agreed that pavement would reduce the number of times people would be parking on the street. Currently, 10% was 12-13 days. She suggested that if the Planning Commission approves this project for additional asphalt there should be a cap and Deer Valley would not be allowed the 14th day regardless of other circumstances. Commissioner Hall wanted to know what would happen on the 14th day.

Director Erickson stated that part of the management strategy would be to build a harder stop than what is already in the Development Agreement. He remarked that in some development agreements lift tickets sales can be restricted; but that clause does not exist in this Development Agreement. Director Erickson anticipated additional questions that would need a response. For example, would the cap apply on an event day or would special events be controlled by negotiating with transit and mitigations. He explained that the 10% number requires Deer Valley to go back to the Planning Commission and it was up to the Planning Director to enforce. Mr. Issowitz agreed.

Commissioner Thimm had several thoughts as to what might be done to mitigate without doing more paving. Most of his points had already been covered in the discussion, but he wanted to know if Deer Valley had looked at options for the current parking layout before devising a plan to expand the parking lot. Commissioner Thimm note that adding 1.1 acres of paving to park 90 cars is approximately 532 square feet per stall, which is not very efficient. He wanted to know if they had looked at the current parking layout to see if they could add two more rows at x-number of cars per row, rather than adding the asphalt. Mr. Issowitz remarked that the number would need to include drive aisle to be able to access the two additional rows. In terms of efficiency, Mr. Issowitz travels to other ski resorts and he would challenge anyone to find another ski area that parks more efficiently than Deer Valley. He acknowledged that some days they become a little less efficient, but overall it is the most efficient. He assured Commissioner Thimm that it had been considered.

William Keitor with Deer Valley Guest Services, stated that if the Planning Commission approved the requested parcel, he thought they could eliminate a number of those overflow parking days on the street. If this parcel is paved for parking, it would eliminate a mile of street parking from the St. Regis to Queen Esther. Street parking from Queen Esther to the firehouse generally occurs on the weekends when the Treasure Mountain protocols are in place, and that helps. The concern is when they have street parking mid-week and they do not have the Treasure Mountain protocol. At that point all they can do is send people to China Bridge, which takes up space on China Bridge for the other businesses and people who need to use China Bridge.

Mr. Issowitz stated that Deer Valley had spoken with the Main Street Alliance about parking at China Bridge and whether that would be helpful. They will continue having discussions to see if incentives can be offered to help bring more business to Main Street and at the same time have the potential for overflow traffic parking at China Bridge. Mr. Issowitz questioned whether that was a perfect solution because there are always unintended consequences. He emphasized that this small area of additional asphalt would reduce the number days they would need to park cars on the street and the number of cars parked on the street. When they went before the City Council, the Council felt that parking from the curve down by Queen Esther and around was more bearable than the section of Deer Valley Drive from St. Regis down.

Commissioner Thimm favored eliminating street parking. If the expansion results in less days for street parking, that is a positive benefit. Increased paving and the heat island effect is a negative factor; however, they were not proposing paving on an undisturbed area. Trees would not be cut down and nature would not be ruined or affected. In terms of losing the bike path for even part of the year, Commissioner Thimm preferred to have that as a last choice. For the next meeting he would like to see a parking layout so the Commissioners could understand the efficiency. Mr. Issowitz had the layout that was done by Alliance Engineering and he would include it in the next submission.

Commissioner Sletten noted that it was already August 14th and winter was coming quickly. If the plan is to build the parking lot in the very near future, they need to look at fast-tracking the additional parking.

Commissioner Suesser stated that she goes to the ponds a lot and she walks her dog in that area. She loves the space, but she did not believe that expanding the parking lot would infringe too much on the open space. It is a good solution. The neighbors would be less impacted and it will preserve the bike path. It would also eliminate the public safety issues and snow removal issues to a great extent. Commissioner Suesser

agreed that this was a good solution for a space that will eventually be redeveloped in the near future.

Commissioner Hall was impressed that 15% of the employees are not taking a vehicle to the parking lot. She asked what percentage of employees come from Park City and the percentage of that staff that drives to Deer Valley. Mr. Issowitz did not have those numbers because they do not have the means to track every staff car. He noted that the total staff is 2800 but only 1400 work on any given day. As technology advances they might be better able to understand how many drive and how many use other means of transportation. Commissioner Hall did not favor removing the bike lane. She bikes a lot and she dislikes street parking for the same reason. Commissioner Hall supported removing the cars off the street and keeping the bike lane. She also favored the carrot rather than stick approach to incentivize people to carpool or use public transportation as opposed to single-occupancy vehicles.

Commissioner Kenworthy agreed with his fellow Commissioners. He echoed Commissioner Sletten in terms of running short on time to pour asphalt. Garrett Lang, Mountain Venue Operations Manager, stated that asphalt can be poured in an average temperature of 60 degrees or above. However, in September the chances of maintaining 60 degree temperatures being to fade. The 60-degree window during the day gets shorter as well. Commissioner Kenworthy emphasized that if the Planning Commission chooses to approve this request, they need to move forward quickly. Mr. Lang stated that mid-September would be pushing it weather-wise.

Chair Phillips called for public input.

David Bowles stated that he was representing the Fawn Grove HOA. Fawn Grove has approximately 60 units that surround these lakes and this green area and they would like to see it stay that way. However, people park in their parking lots and along the street making it harder for the residents to get in and out of their units. Mr. Bowles thought the best question was whether the cap was increasing. He commented on the increased number of skiers on the Mountain with Ikon and he was concerned that increasing the cap would use up the additional parking space for new skiers and people would still be parked on the street. Mr. Bowles believed the HOA had a valid concern that increasing the space and taking away from the green area was not necessarily the right solution.

Mr. Bowles requested that Deer Valley explore other solutions, such as creating busing on and off site; putting a parking lot elsewhere and incentivize people to use that parking lot and take the bus. He recognized that taking the bus is a hassle, but if Deer Valley would consider incentivizing skiers with the money they intend to use to expand the

asphalt parking, the Fawn Grove residents would like see that type of program put in place. Mr. Bowles stated that another idea would be to expand the Deer Crest parking area. If they need to expand the parking lots, he asked if they could build it closer to the Resort.

Mr. Bowles stated that because this was a work session the Fawn Grove HOA wanted to provide input and express their opinion that there could be other solutions besides taking away the grass. Mr. Bowles stated that with so much snow last year, he believed there was room for improvement on clearing the parking lots. A lot of times the snow is piled up in parking spaces, which reduces the number of available spaces. The residents would appreciate it if Deer Valley could address that issue. Mr. Bowles noted that Mr. Issowitz had mentioned only 2% of the skiers were Ikon passes. He believed there were more skiers on the mountain and he asked if they increase the cap each year.

Mr. Issowitz replied that the cap does not change. It only changes on a daily basis based on weather. He explained that the skier cap is based on restaurant seating; not on parking or chair lift capacity. Mr. Bowles thought it should be based on parking. Mr. Issowitz pointed out that the cap would allow more skiers if it was based on parking.

Mr. Bowles commented on concerns related to the reduction of the greenspace. The residents saw the ponds go down and recently a motorized skateboard park was built on one of the islands. The resident felt like they were being hit from several sides, and that the greenspace area should be preserved as best as possible. Mr. Bowles expressed concern with adding additional asphalt even in their view plains. He hoped Deer Valley would take their comments and concerns into consideration.

Commissioner Hall asked Mr. Bowles if he takes the bus to Deer Valley. He stated that he only needs to walk across, but he does use the bus and shuttles. Fawn Grove appreciates Deer Valley and they like working with Deer Valley, but a number of the units face directly where they are talking about putting the parking area. The residents know the Village will be built someday, but if they could build the parking closer to the ski resort, it would be a better and longer term solution.

Mr. Bowles thanked the Planning Commission for the opportunity to speak. He was willing to work with Deer Valley to find solutions to their concerns.

Mr. Issowitz noted that Deer Valley has encouraged various subdivision in lower Deer Valley to form a group so as they move forward with the Village plans they will have a cohesive group to talk to. The residents will work together and the group will be their

voice to work with Deer Valley on future plans. He believed Lakeside HOA was spearheading that effort and he encouraged Mr. Bowles to contact them.

Troy McLean stated that he was representing Deer Lake Village. He noted that Deer Lake Village is one of the communities who pay to have the shuttle come through their community so there is no need for any parking. Mr. McLean encouraged other communities to pay for the shuttle and have the shuttle come through for their residents because it works very well. However, it does not work when there is so much traffic on the Loop that the shuttles cannot get through, which happens several days. He heard from the shuttle drivers that at one point the traffic was reduced to one lane. He did not know how the police allowed that to happen because there is no way the fire department could get out if something happened. A car was parked in the middle of the lane and left, and it stayed there all day while the driver was skiing.

Mr. McLean stated that Deer Valley is owned by a corporation and their job is to make money. He found it interesting that they were having conversations about something that is a public safety and quality of life issue for many people who live in or near Deer Valley. The context is if this was occurring by some mistake or that nature was creating the problem. Mr. McLean stated that people were creating the problem. He acknowledged that the residents need to co-exist with the businesses that support their community; but the purpose for Deer Valley is to get more skiers and take more money from those skiers and develop the property. He suggested that the Planning Commission allow Deer Valley to expand the parking spaces and stop parking on the street completely. In the end the most important factor is to ensure safety for the people who come to ski and for the residents, and to improve the quality of life for everyone. Mr. McLean encouraged the Planning Commission to force Deer Valley to come up with more creative solutions. He thought they should stop the parking altogether.

Mr. McLean thought it was inaccurate to say that there were no safety problems or no reports to the police. He and others called the police department. They called Deer Valley and were never called back. He saw a car get sideswiped and multiple times people almost got hit. They should build the additional parking spaces, eliminate street parking and focus on coming up with a timetable to increase the parking.

Mr. Keitor commented on the issue with the fire house. He has worked the parking lots for four years, and he heard nothing about the firehouse until this year. The minute he heard about the problem he went to the fire house and arranged with them where to put cones to prevent street parking so the fire department would have access to get out. They coordinated with the fire department and it was communicated to every crew throughout the seven days.

Commissioner Kenworthy asked if Deer Valley schedules additional employees on powder days because the crowd comes early and hard. Mr. Keitor stated that when they go into street parking, they borrow from the Corral. They are staffed larger on weekends but if it is a mid-week day and they might have to go to the street, he makes sure to have people who are experienced in parking Lot 5 in order to avoid street parking. If they need to go to street parking, there is additional staff to do that. They borrow from the Corral, which means that the people left in the Corral need to be quicker.

Chair Phillips closed public comment.

Chair Phillips stated that if the Planning Commission decides to approve the additional pavement, he thought they should also look at street parking strategies and where it is occurring to understand it better. Street parking would hopefully be less, but he wanted to look at sections where street parking could be eliminated completely to ensure the public safety.

Mr. Issowitz asked if they would work with the Planning Commission or Engineering on the street parking idea. Director Erickson believed it would be a group effort with Staff. The City Engineering, Transit Planning, and the Planning Department would all need to be involved. He would think about doing a Staff Communication Report back to the Planning Commission. It would be informational only and not a regulatory action.

Chair Phillips clarified that he was not suggesting a requirement to completely eliminate street parking. He was only suggesting that they find ways to have more control over how street parking occurs.

VII.B. 900 Round Valley Drive, Park City Medical Campus – Master Planned Development Amendment—The Applicant is proposing to amend their Master Planned Development Agreement to increase square footage for the Park City Medical Campus to build a 20,000-square-foot medical support building on Lot 6, and a 30,000-square-foot medical office space addition to the hospital on Lot 1.
(Application PL-19-04204)

Commissioner Suesser recused herself and left the room.

Planner Rebecca Ward reported that the applicant filed a request in 2015 to increase the density for the Park City Medical Campus. At that time the discussion was continued to a future date. In April 2019 the applicant filed another application on the medical campus to request 20,000 square feet for an ambulatory surgery center on Lot

6. They were also requesting an additional 30,000 square feet of medical support offices to be located on Lot 1 where the current hospital is located.

Planner Ward provided a brief background. She stated that the 157,000-acre medical campus site was annexed into Park City in 2006. It is located on the northwest quadrant of the Quinn's Junction intersection. Originally the campus was an 11 lot subdivision. In 2016 Lot 8 was divided creating Lot 12. Earlier this year, Lot 4 was divided creating Lot 13.

Planner Ward stated that based on the current density on the Park City Medical Campus, the hospital has been granted 180 unit equivalents. The annexation agreement established 1,666.67 square feet per unit equivalent. Planner Ward remarked that the hospital was granted 300,000 square feet for hospital uses. The reason for that increase was to accommodate larger hallways and other needs of the hospital. That square footage was counted as 180 unit equivalents. Planner Ward pointed out that The United States Ski and Snowboard Association was granted 85,000 square feet for a training facility at 85 unit equivalents. For support medical, the applicant was granted 150,000 square feet or 150 unit equivalents. Planner Ward stated that on Lot 7 25 unit equivalents were constructed for the Physicians Holdings Medical Support Offices. Another 25 UEs were constructed for the People's Health Clinic and Summit County Health. She noted that 25,000 square feet from Lot 8 was transferred to Lot 1 for support medical offices. In addition, 25,000 square feet from Lot 6 was transferred to Lot 1. Lot one has a total of 100 unit equivalents of support medical offices. Planner Ward noted that 100,000 unit equivalents have been built.

Planner Ward reported that Lot 2 is open space. IHC dedicated Lot 5 to Park City at the time of annexation. It is a 15-acre lot and potential recreational facilities will be considered for the lot at some point. Lot 12 is currently allocated as open space. Earlier this year, Lot 13 was created for a future fire station. Planner Ward stated that IHC was leasing Lot 8 to Peace House to construct a facility. She pointed out that the fire station and the Peace House facility would not count against IHC density.

Planner Ward noted that page 57 of the Staff report outlined the density for each lot on the IHC campus. Approximately 162,000 square feet are remaining for hospital use.

Planner Ward stated that because the Medical Campus is located in the Community Transition District, the applicant was requesting an additional 50,000 square feet, which would put the density at 2.96 unit equivalents per acre. The Annexation Agreement granted 2.64 unit equivalents per acre. Under the Code, in order to approve the additional density, the requirements include 80% open space; a 300-foot Frontage Protection Zone setback; tiered parking; potential connections to public transit; trails

and pedestrian improvements; compliance with Sensitive Lands, and 110% of the base affordable housing requirement.

Morgan Bush, representing IHC, stated that IHC has been working with the City since 2002, starting with the Annexation process, to try to create a campus that is consistent with the values of Park City in terms of observing open space, etc.

Mr. Bush stated that the objective this evening to talk about the additional density request, the history of their request, to review the Development Agreement that was put in place in 2017, and how IHC complies with the CT zone requirements for the 3 to 1 bonus. He was also looking for direction from the Planning Commission on parking and affordable housing. Those two issues need to be addressed in order to get approval for additional density on campus.

Mr. Morgan reported that IHC was requesting 50 additional UEs; 20 on Lot 6 for the surgery center and 30 UEs on Lot 1. He presented a slide showing their version of the Master Plan. The buildings identified in white were already constructed. The two shown in yellow behind the hospital and to the side of the hospital were the proposed sites for the already approved future hospital additions. The purple lots represented the surgery center on the lot by the roundabout, and the medical support space potentially being on Lot 1 adjacent to the new hospital addition. The blue color represented the proposed surface parking that would be part of the ambulatory surgery center. The turquoise color represented the existing 128 surface parking spaces behind the hospital located next to the existing 92 structured two-deck parking terrace. Mr. Bush stated that the terrace would be extended over the 128 surface parking spaces to create more structured parking on the back of the facility. Mr. Bush remarked that the goal is to increase the parking without having to encroach on any undeveloped land and to stay within the original limits of disturbance.

Mr. Bush reported that in 2015 IHC submitted their second amendment that included 5 items; including Peace House. In October 2015 the Planning Commission requested that IHC delay consideration of the additional density and it was continued to a date uncertain. In January 2016 the other four items were approved. Mr. Bush stated that he started attending Planning Commission meetings during the Treasure Hill hearings and decided to wait until Treasure Hill was resolved. After the bond election was held they started conversations with the City due to their need for the surgery center. Mr. Bush clarified that the application for additional density was resubmitted in April 2019.

Mr. Bush stated that in December of 2017 the Development Agreement was completed and the five outstanding obligations were met. They completed, executed, and recorded the trails easement. Regarding the first affordable housing obligation, a

contribution was made to Peace House and the facility was currently under construction. Mr. Bush had met with the Housing Authority earlier this year proposed a plan to fulfill the remaining 6.82 unit equivalents and that plan was approved. IHC is working with the City to have units deed restricted at 1440 Empire and Rail Central to fulfill that obligation. The Frontage Road easement was on the subdivision plat. The parking study was submitted with this MPD amendment. Mr. Bush pointed out that IHC made sure they had met the existing obligations before requesting approval for additional density.

Mr. Bush stated that the request was to move from 2.64 to 2.96 unit equivalents. As part of the original MPD, they fulfilled the 80% open space, the frontage protection zone, and the enhanced public benefits. Per an agreement they did not need to fully comply with the parking and the affordable housing before the hospital was opened because they were not building all the density at that time. However, the parking and affordable housing eventually needed to be fulfilled.

Mr. Bush stated that parking was still an outstanding issue. IHC had commissioned Fehr and Peers and the traffic study shows that even with the 50 additional units, all the intersections on Campus would operate at a C or better level. He pointed out that the additional density would not have a significant impact on roads and traffic. Mr. Bush noted that the additional density would impact the parking. Fehr and Peers recommended that IHC provide 75 stalls for the Ambulatory Surgery Center and additional parking on the hospital, not for the 30,000 square feet of medical support, but as the hospital is expanded additional parking should be provided. Fehr and Peers estimated 98 parking stall. The 128 parking surfaces spaces in the rear would be decked over to create the additional required parking as they do the other additions.

Mr. Bush reported that Fehr and Peers also recommended that IHC consider Traffic Demand Management Strategies. He noted that IHC received the report in February and the hospital administration was evaluating the recommendations. When they come back with a final application, they will talk about which strategies IHC will pursue and implement as part of the application for additional density.

Regarding affordable housing, Mr. Bush stated that IHC had proposed to deed restrict all the units at 1440 Empire and Rail Center, and to use the extra units above the 6.82 UEs to count towards future affordable density for this project. That additional proposal was not approved because the Housing Authority did not want to presume a Planning Commission decision. They suggested that Mr. Bush talk with the Planning Commission and return to the Housing Authority with an affordable housing plan which may include those units or other projects. Mr. Bush stated that he committed to working

with the Community Development Department to amend the housing mitigation plan; depending on the decisions of the Planning Commission.

Mr. Bush requested that the Planning Commission provide direction on any additional information they would like IHC to provide with the final application for approval; as well as any issues IHC should be prepared to discuss when they come back to the Planning Commission.

Commissioner Sletten referred to the color-coded slide and thought it appeared there were two locations for the surgical center. Mr. Bush stated that the purple color was the actual building, and the blue color was the parking on Lot 6.

Commissioner Thimm referred to page 65 of the Staff report and commented on the amount of math. He asked if the numbers could be cleaned up for the next Staff report. Commissioner Thimm stated that the language talks about an 8,000 square foot obligation and a total density bonus of 48,000 square feet, which was the result versus the 50,000 square feet.

Mr. Bush explained that when Peace House was presented to the Housing Authority and IHC asked for credit towards part of the affordable housing obligation, Peace House had received funding from Summit County for some of the Summit County affordable housing obligations. Therefore, the Park City Housing Authority determined that 8 units of density on this Campus needed to be counted towards Peace House and would not be available for IHC to develop. Mr. Bush stated that when he originally tried to figure out the application, he referred to the subdivision plat and believed he had 158 acres rather than 157 acres. He was asking for 50,000 square feet and leaving 9,000 square feet undeveloped thinking that the Planning Commission could make a Finding that the remainder of potential density under the 3 to 1 bonus was not available for development in order to satisfy the Housing Authority requirement. In conversations with Staff, he could either request 58,000 square feet and have it reduced to 50,000 square feet; or they could request 50,000 square feet and document that 8,000 square feet is undevelopable in order to fulfill the Housing Authority requirement. Mr. Bush was open to either option in order to satisfy all their obligations. He emphasized that it was a finding of the Housing Authority and it needs to be taken into account as they go through the application.

Commissioner Thimm preferred to have that issue resolved when the actual application comes to the Planning Commission. Mr. Bush stated that he would work with Staff on the application and how they would fulfill the decision of the Housing Authority.

Commissioner Kenworthy asked who currently leases the 1440 Empire and the Rail Trail units. Mr. Bush stated that Mark Fischer owns and manages the building. As part of the Bonanza agreement he was given the opportunity to monetize the affordable housing obligation. Physician Holdings, who owns the building next to the proposed surgery center, has an outstanding affordable housing obligation. IHC has an agreement with Mark Fischer. If he deed restricts those buildings, he will be compensated by IHC.

Commissioner Kenworthy asked if the current tenants meet the affordable housing guidelines. Community Development Director, Anne Laurent, stated that the deed restrictions were not yet on the unit. She understood that over the last few years they were master leased to Stein Lodge and their employees are housed there in dorm style housing. Most of the units are two-bedroom and there are two beds in each room. Ms. Laurent remarked that once the deed restrictions are in place, all the tenants will need to be qualified. Mr. Fischer has assured that all the tenants qualify and no one will be dislocated. However, until the deed restriction is in place, the City will do an annual compliance the same as they do with deed restricted rental property.

Chair Phillips recalled that when Mr. Fischer came in with an application that was eventually withdrawn, he was using it as being progressive in affordable housing. Chair Phillips wanted to make sure it was not being counted as affordable housing towards multiple applications.

Commissioner Van Dine referred to the surgery center and wanted to know the number of operating rooms and how many cases are anticipated each day. Mr. Bush stated that the initial projections estimated 2 operating rooms to start and going to three and potentially a fourth operating room when it is fully built out. He noted that most of the cases will shift from the hospital to the surgery center. The primary reason for the surgery center is to lower the prices of routine out-patient surgeries. Commissioner Van Dine thought the parking was significant for two operating rooms. Mr. Bush stated that the parking was a recommendation from Fehr and Peers based on full built-out. Four would be the maximum number of operating rooms at build-out. Mr. Morgan stated that when they come in for the CUP, he could potentially see a phased parking plan. However, for the master plan, they needed to show the full potential building and the full potential parking in back. The diagram was intended to show full build-out.

Chair Phillips clarified that the parking structure in the back was always planned. Mr. Bush answered yes. In order to achieve the parking and preserve the open space, they had to do structured parking. They preferred to put the parking in the back so the hospital will look good and be visible. Chair Phillips recalled that the berm was also placed to help screen the parking.

Commissioner Kenworthy asked if there has been discussion about the public transit facility component. Mr. Bush stated that when Fehr and Peers did the traffic and parking study, they noticed the stop in front of the Public Health Building; but they did not notice the transit stop at the front door of the hospital. The stop is not obvious and they have not had regular bus service scheduled to the hospital yet. The circulation and front door entry was designed for the ability to facilitate public transit when the City was ready to provide the service.

Chair Phillips called for public comment.

There were no comments.

Chair Phillips closed the public comment.

Director Erickson provided an update on what the Planning Department was looking for. If the Planning Commission agrees he would add it to the list of things to do. Director Erickson stated that since this was a phase development over a period of time, and keeping with the Campus, the Staff was not looking for detailed exterior architectural drawings at this point. They were trying to figure out how to write design guidelines so the buildings are consistent but not replicative of the hospital. If and when the Planning Commission elects to approve this application, there would be a set of design guidelines that future buildings would need to meet. Director Erickson remarked that the Staff needed to work on the difference between a bus stop and a transit center. He noted that the other information the Planning Commission was requesting would be in the application and clarification of the housing. They would also check the parking against the building uses.

Commissioner Kenworthy asked if a public transit center would affect the density and approval. Director Erickson thought the hospital was too remote for a pure transit center because it is at the end of the line. A comfortable waiting area for those waiting for transit would be sufficient.

Mr. Bush noted that design guidelines were development for the Campus with the original facility. Those guidelines were shared with Physician Holdings, with the Summit County, and with Peace House because IHC has an interest in looking consistent and not having buildings that detract. He was open to sharing their guidelines for the Campus and if the Staff or Planning Commission wanted to make adjustments, IHC could take that under consideration. Director Erickson was not aware of the guidelines and having those would be very helpful.

Commissioner Hall asked about open space. Mr. Bush stated that when they originally did the 80% open space calculation, it did not include any of the open space inside of Round Valley Drive and Gilmore Road. The Surgery Center, the trail, the Physicians Holdings Building, and Peace House were not originally counted in the 80%. As they continue to develop and subdivide, there is potential open space in Lot 12 that was not counted in the past. Mr. Bush noted that they were being very careful to keep the new proposals within that original disturbance area. He believed they would be above 80% open space when they come back with the final calculations. The intent has always been to keep Quinn's Junctions as an appeal entryway for Park City.

Chair Phillips was comfortable with what was being proposed.

Commissioner Thimm commented on a recommendation in the Staff report about submitting an open space analysis. He asked if that would be provided when the application comes back for action.

Mr. Morgan stated that the Staff has requested three items; the open space analysis, the peak daily demand for water and to validate it with the Water Department, and the design guidelines. He intends to provide that information when they back so the Planning Commission will have everything they need to make the right decision.

Commissioner Hall asked if the plan was to leave everything not marked as open space, but without improvements or tree plantings. Mr. Bush replied that it was left open. However, they took part of the open space when they put in the community garden at the west side of the front parking lot. They did not plan improvements because this development borders on City Rec property. The intention is to keep the feeling of having more of the recreation property open space and natural with trails, and not try to develop a lot of recreational components. The recreational components tie more with the City Rec property. For that reason, Lot 5 was given to the City as a community benefit to allow additional resources and connect with the City Rec property. That was the intent of the original Master Plan and that has not changed.

Commissioner Van Dan asked if IHC was planning to apply for 56 units or 50 units for affordable housing. Mr. Bush stated that he would coordinate with Staff in terms of how many would apply and how they account for the 8 units that need to be withheld. He will work with the Staff so it will be clear in the application.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

VIII.A. 3800 Richardson Flat Rd – Conditional Use Permit – The site currently contains the Quinn’s Water Treatment Plant. The Applicant is proposing one additional structure that will contain equipment/materials storage and will consist of 2,400 square feet. This structure is classified as an essential municipal public utility use, facility, service, or structure greater than 600 square feet, which is a conditional use in the Recreation and Open Space (ROS) zone. (Application PL-19-04184)

Planner Laura Kuhrmeyer reported that the original MPD approved a future building of 4800 square feet. Park City Municipal is the applicant. The applicant was proposing an 824 square foot building, which is half the size allowed per the MPD.

The Staff recommended that the Planning Commission conduct a public hearing and considering approving the request for a CUP for a water treatment plant at 3800 Richardson Flat Road within the ROS zone, based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Roger McClain with the Park City Water Department was present to answer questions.

Commissioner Suesser referred to Item 7 in the Staff Analysis section, which states that the applicant was proposing berms to visually screen the new parking area. However, Finding of Fact #26 states that the applicant was not proposing any new landscaping. Planner Kuhrmeyer believed it was a typo. The applicant was proposing berms and she would amend the findings.

Mr. McClain stated that the intent was to do a combination of bermings and screen fencing, and associated landscaping. He noted that it was always intended to be landscaped for the parking areas between the visual Rail Trail roads and the Richardson Flat road.

Commissioner Suesser commented on the proposed parking and asked if they anticipated having a lot of employees at these facilities. She thought the building was more for equipment storage.

Planner Kuhrmeyer stated that the new structure was mainly for maintenance equipment and storage. There would be no additional employees for this structure. She understood that the additional parking was for employees when the spaces are taken up by City vehicles that are parked and not in use. Mr. McClain stated that they were relocating a number of employees to this location from Public Works and the proposed Three Kings Treatment Plant. That staff will be moving out onto the second floor, which is part of this application, and that space will be remodeled. The parking

supplements the existing parking and it is intended for the relocated employees and operations vehicles. The operations vehicle parking will be located at the rear of the site so it does not conflict with employee parking.

Mr. McClain remarked that the proposed maintenance building will be used to store equipment, trailers, pipe, and other items inside.

Chair Phillips asked for the purpose of expanding the detention basin. Mr. McClain stated that expanding the basin is for the purposes of pigging the water lines from Signal Hill at Promontory down to the treatment plant; or from Three Kings Water Treatment Plant. The process is to put a swab through the pipeline to clean it on an occasional basis to make sure they do not lose capacity in the pipelines. Pigging occurs on an infrequent basis, depending on how much materials carry in the lines from Rockport Reservoir. The basin is full of water for a short period of time. It is raw water and the Division of Water Quality has looked at that with respect to potential impacts on surrounding areas, such as brown water in the stream and wetlands. The DWQ approved the use for expansion.

Mr. McClain stated that they also worked with the Army Corps of Engineers and the EPA. Their concerns related to the operating unit and they wanted to make sure there were clean materials underneath any of the areas they were proposing to clear out and that the materials were handled properly. Mr. McClain remarked that the pond is a receiving area and combination storm water from the site. There is no discharge from the pond. It infiltrates into the ground over a period of time.

Chair Phillips thought there would be significant re-grading in those areas. Mr. McClain answered yes. Chair Phillips asked if they anticipated displacing the materials on site, or whether materials would be trucked in to build the expansion. Mr. McClain replied that the intent was to keep all the materials on site. Exploratory work was done to see if there were contaminated soils. It appears that there is but within the limits to be able to keep them in the berming areas on the site.

Chair Phillips asked if most of the material would come from the site to build the berms. Mr. McClain answered yes. It would come from the excavation of the pond area and other area. Chair Phillips initially had concerns with visual impacts from the Rail Trail, but it was apparent that landscaping and trees were proposed to help mitigate the visual impacts. Chair Phillips noted that the illustrations in the exhibits show very large trees. He asked Mr. McClain to make sure the trees are large enough to actually fill in and help screen the facility.

Commissioner Suesser asked if this was the same lot that was proposed for the park and ride. Director Erickson answered no. The park and ride lot is in a completely different area.

Chair Phillips asked if this proposal would satisfy the needs for this facility for the next 30 or 40 years. Mr. McClain stated that the projection is for this plant to suffice for an extended period of time.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the Conditional Use Permit for the expansion of the Essential Municipal Public Utility Use at 3800 Richardson Flat Road, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with the revision to Finding #36 to include the berms and landscaping. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Quinn’s Water Treatment Plant

1. The site is located at 3800 Richardson Flat Road.
2. The site is located in the Recreation and Open Space (ROS) zoning district and is within the Entry Corridor Protection Overlay (ECPO).
3. The proposed project includes:
 - a. A new 2,400 square foot treatment/equipment/materials storage building
 - b. Additional operations and employee parking
 - c. Two (2) treatment equipment buried/bunkered vault structures and piping
 - d. Existing storm water retention basin grading modifications
 - e. Interior improvements to the existing water treatment building
 - f. Remodeling of the existing second level operations and administration area (including new windows)
4. The Master Planned Development (MPD) and existing Conditional Use Permit (CUP) allowed for a 4,800 square foot future building.
5. The proposed additional structure has a total of 2,400 square feet of gross floor area with a footprint of 2,400 square feet.
6. The proposed additional structure is proposed to be located to the south west of

the existing Water Treatment Facility.

7. A water treatment facility is an essential municipal public utility use, which is classified as a conditional use in the ROS zone if it is greater than 600 square feet.
8. The proposed Lot is 4.17 acres in size.
9. The proposed structure complies with all setback and LMC requirements.
10. On June 13, 2019, the City received a complete Conditional Use Permit application for this water treatment plant.
11. The subject area is located within the Park City Soils Ordinance boundary.
12. The construction mitigation plan will detail all work related to the soils ordinance area, and all construction will meet the requirements of the ordinance.
13. The existing access to the site from Richardson Flat Road will remain.
14. The project meets the ROS Setback requirements of 25 feet from the property line or ROW and is outside the ECPO 200 feet zone setback area.
15. Operations and employee vehicle parking is provided on site.
16. The proposed use and site improvements require 34 parking spaces.
17. The applicant is proposing a total of 55 parking spaces.
18. The maximum Building Height in the ROS zone is twenty-eight feet (28') from Existing Grade, with an additional five feet (5') for a pitched roof of 4:12 or greater.
19. The proposed structure has a maximum height of twenty-three feet (23').
20. The Applicant is not requesting any Building Height exceptions at this time.
21. The original MPD Approval allowed for a total footprint of 29,602 square feet, including the 4,800 square feet for a future building. The current proposal will create a total footprint of 27,202 square feet.
22. All proposed structure meets the 25 feet MPD Setback requirements.
23. The minimum required open space is 60 percent of the site. The original MPD approval included Lot 1 consisting of 4.168 acres (approximately 181,558 square feet) and accommodated 32,234 square feet gross area for the water treatment plant, circulation, and parking. The original approval was for 82.25% Open Space and 17.75% covered. Since the original approval included 4,800 square feet for a future building, and only 2,400 square feet is being proposed, the Open Space is actually increasing to approximately 83.57% Open Space with only 16.43% covered. Further, Lots 2 and 3 of the Subdivision provide additional Open Space.
24. The proposed new structure does not trigger a requirement for employee or additional housing since it will not generate an increase in staff and is smaller than the originally approved 4,800 square foot future building.
25. The entirety of the lot is within of the Sensitive Lands Overlay Zone.
26. Portions of this property are located within Flood Zone A, all development within the Flood Zone shall provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements outlined in 44 CFR 60.3.

27. The Army Corps of Engineers (ACOE) provided a verification letter stating the proposed activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) 39. The verification is valid until March 18, 2022, when the existing NWPs are scheduled to be modified, reissued, or revoked.

28. The Division of Water Quality provided a letter dated February 28, 2019 verifying permitting and monitoring will not be required for Quinns Junction Water Treatment Plant raw water pig receiving basin.

29. Based on the original MPD Approval, at least four (4) bicycle parking spaces have been provided, according to LMC Section 15-3-9: Bicycle Parking requirements. No additional bicycle parking is required as the number of required Off-Street Parking Spaces has not increased.

30. The proposed facility meets LMC 15-1-10(E)(1) in that the Lot is 181,645.2 square feet (4.17 acres). The site is located on Richardson Flat Road and is within Recreation Open Space. The proposed building meets all ROS and ECPO zoning requirements (building height, setbacks, etc.).

31. The proposed facility meets LMC 15-1-10(E)(2) in that the proposed additional building is mainly for maintenance and equipment storage and will not increase traffic. There is no change in Use that would generate additional vehicular trips beyond the current Use. Construction related traffic will also be mitigated, through the Building Permit review, with specific hours of operation and access to the site.

32. The proposed facility meets LMC 15-1-10(E)(3) in that two additional treatment equipment buried/bunkered vault structures and piping are proposed on site. The proposed additional building will not require any additional utility capacity for this site.

33. The proposed facility meets LMC 15-1-10(E)(4) in that the existing access to the project site is via a driveway entrance from Richardson Flat Road. This access will remain with the new facility.

34. The proposed facility meets LMC 15-1-10(E)(5) in that while the current Land Management Code requires a minimum of thirty-four (34) parking spaces for the existing and proposed structures on Site, the Applicant has proposed additional parking, to include a total of fifty-five (55) parking spaces on site. The applicant proposes 30 "Employee/Visitor" designated spaces, 1 "ADA" designated space, and 24 "Operations" designated spaces. Employee parking will generally occur between 7am and 4:30pm Monday through Friday while the Operations parking will be used 24/7 365 days per year for City vehicles that are not in use. The idea is to separate the Operations parking from the Employee/Visitor parking to ensure that employees are always able to find a parking space. The applicant proposed berms to "screen" the parking visually. Currently, there are some informal "parking spaces" that are located on gravel or unpaved surfaces. Since

this is not allowed by the Land Management Code, the applicant is proposing to improve the site by providing additional paved parking. The proposed additional parking is not anticipated to increase traffic as the number of employees is not changing.

35. The proposed facility meets LMC 15-1-10(E)(6) in that the existing vehicular and pedestrian circulation will remain the same. While some informal "parking" is provided on gravel/unpaved surfaced, the applicant proposes to pave this area to meet LMC standards of paved parking. The applicant proposes an additional paved parking area (see Exhibit C) to accommodate the maintenance and equipment storage building and to provide extra parking for employees as well as year-round Operations vehicles that will be stationed there when not in use.

36. The proposed facility meets LMC 15-1-10(E)(7) in that the applicant is not proposing any new fencing, but is proposing landscaped berms to shield the parking from public view. The proposal has been conditioned so that any disturbed landscaping shall be brought back to existing conditions or improved.

37. The proposed facility meets LMC 15-1-10(E)(8) in that the proposed additional building is in compliance with the Zone building height requirements and is smaller than the surrounding buildings. The proposed structure is intended to match the mass, bulk, and orientation of the existing Water Treatment facility on site.

38. The proposed facility meets LMC 15-1-10(E)(9) in that the minimum required open space is 60 percent of the site. The original MPD approval included Lot 1 consisting of 4.168 acres (approximately 181,558 square feet) and accommodated 32,234 square feet gross area for the water treatment plant, circulation, and parking. The original approval was for 82.25% Open Space and 17.75% covered. Since the original approval included 4,800 square feet for a future building, and only 2,400 square feet is being proposed, the Open Space is actually increasing to approximately 83.57% Open Space with only 16.43% covered. Further, Lots 2 and 3 of the Subdivision provide additional Open Space.

39. The proposed facility meets LMC 15-1-10(E)(10) in that there are no proposed signs or lighting on site. Any proposed signs must submit a separate sign permit application and must meet City sign standards in the Municipal Sign Code. Any lighting on the exterior of the proposed structure will be down directed and shielded.

40. The proposed facility meets LMC 15-1-10(E)(11) in that there is no impact to the Compatibility with surrounding structures or perceived mass from the Street as the proposed additional structure is smaller in scale and size to the existing structures on the site. Physical design is compatible with adjacent structures in mass, scale, style, design and architectural detailing.

41. The proposed facility meets LMC 15-1-10(E)(12) in that there is no noise, vibration, odor, steam, or other mechanical factor that may affect neighboring

properties outside of the construction period. The applicant has indicated that the facility has been designed in a way to minimize noise from operations occurring at the site. No glare, dust, pollutants, or odors are expected from the site.

42. The proposed facility meets LMC 15-1-10(E)(13) in that there are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

43. The proposed facility meets LMC 15-1-10(E)(14) in that this is a municipal facility with no residential uses proposed.

44. The proposed facility meets LMC 15-1-10(E)(15) in that the Site is located within the Park City Soils Ordinance Boundary. The construction mitigation plan will detail all work related to the soils ordinance area, and all construction will meet the requirements of the ordinance.

45. The proposed facility meets LMC 15-1-10(E)(16) in that this proposal has been reviewed for consistency with the Goals, Objectives, and Implementation Strategies of the Park City General Plan. The proposal aligns with the General Plan in several goals and objectives specific to Small Town and Natural Setting, including, but not limited to:

- a. Objective 2C: Regional institutions and services (e.g. government, stadiums, museums, etc.) should be located within existing development nodes.
- b. City Implementation Strategy 5.19: Identify opportunities for and implementation where appropriate of, micro hydropower systems in Park City's water infrastructure.
- c. City Implementation Strategy 5.20: Continue to review and investigate best practices that have the potential of substantially improving the environment.
- d. City Implementation Strategy 6.10: Upgrade public infrastructure not only to manage water supply for extreme (high and low) water years but also to maintain and enhance the community's water quality.

46. All Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – Quinn's Water Treatment Plant

1. The Application complies with all requirements of the current Land Management Code (LMC).
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – Quinn's Water Treatment Plant

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
 - a. No construction related parking or material storage shall be allowed in the Right-of-Way.
 - b. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department.
3. Any improvements within the Soils Boundary Ordinance area must meet the requirements of the ordinance.
4. A soils conditions report shall be submitted prior to issuance of any building permits and shall be reviewed by the City Engineer.
5. Monumentation shall be placed on the property corners prior as required by the Land Management Code or as otherwise approved by the City Engineer.
6. Any improvements shall comply with all terms and conditions of the Nationwide Permit Number 39 and permitted activity is subject to inspection by U.S. Army Corps of Engineers.
7. City Engineer shall review and approve all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance (not including the grading permit).
8. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance (not including the grading permit).
9. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit.
10. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
11. Access to the site must meet fire access requirements including adequate road widths and turnaround areas.
12. Modified 13-D fire sprinkler system is required for any new construction/addition.
13. All above grade utility facilities shall be located on the property and properly screened.
14. Portions of this property are located within Flood Zone A, all development shall provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements outlined in 44 CFR 60.3.

15. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on August 14, 2019.

16. This approval will expire on August 14, 2020 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.

17. All Conditions of Approval from the Master Planned Development (MPD) and original Conditional Use Permit (CUP) shall continue to apply.

VIII.B. 158 Main Street – Conditional Use Permit – The applicant is proposing 1) Construction of an addition to an existing Historic Structure located within the building setback. The proposal is to add a basement beneath the existing footprint of the Significant Historic Structure that is located within the side setback area; and 2) Construction of a front porch wider than the allowed ten (10) foot wide porch exception of the front setback. (Application PL-19-04256)

Commissioner Phillips recused himself and left the room.

Vice-Chair Suesser assumed the Chair.

Planner Caitlyn Barhorst handed out public input from Ellen Hendrickson, a neighbor at 150 South Main St., adjacent to the subject property at 158 Main Street.

Planner Barhorst reviewed the conditional use permit application for a historic structure addition located within the building setback. The applicant was requesting an exception to convert the unfinished floor area into a habitable basement and using the existing footprint within the building setback. They were also requesting an exception to construct a front porch wider than the allowed 10-foot porch exception. The intent is to reconstruct the front porch to its more historic form.

Planner Barhorst presented a historic photo from the 1940s with the original porch. Another photo was dated 2018. She also showed a photo of the approved HDDR design with the addition in the rear. The applicant already had approval to remove the current windows to return it to the more historic front façade.

The Staff recommended approval of the conditional use permit based on the Findings and Analysis found in the Staff report.

Commissioner Hall understood that because this is a historic house it was not required to provide on-site parking. David Baglino with Wasatch Engineering Contractors,

pointed out that the applicant was keeping the existing garage, which is within the setback area. They would like to use that area in the existing garage to fit a car.

Planner Barhorst presented the existing conditions with the garage within the five-foot side yard setback. She clarified that the applicant was only requesting to use the existing footprint to construct the basement and the addition above.

Commissioner Sletten referred to the letter from Ms. Hendrickson and the last paragraph in which she states that if the expansion occurs as proposed, it would create health and safety issues relative to her ability to park in her driveway. He asked if the Staff had the opportunity to address her concern.

Planner Barhorst replied that the Staff and the applicant had discussed the actual dimensions of the front porch in their proposal. The applicant was willing to update the actual dimensions from 22' to slightly smaller to accommodate Ms. Hendrickson.

Mr. Baglino explained that Ms. Hendrickson has a driveway adjacent to the property. Currently, there is a 5' retaining wall and if she tried to cross over onto the property to get out of her car she would fall off the retaining wall. Mr. Baglino did not believe their proposal would change that at all. However, the applicant was willing to reduce the size of the front porch to give Ms. Hendrickson a little more space.

Commissioner Sletten asked about the reduction. Mr. Baglino replied that the applicant was proposing a 1 foot reduction. Betsy Wallace, the applicant and homeowner of 158 Main Street, stated that they had already shrunk the porch approximately 2-feet from where it was historically so Ms. Hendrickson could swing open her car door. However, Ms. Hendrickson was requesting another foot and Ms. Wallace was agreeable to the additional foot.

Commissioner Suesser asked if there were schematics of the building with the proposed porch. Mr. Baglino replied that they only had an overview. Ms. Wallace stated that there is already a porch on the front and they were only proposing to extend it a little wider. Planner Barhorst presented a photo of the approved porch and noted that it would still be the same style only wider to match the historic photo as best as possible.

Ms. Wallace stated that the thought was to take it outside the lines for the single-windows. However, it still leaves Ms. Hendrickson approximately three feet. It was two feet when the schematics were initially done but they were willing to give her an additional foot to make it three feet.

Commissioner Sletten asked if Ms. Hendrickson had verbally said that the one-foot reduction was sufficient. Ms. Wallace stated that she had not spoken with Ms. Hendrickson. Planner Barhorst explained that the Staff received the letter from Ms. Hendrickson late and she was not able to attend the meeting. However, in discussing her comments with the applicant, they decided to update the design to accommodate the reduction.

Mr. Baglino indicated the concrete retaining wall and pointed to the window that would be eliminated. He stated that from the edge of her driveway it would be impossible for Ms. Hendrickson to touch the roof of the new structure.

Commissioner Thimm wanted to know the point of widening the porch beyond what Code would allow. Mr. Baglino replied that it was an effort to replicate the porch as closely as possible to the historic porch. Planner Barhorst stated that it was also to encourage the pedestrian front façade in its historic form. Ms. Wallace remarked that the Historic Society suggested that they try to return the porch to the width of the original porch. Commissioner Thimm clarified that they were returning it to the historic as much as possible but still mitigating the neighbor's concern. Ms. Wallace replied that he was correct.

Vice-Chair Suesser asked if the concrete wall would be removed. Mr. Baglino replied that the retaining wall would remain. It is on the property line and it supports Ms. Hendrickson's driveway.

Commissioner Hall was comfortable with the proposal, especially since the Historic Board had requested that it look more consistent with the historic rendering; and as long as it takes the neighbor into consideration. Planner Barhorst explained that the Historic Preservation Board approved the material deconstruction for the site. The applicant approached the idea of a wider porch and it was taken to the internal design review team and approved per the Historic District Design Guidelines. They were now moving forward with the CUP.

Ms. Wallace stated that the intent was to make sure it looks historic. In addition, that portion of the street has front facing porches which creates an unusual dynamic of people being outside talking to their neighbors. Most of the neighbors are full-time residents.

Commissioner Kenworthy noted that porches were a big part of the historic community and a part of historic preservation. He appreciated Ms. Wallace's willingness to work with the neighbor.

Vice-Chair Suesser was not clear on the neighbor's comment that she would suffer a significant loss of the use of her property and it would affect her ability to park on her property. She asked if this would cause a reduction in her parking area. Mr. Baglino replied that the parking would not be affected. He was confused by the comment as well. Planner Barhorst explained that Ms. Hendrickson was concerned about opening her car door once she is parked on the parking space on her property. The car door would open across the property line onto 158 Main. Vice-Chair Suesser understood that currently the space was narrow and tight because of the retaining wall, and that would not change. Planner Barhorst remarked that the wall across the property line was never moved. The porch is on the front area and it would be pushed back. Ms. Wallace pointed out that with the basement the house would be raised a couple of feet giving Ms. Hendrickson more space. Planner Barhorst stated that it was determined as part of the HDDR that lifting the house would raise the roof eave that currently overhangs onto the neighbor's property. Mr. Baglino noted that Ms. Hendrickson has a high profile vehicle and with the higher eave, she would be able to pull fully into her driveway.

Mr. Baglino reported that a plat amendment was done years ago and the property line was adjusted so the overhang now falls within the property at 158 Main, but it still encroaches slightly onto the neighboring property.

Vice-Chair Suesser opened the public hearing.

Rob Dixon, a resident at 166 Main Street, agreed with Commissioner Kenworthy that historically front porches were important to the community. Mr. Dixon believes front porches are still important because people use their front porches all the time. He believed a front porch at 158 Main Street would be a perfect addition to the community. He strongly favored the proposal.

Jeff Crabling, a resident at 129 Main Street, stated that in looking at the photographs in the proposal he could understand why the applicant wanted to increase the size of the porch. Porches are an important part of Old Town Park City. They were the community areas and walkability. He was very much in favor of this proposal. Mr. Crabling thought there were two issues. The first one was the increased space of the basement out to the existing wall of the historic house. The second issue was widening the porch. He thought it was interesting that both issues fell under the LMC recommendation to change from a variance application to a CUP. In both cases he felt a variance request was more appropriate when dealing with setbacks. However, beyond that, Old Town was historically a deed. In the early 1980s the entire Old Town was platted to put metes and bounds and establish benchmarks. There is a considerable amount of variation everywhere. His property is a new house. The historic house that was there

from 1880 to 1984 was the leaner that leaned onto Alaska House. That house was by the City and removed. Mr. Crabbling thought a lot of the LMC applies but it is all based on interpretation. When the plat was redone in 1997 to include all the little parts, it is not a straight line but it needed to be done in order to get the building onto the property. There are still encroachments. His neighbor's house encroaches over his property. Mr. Crabbling suggested that the discussion was about common sense. This applicant was proposing to maintain a historic structure and return it as best as possible to its historic presence. He thought the language, "to maintain the historic residential aspect of the neighborhood friendly feeling" was important because that needs to be established as the reason for why the Planning Commission would allow this application. Mr. Crabbling noted that historically the front porch wrapped around. There were no cars in 1884 and parking was not an issue. He believed that bringing the front porch in makes the historic reference a solid piece. Unfortunately, it does not meet the LMC as it exists and it needs a CUP approval. Mr. Crabbling urged the Planning Commission to grant the applicant's request.

Mr. Crabbling stated that on another matter regarding the back of the lot, many of the properties on the back of Main Street also face the park and the trail. Some properties have more issues because of the metes and bounds versus deed. He thought the decision the Planning Commission makes today will be important for future applicants requesting a variance, a CUP or a special exception. The language used in the motion for approval will be leaned on when other people make the same or similar requests. Mr. Crabbling stated that Old Town Main Street is very high profile and what this applicant was requesting meets and exceeds the goal. He thought they should be commended for their efforts.

Commissioner Thimm asked for the dimensions of the porch off the property line to where it was going to be with the added foot and the condition of approval requiring that they hold that dimension off the property line. Planner Barhorst replied that it was originally 1'9" from the property line as proposed. Following the letter from the neighbor, the applicant was willing to change that to 2'9". Commissioner Thimm suggested adding a condition of approval requiring the setback to be 2'9" from the existing property line. Ms. Wallace was not opposed to adding that condition. Commissioner Thimm appreciated that Ms. Wallace was making the effort to keep harmony with her neighbors.

Vice-Chair Suesser thought 3' was a cleaner number. She also noted that the neighbor mentioned a construction fence in her letter as being an issue. Apparently her car door bangs into the construction fence and it is damaging her car. Mr. Baglino stated that he would check the construction fence to make sure it is on the property line. He

explained that the house is directly on the property line and the construction fence needs to be kept against the outside wall of the house for safety reasons.

Vice-Chair Suesser called for additional public comments before closing the public hearing.

Mr. Crabbling thought they needed to be careful about rounding the dimensions. The building is not symmetrical and one side is already 2'5" or 2'9" already. He believed 2'9" is fine for the other side. He pointed out that the driveway is already narrow and the car door was being opened. It will be 8" or 9" further in because of the thickness of the retaining wall. He thought it was better to make the dimensions of the structure match as opposed to rounding the number. He pointed out that 2'9" was the number that was derived in an effort to accommodate the neighbor. Mr. Baglino remarked that they would not need to shrink the other side much, if at all, if the reduction was 2'9".

Commissioner Kenworthy asked Ruth Meintsma for her opinion as a member of the public. He asked what she thought about the symmetry for the house in terms of historic preservation if the porch was moved an additional 1'3". Mr. Baglino explained that they were trying to keep both edges of the porch equal distance from the edge of the house to keep it symmetrical.

Ruth Meintsma agreed that historically there was a lot of symmetry. She preferred to defer to Planner Barhorst since she is the Historic Preservation Planner. Ms. Barhorst thought the drawing in the proposal was not accurate. She believed there was an opportunity to determine the distance of the historic photo. Mr. Baglino noted that the porch needed to be changed from the historic photo because he was not able to wrap the porch around the sides. He stated that the architect came up with the distance of 1'9" because it was the offset of the original historic porch.

Commissioner Thimm clarified that 1'9" was based on historic research. Mr. Baglino answered yes. It was a guesstimate, but the architect reached the conclusions from scaling the photo. Ms. Meintsma pointed out that it was shown on the Sanborn maps.

Planner Hannah Tyler understood the applicant was willing to move the porch to accommodate the neighbor's car door. However, the applicant was trying to construct a porch that is most consistent with the historic porch. When they change a porch for a car door that swings across the property line, the question is whether that is being done for preservation or for livability. She cautioned the Planning Commission about changing the porches for something that swings across the property line.

Ms. Wallace preferred to keep the reduction at 2'9" believing that it was enough space for the neighbor.

Commissioner Thimm stated that in looking at the historic photo there was no symmetry in the porch at the time when it was part of the hip roof that carried around the side and all the way to the end. Commissioner Thimm preferred to keep the 2'9" dimension. He thought there was something to be said about making accommodation to an ongoing use of someone in the neighborhood.

Vice-Chair Suesser closed the public hearing.

Commissioner Hall agreed with Planner Tyler if this would be setting a precedent. It is important to keep friendly relationships with neighbors and she deferred to the experts.

Vice-Chair Suesser noted that this home is encroaching onto their neighbor's building. In talking about trying to accommodate a car door that swings onto their property, it actually opens into the encroaching area. Planner Barhorst replied that based on the plat amendment that was done, the property line goes all the way around the roof overhang. Ms. Hendrickson is claiming that the overhang encroaches onto her property because it did at one point, but the plat amendment included all those dimensions. Vice-Chair Suesser clarified that the applicant no longer encroaches onto their neighbor because the lot line was adjusted. Planner Barhorst answered yes.

Planner Barhorst added a condition of approval to address the 2'9".

Director Erickson noted that the motion should include two actions. Vice-Chair Suesser clarified that the public hearing included comments on the construction of the front porch and construction of the basement addition.

MOTION: Commissioner Thimm moved to APPROVE the Conditional Use Permit for 158 Main Street for both the extension of the floor space to the foundation wall and for the extension of the porch, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended to include a condition to address the additional one-foot reduction in the porch width of 2'9" from the property line. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 158 Main Street

1. The subject property is located at 158 Main Street, is located in the Historic

Residential (HR-2B) Zoning District, and is listed as “Significant” Historic Site on the City’s Historic Sites Inventory (HSI).

2. The applicant is requesting to excavate the existing basement level foundation to turn into habitable basement area for a garage. The north side of the unexcavated basement foundation currently encroaches two feet (2’) at the farthest point into the allowed five foot (5’) Side Setback. The total area of discussion is 46 square feet. The total proposed garage area is 320 square feet.

3. A Historic District Design Review (HDDR) application was approved April 30, 2018 for the complete restoration of the Historic Structure, construction of an addition to the rear (east), and excavation of the existing foundation. As a part of the HDDR proposal the existing garage floor level was altered to allow the unexcavated basement under the garage to become habitable space. Because previous renovations done between circ. 1997-1998 to the Historic Structure constructed the basement foundation into the side and front setbacks, per LMC § 15-2.3-5, the Existing Historic Structure footprint is allowed within the setbacks.

4. The Planning Department received a Conditional Use Permit (CUP) application on June 17, 2019 that was deemed complete on June 19, 2019. Staff has included

5. The Historic Structure at 158 Main Street is a Single-Family Dwelling. A Single-Family Dwelling is an Allowed Use in the HR-2 Zoning District.

6. A Plat Amendment for 158 Main Street was approved by City Council on June 29, 2017 (Ordinance 2017-33).

7. The proposal has little to no impact on the exterior of the Historic Structure. The 2018 HDDR was reviewed and approved for compliance with the Design Guidelines for Park City’s Historic Districts and Historic Sites.

8. Per LMC 15-2.3-3 The Planning Commission shall review any CUP application in the HR-2 District per the review criteria.

9. Per LMC 15-2.3-5(A), the Planning Commission may grant an exception to the Building Setback for additions to existing Historic Structures in order to achieve new construction consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites, based on the following criteria.

10. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.

11. The proposal complies with LMC 15-2.3-3 as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.

12. There are no unmitigated impacts to LMC 15-2.3-3(A) as the 2018 HDDR was reviewed and approved for compliance with the Design Guidelines for Park City’s Historic Districts and Historic Sites.

13. There are no unmitigated impacts to LMC 15-2.3-3(B) as the proposal No.1 has little to no impact on the exterior of the Historic Structure. The 2018 HDDR was reviewed and approved for compliance with the Design Guidelines for Park City’s

Historic Districts and Historic Sites. There are no unmitigated impacts for Proposal No.2 as the proposal complies with the applicable Design Guidelines and aims to restore the house to the more Historic form.

14. There are no unmitigated impacts to LMC 15-2.3-3(C) as conditioned as the applicant is to dedicate a façade preservation easement to the City. Condition of Approval #7 has been added requiring the façade easement for the front façade including the porch.

15. There are no unmitigated impacts to LMC 15-2.3-3(D) as Proposal No.1 has unexcavated foundation area that is located within the Side Yard Setback and is beneath the north side of the existing structure. No increase in Building Footprint was achieved through the addition of the foundation area in question. Proposal No.2 aims to restore the house to the more Historic form. The HDDR application was approved with the proposed design.

16. There are no unmitigated impacts to LMC 15-2.3-3(E) as the existing home is not required to have off street parking as exempted per LMC 15-2.3-5, Existing Historic Structures that do not comply with Off-Street Parking are valid Non-Complying Structures. The proposed unexcavated foundation conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; and will only expand the existing basement level to include a garage. The total area of the CUP is 46 square feet. The extension of the front porch does not alter the parking requirements.

17. There are no unmitigated impacts to LMC 15-2.3-3(F) as the landscape plan is under review in revisions under the Building Permit. The proposal does not remove any existing mature landscaping.

18. LMC 15-2.3-3(G) does not apply as there are no commercial Use; therefore, no separation between Residential and commercial Uses is required.

19. There are no unmitigated impacts to LMC 15-2.3-3(H) as there are no proposed utility equipment or service areas that are required to be screened.

20. The proposal complies with LMC 15-2.3-5(A) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Building setback exception to the Historic Structure.

21. The proposal complies with LMC 15-2.3-5(A)(1) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.

22. The proposal complies with LMC 15-2.3-5(A)(2) as the proposal is necessary for the rehabilitation of the Historic Structure. The HDDR application for the design of the basement level was approved in 2018 and the addition and/or driveway is Compatible with the Historic Structure.

23. The proposal complies with LMC 15-2.3-5(A)(3) as the addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Application Approved April 30, 2018.

24. The proposal complies with LMC 15-2.3-5(A)(4) as the building permit BD-18-25831 was approved and issued September 4, 2018.

25. The proposal complies with LMC 15-2.3-5(A)(5) as the addition has been reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites through the HDDR Application Approved April 30, 2018.
26. The proposal complies with LMC 15-1-10(E) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.
27. There are no unmitigated impacts to LMC 15-1-10(E)(1) as the Lot is 3,485 square feet (.08 acres). The site is located on Main Street (west property boundary) and abuts undeveloped land to the east. This is a Historic Single-Family Dwelling with no change in Use proposed.
28. There are no unmitigated impacts to LMC 15-1-10(E)(2) as there is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.
29. There are no unmitigated impacts to LMC 15-1-10(E)(3) as the increase in habitable space by the construction of the basement level garage will have no impact on the current utility equipment and capacity needs.
30. There are no unmitigated impacts to LMC 15-1-10(E)(4) as there is no impact to the existing emergency vehicle access.
31. There are no unmitigated impacts to LMC 15-1-10(E)(5) as the existing home is not required to have off street parking as exempted per LMC 15-2.3-5, Existing Historic Structures that do not comply with Off-Street Parking are valid Non-Complying Structures. The proposed unexcavated foundation conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; and will only expand the existing basement level to include a garage. The total area of the CUP is 46 square feet.
32. There are no unmitigated impacts to LMC 15-1-10(E)(6) with Proposal No.1 as the construction of the basement level garage does not negatively impact the circulation of the house. Proposal No.2 does not apply as there is no impact to the existing internal and pedestrian circulation system.
33. LMC 15-1-10(E)(7) does not apply as there are no commercial Use; therefore, no separation between Residential and commercial Uses is required.
34. There are no unmitigated impacts to LMC 15-1-10(E)(8) with Proposal No. 1 as the unexcavated foundation area that is located within the Side Yard Setback is beneath the north side of the existing structure. No increase in Building Footprint was achieved through the addition of the foundation area in question. Proposal No.2 aims to restore the more Historic form. The HDDR application was approved with the proposed design.
35. There are no unmitigated impacts to LMC 15-1-10(E)(9) as there is no change of the ratio of open space to built envelope.
36. There are no unmitigated impacts to LMC 15-1-10(E)(10) as there are no proposed signs. The exterior lighting complies with the Design Guidelines and LMC

requirements.

37. There are no unmitigated impacts to LMC 15-1-10(E)(11) with Proposal No. 1 as the unexcavated foundation area that is located within the Side Yard Setback is beneath the north side of the existing structure. No increase in Building Footprint was achieved through the addition of the foundation area in question. Proposal No. 2 aims to restore the more Historic form. The HDDR application was approved with the proposed design.

38. LMC 15-1-10(E)(12) does not apply as there are no changes that will result in additional noise, vibration, odors, steam or other mechanical factors.

39. LMC 15-1-10(E)(13) does not apply as there are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

40. LMC 15-1-10(E)(14) does not apply as this is a Single-Family Dwelling.

41. There are no unmitigated impacts to LMC 15-1-10(E)(15) as the 2018 HDDR was reviewed and approved for compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and LMC compliance.

42. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding, as This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. In 2018, a HDDR was approved for the restoration, construction of a basement level garage, and construction of an addition to the rear (east). As a result, the Historic Structure which had once experienced many out-of-period alterations was restored to its Period of Historic Significance. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to Goal 15A and Objective 15A.

43. On July 31, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published on the Utah Public Notice Website and Park Record on July 27, 2019 according to requirements of the Land Management Code.

44. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 158 Main Street

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the LMC 15-1-10, LMC 15-2.3-3 Conditional Use Permit Review (HR-2), and LMC 15-2.3-5(A) Existing Historic Structures Exceptions.
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful

planning.

Conditions of Approval – 158 Main Street

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on August 14, 2020, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration.
5. Portions of this property are located within Flood Zone A, all development shall provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements outlined in 44 CFR 60.3.
6. Modified 13-D fire sprinkler system is required.
7. All above grade utility facilities shall be located on the property and properly screened.
8. The applicant shall dedicate façade preservation easement for the front façade including the porch to the City for the Historic Structure at 158 Main Street Avenue prior to the issuance of a Certificate of Occupancy.
9. The dimension from the south property line to the exterior of the south end porch column shall be 2'-9" (two foot nine inches).

VIII.C. **901 Woodside Avenue – Conditional Use Permit – The applicant is proposing the construction of an addition to an existing Historic Structure located within the building setback.**

Commissioner Phillips was recused.

Planner Barhorst reviewed the application for an addition to the historic structure within the building setback. The current foundation is the historic footprint. The Historic Preservation Board previously reviewed and approved this item for material deconstruction. Disassembly/reassembly/panelization of the structure was unanimously approved by the HPB on August 7th.

Planner Barhorst stated that the applicant was proposing to use the currently unexcavated basement floor area, which was highlighted in red. The current basement

allowed within the building setback was shown in yellow. The green color highlighted the allowed basement addition within the setback.

The Staff recommended that the Planning Commission conduct a public hearing and approve the application for an addition at 901 Woodside Avenue.

Vice-Chair Suesser opened the public hearing.

There were no comments.

Vice-Chair Suesser closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the Conditional Use Permit for 901 Woodside Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 901 Woodside – CUP to construct addition

1. The subject property is located at 901 Woodside Avenue is located in the Historic Residential (HR-1) Zoning District, and is listed as a “Landmark” Historic Site on the City’s Historic Sites Inventory (HSI).
2. The applicant is requesting to excavate the existing basement level foundation to turn into habitable basement area with a garage. The total area that is requested under the Historic Building setback exception is 91 square feet. The proposed basement footprint follows the existing building footprint of the Landmark Historic Structure. The applicant is not proposing to alter the current footprint, only excavate and create habitable space where the existing footprint is. The basement level garage entry is setback from the existing structure’s side (south east side) wall per the Historic District Design Guidelines.
3. The applicant’s proposal is required for the rehabilitation of this Structure and will raise the structure two feet (2’) from existing floor level to encompass the new basement.
4. A Historic District Design Review (HDDR) application is currently under review for the complete restoration and rehabilitation of the Historic Structure which includes Disassembly and Reassembly (Panelization) and construction of a basement foundation within the Building Setbacks.
5. On August 7, 2019, the Historic Preservation Board reviewed and approved the Material Deconstruction and Disassembly and Reassembly (Panelization) of the

Landmark Historic Site.

6. The Planning Department received a Conditional Use Permit (CUP) application on April 17, 2019 that was deemed complete on April 19, 2019.
7. The Landmark Historic Structure at 901 Woodside Avenue is a Single-Family Dwelling. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District.
8. Per LMC 15-2.2-4 The Planning Commission shall review any CUP application in the HR-1 District per the review criteria.
9. Per LMC 15-2.2-4(A), the Planning Commission may grant an exception to the Building Setback for additions to existing Historic Structures in order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, based on the following criteria.
10. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.
11. The proposal complies with LMC 15-2.2-4(A)(1) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.
12. There are no unmitigated impacts to LMC 15-2.2-4(A)(2) as the current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and is compatible with the Historic Structure. The proposed garage entry preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the character of the front façade.
13. The proposal complies with LMC 15-2.2-4(A)(3) as the addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Process (pending HDDR and HPB approval).
14. The proposal complies with LMC 15-2.2-4(A)(4) as conditioned as the addition will be reviewed for compliance with the Building and Fire Codes through the Building Permit once submitted (pending approval of this CUP and the HDDR.)
15. The proposal complies with LMC 15-2.2-4(A)(5) as the current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and is compatible with the Historic Structure. The proposed basement addition and garage entry preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the front façade character.
16. There are no unmitigated impacts to LMC 15-1-10(E)(1) size and location of the site.

as the Lot is 1,875 square feet (0.04 acres). The site is located on Woodside Avenue (north east property boundary) and abuts a Platted Public Right of Way to the south east. This is an existing Historic Single-Family Dwelling, with approximately ninety-one square feet (91 sf) currently encroaching into the Side Setbacks. Per LMC 15-2.2-4, Historic Structures that do not comply with Building Setbacks are considered valid Complying Structures. The addition to basement that is subject to this CUP consists of approximately ninety-one square feet (91 sf) and does not affect the size or location of the site. No change in Use is proposed.

17. There are no unmitigated impacts to LMC 15-1-10(E)(2) as there is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.
18. There are no unmitigated impacts to 15-1-10(E)(3) as the addition to basement that is subject to this CUP consists of approximately ninety-one square feet (91 sf) and does not impact the utility upgrades that are proposed with the allowed foundation footprint.
19. There are no unmitigated impacts to LMC 15-1-10(E)(4) as there is no impact to the existing emergency vehicle access.
20. There are no unmitigated impacts to LMC 15-1-10(E)(5) as per LMC 15-2.2-4, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. There is no existing or proposed driveway at this time. The proposed basement addition does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.
21. LMC 15-1-10(E)(6) internal vehicular and pedestrian circulation system, is not applicable as there is no impact to the existing internal and pedestrian circulation system.
22. There are no unmitigated impacts to LMC 15-1-10(E)(7) as there are no commercial Use; therefore, no separation between Residential and commercial Uses is required.
23. There are no unmitigated impacts to LMC 15-1-10(E)(8) as the current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and does not change the building mass, location, or orientation. The proposed basement addition and garage entry preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the front façade character. The total area of the setback exception is ninety-one square feet (91 sf). No increase in Building Footprint will be achieved through the addition of the subject basement area.
24. There are no unmitigated impacts to LMC 15-1-10(E)(9) usable Open Space, as the proposal does not change the amount of open space to built envelope.
25. LMC 15-1-10(E)(10) signs and lighting, is not applicable as there are no signs or lighting on site.
26. There are no unmitigated impacts to LMC 15-1-10(E)(11) as there is no impact to the Compatibility with surrounding structures or perceived mass from the Street. The current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and does not impact the compatibility with surrounding structures. The proposed basement addition and garage entry preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the historic character.
27. LMC 15-1-10(E)(12) is not applicable as there are no changes that will result in additional noise, vibration, odors, steam, or other mechanical factors.
28. LMC 15-1-10(E)(13) is not applicable as there are no changes that will impact the

control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

29. LMC 15-1-10(E)(14) is not applicable as this is a Single-Family Dwelling.

30. There are no unmitigated impacts to LMC 15-1-10(E)(15) the proposed improvements will be appropriately re-graded and reviewed thoroughly through the Building Permit.

31. There are no unmitigated impacts to LMC 15-1-10(E)(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as this proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to Goal 15, Objective 15A and Objective 15B.

32. On July 31, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published on the Utah Public Notice Website and Park Record on July 27, 2019 according to requirements of the Land Management Code.

33. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 901 Woodside – CUP to construct addition

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the LMC 15-1-10 and 15-2.2-4(A) Existing Historic Structures Exceptions.
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 901 Woodside – CUP to construct addition

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on June 26, 2020, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
5. Modified 13-D fire sprinkler system is required for any new construction/addition.

6. All above grade utility facilities shall be located on the property and properly screened.
7. All Conditions of Approval from the pending Historic Preservation Board Review for Material Deconstruction and Disassembly and Reassembly (Panelization) Action Letter shall apply.
8. All Conditions of Approval from the Action Letter for the pending Historic District Design Review application shall apply.

VIII.D. 901 Woodside Avenue –Conditional Use Permit – The Applicant is proposing the construction of a private driveway within a platted, un-built City Street. (Application PL-19-04152)

Commissioner Phillips was recused.

Planner Barhorst reported that the Historic Preservation Board reviewed and approved the Material Deconstruction and Disassembly and Reassembly (Panelization) on August 7, 2019. The property at 901 Woodside Avenue, is a “Landmark” Historic Site. The applicant worked with the City and the Engineering Department. The plans have been reviewed and amended by the internal Development Review Committee several times.

Planner Barhorst stated that as part of the proposal to construct a driveway in the public right-of-way, the applicant was also proposing to construct a public pathway marked and distinguished with a different color concrete for public use that could potential lead to another access farther up onto Norfolk.

Vice-Chair Suesser wanted to know how much of the right-of-way the applicant was proposing to use as part of the private driveway. Planner Barhorst thought it was almost the entire full width of the right-of-way because it goes to a retaining wall being constructed on the property line of the right-of-way.

Commissioner Hall asked if this was a common request. Vice-Chair Suesser replied that it was not common. In the past, the Planning Commission rejected requests to build within a foot of the right-of-way because it impedes on future development of the right-of-way.

Planner Barhorst stated that the Staff was recommending approval based on the fact that the Landmark status of the structure would be retained by not altering the setting or the architectural character of the front façade. Planner Barhorst noted that the Design Guidelines encourage a driveway access off the rear or side if feasible. However, if that is not approved, the applicant would propose to lift the structure following the approved

material deconstruction and construct a driveway beneath the landmark façade, which would significantly alter the character of the home and other historic characters of the Landmark Site. The applicant was working with the Design Review Team and the City in editing the plans with regards to the Landmark status of the site; as well as exploring the opportunity to access from the right-of-way as proposed in the requested conditional use permit for the side yard driveway.

Commissioner Kenworthy asked if the Landmark designation would remain if the driveway is approved to impede on the unbuilt City street. Planner Barhorst stated that the HDDR has not yet been approved; however, the approved material deconstruction and panelization of the site would not alter the Landmark status, especially if the front façade would be retained with the side yard access. The pedestrian scale would still be retained because it would still remain as a street approach. The access with the driveway and the garage underneath the side of the house would not significantly alter the Landmark character.

Commissioner Sletten noted that Section 15-3-5 of the LMC addresses that specific point. The Section is titled Driveway Standards for Private Driveways within Platted Unbuilt City Streets. Commissioner Sletten believed the LMC contemplates this type of request, even if it was not favored by past Planning Commissions. It is within the purview of the LMC.

Planner Barhorst reviewed a series of photographs showing the site as it currently exists. She noted that the grading and the retaining walls on the site would be retained and reconstructed. If approved, the access would come from the side.

Commissioner Hall asked if construction a driveway in the right-of-way has been done before. Director Erickson replied that it has been done in the past. At that time the City Engineer had the authority to approve construction in unbuilt platted right-of-ways. However, the Code was changed to give the Planning Commission the authority to approve it in specific cases. Director Erickson remarked that consideration needs to be given to the fact that unbuilt platted rights-of-way is used for open space; platted unbuilt City streets are used for snow storage; and for pedestrian circulation. In this particular case, the conditional use clause they would be trying to balance is whether an on-street parking space would reduce snow removal as opposed to having an off-street parking space.

Vice-Chair Suesser pointed out that the alternative is to raise the building and construct a driveway. Director Erickson agreed; however, that would alter the character of the Landmark structure. He noted that the HPB is rigorous about not changing the grade more than two feet and they do not like historic houses appearing to be too high above

the street. Vice-Chair Suesser remarked that many historic houses have been raised in Old Town. Director Erickson pointed out that the rules were changed in 2017 to keep that from occurring.

Vice-Chair stated that there were no other encroachments on the 9th Street right-of-way, and no other driveways were built inside this right-of-way all the way from Empire to Park Avenue. She believed if this was approved, they would be preventing future development of the right-of-way because it would impede the use. Vice-Chair Suesser recalled a house that was being built in 2017 and the applicant wanted to put a chimney within one foot of the right-of-way. The City Engineer specifically said the right-of-way space is reserved for stairway access, installation of utilities, snow storage, and open space. He told the Planning Commission that the rights-of-way function as critical infrastructure routes in Old Town. Vice-Chair Suesser reiterated that many historic homes in Old Town have been raised to accommodate a garage, and she could not find good cause for this request to impede the right-of-way and take the use away from the public for a private owner. She remarked that other historic structures in Old Town that do not have garages have the same problem, but they do not have the opportunity to present an application because they are not next to a right-of-way to access from the rear. Vice-Chair Suesser felt strongly that there was no good reason to impede into the right-of-way. It is short-sighted and would take away the ability for the City to use the right-of-way in the future for the community.

Planner Barhorst stated that the public pathway was the applicant's way of addressing the City Engineer's request for public access and a future stairway development.

Vice-Chair Suesser noted that the application contemplates an encroachment agreement. The homeowner would have the right to encroach into the right-of-way and that could potentially prevent the City from utilizing the right-of-way in the future. Director Erickson explained that the encroachment agreement would never be written in that way. The City would allow the use of the ground; however, if the City needs the ground in the future then the applicant would need to move the encroachment. The right-of-way remains and the City would not give up the City right-of-way.

Vice-Chair Suesser asked if they could give the encroachment and then take it back. Commissioner Thimm stated that it happens all the time in his work with other municipalities. Agreements are signed that are completely revocable.

Commissioner Van Dine thought it was a better option than having the owner redo the stonework and the entire front of the house. Planner Barhorst agreed that it would greatly impact the streetscape and the look of the Landmark structure.

Commissioner Kenworthy wanted to know what would happen if the HDDR did not allow the garage on the front of the house because the owner purchased the house knowing it was a Landmark structure.

Planner Tyler stated that Commissioner Suesser was correct about seeing other raised historic structures in the Historic District. She pointed out that the new Historic District Design Guidelines trends away from raising structures because it takes away from the historic integrity. Planner Tyler clarified that they would not approve a HDDR that would demote a structure from Landmark to Significant. The Staff would work with the applicant to get the garage to the point where it would not degrade the Landmark status. Planner Tyler noted that the applicant has not proposed to put the garage under the front, but the Staff would discourage it based on what they know about Landmark structures. For that reason, this specific Section of the LMC was written to allow for these requests.

Planner Tyler understood that the Planning Commission had concerns about the use of the right-of-way; however, the easements are written so they can be revocable. She stated that the Staff worked very hard with the Engineering Department to incorporate the pedestrian pathway. The discussion was so specific that they even regulated the material so it would not degrade the driveway area.

Planner Tyler realized the Planning Commission had a lot to consider. She noted that historic structures are exempt from parking so the owner is not required to have the garage. Planner Tyler was certain that the owner would have a car, and street parking would need to be incorporated if they did not allow the driveway. Planner Tyler emphasized that regardless of the outcome, Staff would not approve an HDDR that would take the structure from Landmark to Significant.

Vice-Chair Suesser did not believe that preserving the historic façade at the level it is, rather than being raised, outweighed the public use of the right-of-way. In her opinion, taking that away from the public was inappropriate. Vice-Chair Suesser stated that the applicant was able to make this request because the right-of-way is there. She did not think the applicant should be allowed to go outside of the property line. Vice-Chair Suesser thought the applicant should work with what he has like every other property owner and he should not be allowed to go outside the property line. She felt strongly that the right-of-way belongs to the public.

Commissioner Hall asked if it was possible to continue this item to the next meeting to give the Planning Commission the opportunity to get additional information on the easement. Director Erickson thought a continuance was appropriate unless the

Planning Commission was ready to make a motion to approve or deny. If they voted to deny, the Staff would need to create Finding for the Denial.

Commissioner Kenworthy stated that he could not find good cause for allowing the garage underneath or on the right-of-way. Planner Tyler encouraged the Planning Commission to continue to the next meeting to give the applicant the opportunity to be present and state their case. Commissioner Sletten agreed. Planner Tyler clarified that the Planning Department was only representing what the applicant provided.

MOTION: Commissioner Hall moved to CONTINUE 910 Woodside Avenue CUP for construction of a private driveway within a platted unbuilt City street to a date uncertain. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Phillips returned to the meeting and assumed the Chair.

VIII.E. Park City Heights Located at Extended Piper and Ledger Way, Phase 4 – Subdivision – The Applicant, Ivory Development LLC, is proposing a subdivision plat for 48 single family lots on 12.54 acres consistent with the 2013 amended Park City Heights MPD, amended Park City Heights preliminary plat and amended phasing plan.
(Application PL-19-04190)

Director Erickson noted that the Planning Commission reviewed this item in a previous work session and there were no issues. Due to the late hour, he thought a brief presentation would be sufficient.

Planner Alexandra Ananth reviewed the application to move forward with platting Phase 4, which is located just south of Phase I. This phase includes 48 lots for deed restricted cottage lots. She noted that one deed restricted cottage lot was being shifted from Phase 5 into Phase 4. Therefore, the City would be getting one deed restricted unit earlier than anticipated.

Chair Phillips opened the public hearing.

There were no comments.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Extension of Ledger Way and Piper Way Phase 4 Subdivision,

based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as contained in the Staff report. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Park City Heights Phase 4 Subdivision

1. The property is located south of Richardson Flat Road, south and east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned CT-MPD (Community Transition subject to the Park City Heights MPD).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 final subdivision plat.
6. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.
7. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation.
8. On February 27, 2014, the City Council approved a revised Park City Heights Phase 1 final subdivision plat that was subsequently recorded at Summit County on November 4, 2014.
9. On May 3, 2018, the City Council approved the Park City Heights Phase 2 final subdivision plat. This plat has not yet been recorded.
10. On April 4, 2019, the City Council approved the Park City Heights Phase 3 final subdivision plat. This plat has not yet been recorded.
11. On May 30, 2019 the City Council approved a two year extension of approval for the Phase 2 subdivision plat to allow additional time for completion of the streets and utilities.
12. On June 12, 2019 the Planning Commission reviewed the Phase 4 Subdivision Proposal and held a Public Hearing. There was no public comment and the Hearing was Continued.
13. On August 14, 2019 the Planning Commission reviewed the Phase 4 Subdivision Proposal and held a Public Hearing and forwarded a _____ recommendation to the City Council.
14. The property is restricted by the Land Management Code, the Park City Heights

Annexation Agreement, and the Amended Park City Heights Master Planned Development Agreement and the Park City Heights Design Guidelines.

15. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary.

16. The proposed subdivision plat creates 48 lots of record for 11 Homestead houses and 27 Cottage homes including 4 deed-restricted Cottage homes, dedicates public streets, utility, snow storage, drainage, and provides access and trail easements.

17. The Homestead lots (Lots 418-428) range in area from 8,293 to 10,783 square feet. Cottage Home lots (Lots 401-417 and 429-448) range in area from 4,442 sf to 9,842 square feet. Parcels A- D are platted as open space parcels with blanket easement for public utilities, access and trails.

18. The lots are consistent with the Lot and Site Requirements of the Community Transition (CT) District as conditioned by the Park City Heights MPD and Design Guidelines.

19. No non-conforming conditions are created by the subdivision.

20. The Park City Heights development is accessed from Richardson Flat Road, a public road, and access to lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road.

21. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.

22. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.

23. Sanitary sewer facilities are required to be designed and installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).

24. There is good cause for this subdivision plat in that it creates legal lots and an open space parcel of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides for open space areas within and around the subdivision; dedicates easements and public streets consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.

25. As a condition of the Park City Heights MPD a total of 79 deed restricted affordable units are required. The Development Agreement states that all 28 Townhouse units and all 35 Park homes (all deed restricted affordable) are located in Phase 1, along with 5 Cottage homes and that "affordable units for subsequent phases will be identified with the final subdivision plats for those phases".

26. The affordable housing mitigation plan indicates that the Project may be platted in phases and that each primary phase may include sub-phases as market conditions

dictate and the phases may be adjusted.

27. On February 27, 2019, the Planning Commission approved an amended subdivision phasing plan that aligns with the Housing Mitigation Plan.

28. On January 8, 2019, the Housing Authority approved an amended Park City Heights Housing Mitigation Plan.

29. Findings in the Analysis section are incorporated herein.

Conclusions of Law – Park City Heights Phase 4 Subdivision

1. The subdivision complies with LMC Chapter 7 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD and preliminary plat as amended and conditioned.
4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
5. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Park City Heights Phase 4 Subdivision

1. City Planner, City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A plat note shall indicate that conditions of approval of the Amended Park City Heights MPD and preliminary plat, as amended and approved by the Planning Commission on November 6, 2013, and memorialized in the Park City Heights Development Agreement, as amended, February 26, 2014 and March 8, 2017, shall apply.
4. A plat note shall state that this plat is subject to this Ordinance (2019-xx) (the Ordinance approving this subdivision).
5. Final approval of the sewer facilities by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. A plat note shall state that trees, structures and retaining walls shall not be located within SBWRD easements.

7. The plat shall indicate that all streets and utilities, except for sewer laterals, constructed within the ROW are dedicated to the City for public use. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
8. Ten-foot wide public snow storage easements are required along all street frontages.
9. All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.
10. Parcels A - D are non-developable open space parcels and shall be dedicated to the Park City Heights HOA as restricted open space, to be owned and maintained by the Master HOA, and shall be encumbered by utility, drainage, snow storage, access and public trails easements as determined by the City Engineer prior to plat recordation.
11. A plat note shall state that public trails within the open space parcels shall be constructed in type and location as approved by the City consistent with the MPD. Final constructed trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements. Trails within Phase 4 shall be constructed prior to recordation of this plat, or shall be bonded for as required by the City Engineer and City Open Space and Trails Manager.
12. A plat note shall state that all construction, including streets, utilities and structures shall comply with recommendations of the supplemental, updated soils investigation conducted by AGECE on December 20, 2011 that updated and supplemented the June 9, 2006 Geotechnical Study provided by Gordon, Spilker, Huber Geotechnical Consultants, Inc.
13. A plat note shall state that additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
14. A plat note shall state that a landscape and irrigation plan shall be submitted and approved by the City for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines.
15. A plat note shall state that a limits of disturbance plan (LOD) and existing vegetation protection plan shall be part of the building permit submittal.
16. A plat note shall state that exterior lighting shall conform to requirements of the City's Lighting Ordinance and the Park City Heights Design Guidelines.
17. A plat note shall state that applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of

a certificate of occupancy, or bonded for as determined and approved by the Chief Building Official.

18.A plat note shall state that grading, drainage and storm water run-off plans shall be approved by the City Engineer prior to building permit issuance.

19.A plat note shall state that prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines, including building setbacks, building height, maximum floor area, building articulation, architecture and materials, landscaping, lighting and other elements as stated in the Park City Heights Design Guidelines.

20. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.

21.A note shall be added to the plat stating that all units shall be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

22.A plat note shall state that In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either:
1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score, as further described in the Park City Heights Design Guidelines.

23.A plat note shall state that an industry standard Third Party inspector shall be 455

mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with Green Building and Water Conservation requirements as required by the amended Master Planned Development Agreement. Final certification documenting compliance shall be provided to the Building Department prior to issuance of certificates of occupancy.

24.A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance on individual lots as well as for construction of public infrastructure. The CMP shall address construction access, parking, allowed hours of work, temporary lighting, construction signs, limits of disturbance, recycling and stockpiling of materials, re-vegetation of all disturbance areas, noise, dust, and other items listed on the standard CMP form required by the Building Department.

25. To mitigate impacts on existing City streets and residents, temporary construction access to Phase 4 shall be from Richardson Flat Road onto a temporary graded or paved access road, utilizing Lot C-1 and Parcel G located east of Piper Way, then accessing Piper Way just south of the Kinley Drive and Piper Way intersection. If an access easement can be acquired from the UDOT to use the US 40 frontage road for construction access for Phase 4, that option should be pursued to mitigate impacts on existing residents. This temporary access may require paving in order to prevent tracking of mud. The disturbed areas of Lot C-1 shall be re-graded and revegetated once constructed is complete or, if not used for a period of one year or longer.

26. Ledger Way (the section north of Calamity Lane) shall not be used for construction access to Phase 4.

27. A common construction recycling and excavation materials storage area within the development shall be utilized for this phase as required by the MPD.

28. All public improvements shall be completed and accepted prior to signing and recording of the plat, or a financial guarantee may be provided to the City, in a form and amount acceptable to the City for the value of all public improvements, including trails. All public improvements shall be completed according to City and provider standards and accepted by the City Council prior to release of this guarantee. Ten percent of the bond shall be held by the City for the warranty period and until such improvements are accepted by the City.

29. A plat note shall state that maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the public rights-of-way and common areas, with the exception of public trails, shall be provided by the Master HOA, unless otherwise agreed upon by the City Council.

30. A plat note shall state that a fire protection and emergency access plan shall be submitted and approved by the Park City Fire District prior to the issuance of any building permits for this phase. The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones and shall ensure that Park City's ISO rating is not negatively affected by the development.

31. Residential fire sprinklers are required for all occupied structures as required by the Chief Building Official.

32. Issuance of building permits for Phase 4 are subject to completion and issuance of certificates of occupancy for deed restricted affordable housing as required by the approved Housing Mitigation Plan, as amended.

33. A note shall be included on the final plat stating the following maximum Residential Floor Area (aka house sizes), consistent with the LMC definitions, shall apply:

3,500 square feet (Cottage homes)

4,000 square feet (Homestead homes)

34.A note shall state that this plat is subject to the 2014 Amended Park City Heights MPD Development Agreement and the Water and Maintenance Agreement with Park City Municipal Corporation dated October 3, 2014.

35.No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.

36.All standard project conditions shall apply.

Marsac Mining Claim 61

This item was continued under CONTINUATIONS on the Agenda.

The Planning Commission Meeting adjourned at 9:20 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

**Planning Commission
Staff Report**



Subject: Woodside Park Affordable Housing
Project Phase II
Project #: PL-18-03822
Author: Hannah M. Tyler, AICP, Senior Planner
Date: August 28, 2019
Type of Item: Remand of Master Planned Development - Setbacks

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and Continue the review of the Setbacks for the Master Planned Development application to September 11, 2019.

Description

Applicant: Park City Municipal Corporation
Location: 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue.
Zoning District: Recreation Commercial (RC) Zoning District
Adjacent Land Uses: Single-Family, Multi-Family, Municipal Uses, Resort Commercial, Recreation
Application Type: Master Planned Development (Remand)

Disclosure: Park City Municipal Corporation owns the property.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Annexation Policy Plan
Author: Rebecca Ward
Application: GI-19-00416; PL-19-04300
Date: August 28, 2019
Type of Item: Legislative – Land Management Code Amendment

Summary Recommendation

Staff recommends the Planning Commission review the proposed Annexation Policy Plan and Land Management Code (LMC) amendments, conduct a public meeting, and allow affected entities an opportunity to provide input on the plan at the public meeting and for ten days thereafter (through September 9, 2019). Based on input provided, the Planning Commission may make any modifications to the proposed Annexation Policy Plan the Commission considers appropriate. Staff recommends that the Planning Commission then hold a public hearing on the Annexation Policy Plan on September 11, 2019, and consider forwarding a positive recommendation for City Council's consideration on September 12, 2019.

Description

Project Name: Annexation Policy Plan
Applicant: Planning Department
Proposal: Adoption of the Annexation Policy Plan and Revisions to Land Management Code (LMC) 15-8 – Annexations
Land Management Code: Chapters 15-8-1 through 15-8-8
Reason for Review: The Annexation Policy Plan and LMC Amendments require Planning Commission review and recommendation, and City Council review and action

Background

On April 4, 2019, City Council directed staff to consider modifying Park City's Annexation Policy Plan, the plan that creates the framework through which the City considers annexation petitions, and the Annexation Expansion Area (AEA), a map that is included in the City's Annexation Policy Plan that shows land the City may consider annexing in the future. Council's direction was to modify the Plan and AEA in order to provide integrated management and municipal services to City-owned or protected open space, to increase municipal services and capacity for affordable housing development, and to avoid overlaps with the AEA of other municipalities. The 2014 Park City General Plan contemplates a modified AEA that includes the Round Valley area at

the City's northern boundary to bring City-owned property within City limits, encompasses the southeast quadrant of the Quinn's Junction Intersection at Highway 40 and State Road 248 as a possibility to protect and plan for the eastern gateway to the City, and incorporates Bonanza Flat along the City's southern boundary in unincorporated Wasatch County to protect open space.¹ On June 27, 2019, City Council directed staff to work with the Planning Commission to prepare amendments to the City's Annexation Policy Plan and AEA as recommended in the General Plan to include a portion of Round Valley, the southeast quadrant of the Quinn's Junction Intersection (Highway 40 and State Road 248) to the Summit County border, and the City-owned Bonanza Flat open space.²

The blue boundary on the map below shows the current City limits, the black line delineates the Summit and Wasatch County border, the green boundary shows the proposed AEA and the three new areas included in the AEA are highlighted in green:

¹ 2014 Park City General Plan, Volume I, p. 35-37.

² Park City may include Bonanza Flat in the AEA without Wasatch County's consent. However, Park City must obtain the consent of the Wasatch County Council if the City ever proposes to annex Bonanza Flat in the future.



Date: 8/9/2019



- Park City Municipal Boundary
- 2019 Annexation Expansion Area
- County Boundaries



Coordinate System: NAD 1983 StatePlane Utah Central FIPS 4302 Feet
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Units: Foot US



<https://www.parkcity.org/departments/plz/plz-disclaimer>

Round Valley – On October 30, 2014, City Council adopted Ordinance No. 14-59 to annex approximately 1,370 acres of Round Valley into Park City. This area is protected by a conservation easement or is zoned Recreation Open Space to retain the area for recreational uses and to preserve environmentally sensitive lands. Round Valley features over 30 miles of trails for hiking, biking, running, and skiing.

The proposed 2019 AEA is extended to include a 363-acre Round Valley parcel (SS-57-A-X), the northeast portion of Round Valley, so that at a future date, the City may contemplate bringing this City-owned property into the City boundary. Also, approximately 75 acres of private property along the northeast portion of Round Valley is included in the 2019 AEA to potentially create a logical extension of the northern City boundary to the base of the Mountain Ranch Estates, Trailside, and Silver Summit subdivisions in unincorporated Summit County. Consistency of City services (police, restrooms, trailheads) and management (dogs, wildlife, wildfire), while limited, are critical to the on-going public enjoyment and preservation of the resources associated with the properties.

Quinn’s Junction – Park City is the beneficiary of over 580 acres of development-restricted property along State Road 248 located within the southeast quadrant of the Quinn’s Junction Intersection, known as Richardson Flat.³ Additionally, Park City is the owner of Clark Ranch, 344 acres located along Highway 40, more than half of which are located in the southeast quadrant of the Quinn’s Junction Intersection.⁴ The 2019 AEA encompasses these properties, as well as approximately 580 acres of private property, in order to potentially create a logical extension of the City boundary to the Summit County border to respect the existing Summit County district boundaries.

Also located in the proposed AEA is an approximately 5-acre portion of UDOT parcel SS-65-A-X located within the northeast quadrant of the Quinn’s Junction Intersection (Highway 40 and S.R. 248) for a potential park and ride proposed under a partnership with UDOT, Summit County, and the City (shown in the image below). Two other potential sites are proposed within the southeast quadrant of the Quinn’s Junction Intersection on Richardson Flat and are included in the AEA.

³ On May 17, 1994, United Park City Mines (UPCM) filed an application to annex an area—initially referred to as Flagstaff Mountain and now known as Empire Pass—into Park City. After years of negotiations, on June 24, 1999, City Council adopted [Ordinance No. 99-30](#), “AN ORDINANCE ANNEXING APPROXIMATELY 1750 ACRES KNOWN AS FLAGSTAFF MOUNTAIN INTO THE CORPORATE LIMITS OF PARK CITY, UTAH AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO INCLUDE THE ANNEXED AREA.” On the same day, City Council authorized a Development Agreement between UPCM and Park City. ([Resolution No. 20-99](#), “RESOLUTION AUTHORIZING THE FLAGSTAFF MOUNTAIN DEVELOPMENT AGREEMENT.”) Park City granted UPCM certain development rights in the Empire Pass area upon annexation. In exchange, UPCM agreed to restrict development on over 580 acres in unincorporated Summit County on property known as Richardson Flat, with Park City as the beneficiary.

⁴ On October 9, 2014, the City Council approved a Real Estate Purchase Contract for the City’s purchase of Clark Ranch. Clark Ranch along the western side of Highway 40 is already included in the City’s existing AEA.

Potential Park and Ride in Northwest Quadrant of Quinn's Junction Intersection



Figure 2 - Frontage Road (Old Highway 40) Site - (Source: Google Earth)

Bonanza Flat – On November 8, 2016, Park City voted in favor of a \$25,000,000 general obligation bond to help the City acquire Bonanza Flat, 1,350 acres of open space contiguous with the City’s southern border in unincorporated Wasatch County. Bonanza Flat will be protected open space in perpetuity under a conservation easement. Bonanza Flat is proposed to be included in the 2019 Annexation Expansion Area in order to provide an opportunity for the City to work collaboratively with Wasatch County to potentially bring the City-owned open space within the Park City boundary and jurisdiction in the future. The Wasatch County Council must consent before the City may annex Bonanza Flat.

Analysis

No land use changes are proposed at this time.

Any future land use or zoning changes for the Round Valley and Quinn’s Junction area may require amending the Park City General Plan and the Land Management Code. The Round Valley and Quinn’s Junction areas are included in the 2019 AEA pursuant to current Summit County zoning and land uses and are subject to the Quinn’s Junction Joint Planning Commission Principles developed in collaboration between Park City and Summit County.

The Summit County zoning for the Round Valley and southeast quadrant of the Quinn’s Junction Intersection includes Hillside Stewardship (one unit per 30 acres or one unit per 40 acres, depending on environmental factors), Rural Residential (one unit per 20 acres or one unit per 40 acres, depending on environmental factors), and Mountain

Remote (one unit per 120 acres). This low-density zoning allows residential, recreational, agricultural, and grazing uses.

The Round Valley and southeast quadrant of the Quinn's Junction Intersection are subject to the Quinn's Junction Joint Planning Commission Principles, developed in collaboration between Park City and Summit County. On June 17, 2002, the City Council adopted Resolution 12-02, an Interlocal Cooperation Agreement between Summit County and Park City for a joint planning process of the Quinn's Junction area. Between July 2002 and October 2004, Park City and Summit County worked together to create a shared land use plan for future development along the Quinn's Junction Intersection at Highway 40 and State Road 248, known as the Quinn's Junction Area Study. Both entities reviewed their general plans to identify commonalities and established the Quinn's Junction Joint Planning Commission Principles to guide future development of the area. The Park City Planning Commission adopted the principles with the understanding that the principles do not establish a formal land use plan and do not modify the Park City General Plan or Land Management Code, but rather outline guidance for future amendments to the General Plan.

The Quinn's Junction Joint Planning Commission Principles regarding Round Valley and the southeast quadrant of the Quinn's Junction Intersection envision future development that (1) is sensitive to the environmental factors of the area, (2) preserves open space, (3) produces density that results in significant public benefits to promote Park City's resort, recreation, tourism, and resort-based second-home economy, (4) prohibits highway service commercial and convenience retail and regional big-box retail commercial along the Highway 40 and State Road 248 corridor, (5) considers institutional uses for a hospital, educational facility, recreation/sports training facility, or an arts/cultural heritage/history-based institution, (6) provides recreation and open space uses in the Richardson Flat area and may include a golf course, active recreation, equestrian, and preserved open space, and (7) clusters residential development.

The Principles preserve view corridors with development proposed to be clustered according to the topography and other environmental factors. Open space and recreation are envisioned to be the predominant land use in the area with transit-oriented access to an interconnected system of trails. Vast surface parking areas with high visibility from the entry corridor are prohibited and any surface parking must be buffered from the entry corridor.

The Bonanza Flat open space along the City's southern boundary in unincorporated Wasatch County will be protected from development under a conservation easement in perpetuity. The inclusion of Bonanza Flat in the 2019 Annexation Expansion Area

allows the City to continue to collaborate with Wasatch County to potentially bring the Bonanza Flat open space into the City boundary and jurisdiction.

State law establishes requirements to adopt or modify an Annexation Policy Plan.

An Annexation Policy Plan establishes the framework through which a City may consider future annexation petitions. State law requires the City to establish a Plan that outlines the specific criteria that will guide the City's decision on whether or not to grant future annexation petitions. The Plan must address criteria including the character of the community, the need for municipal services in developed and undeveloped unincorporated areas, the City's plans for extending and financing municipal services, an estimate of the tax consequences to residents within the City boundaries and the area proposed for annexation, and the interests of affected entities. [Utah Code 10-2-401.5\(3\)](#).⁵ State law also requires that the Plan include an Annexation Expansion Area, a map that shows the land the City may consider annexing in the future. [Utah Code 10-2-401\(1\)\(d\)](#). Park City's Annexation Policy Plan is codified in the [Land Management Code Title 15, Chapter 8](#).

Park City adopted its first Annexation Policy Plan on December 16, 1993. In 2001, the Utah State Legislature revised State annexation law. On January 9, 2003, the City Council adopted Ordinance No. 03-01 to update and codify the City's Annexation Policy Plan in the Land Management Code, Title 15, Chapter 8. Park City amended the Annexation Policy Plan over the years to clarify procedure, to align with amendments to Utah State annexation law, and to include City-owned properties in the AEA.

For example, on December 21, 2006, City Council adopted Ordinance No. 06-86 to clarify that the Planning Commission reviews an annexation agreement contemporaneously with an annexation petition, and the City Council grants final approval. On October 12, 2015, City Council adopted Ordinance No. 15-35 to amend the Annexation Policy Plan to align with revisions to Utah State law. On June 15, 2017, City Council adopted Ordinance No. 2017-29 to modify the Annexation Expansion Area to include City-owned property.

In developing, considering, and adopting an Annexation Policy Plan, the Planning Commission and City Council must (1) attempt to avoid gaps between or overlaps with the expansion areas of other municipalities; (2) consider population growth projections for the City and adjoining areas for the next 20 years; (3) consider current and projected costs of infrastructure, urban services, and public facilities to facilitate full development

⁵ Affected entities include counties in whose unincorporated area the area proposed for annexation is located, local districts, special service districts, school districts, and municipalities whose boundaries are within ½ mile of an area proposed for annexation. [Utah Code 10-2-401\(1\)\(a\)](#). A Plan must address comments made by affected entities during the process of adopting the Plan. [Utah Code 10-2-401.5\(3\)](#).

of the area within the City and to expand the infrastructure, services, and facilities into the area being considered for inclusion in the Annexation Expansion Area; (4) consider in conjunction with the Park City General Plan the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; and (5) consider reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the City. [Utah Code 10-2-401.5\(4\)](#). These elements are discussed in the proposed Annexation Policy Plan, attached as Exhibit B.

The Town of Hideout proposes to include much of the southeast quadrant of the Quinn’s Junction Intersection, including Richardson Flat, in their Annexation Expansion Area.

In developing the 2019 Annexation Expansion Area, the City attempted to avoid gaps between or overlaps with the Annexation Expansion Area of other municipalities. However, the Town of Hideout in Wasatch County is in the process of amending their Annexation Policy Plan. As of the date of this Plan, Hideout proposes to include much of the southeast quadrant of Quinn’s Junction in unincorporated Summit County within their Annexation Expansion Area. Park City objected to Hideout’s Annexation Expansion Area in the southeast quadrant of Quinn’s Junction because it encompassed much of the Park City-owned Clark Ranch property, as well as Richardson Flat, over 580 acres that is development restricted with Park City as the beneficiary. The Hideout Planning Commission amended the Annexation Expansion Area to exclude Clark Ranch. However, the Hideout Planning Commission retained the Richardson Flat area in their proposed Annexation Expansion Area.⁶

Affected Entity Outreach

State annexation law requires outreach to affected entities when creating and adopting an Annexation Policy Plan. Affected entities include counties in whose unincorporated area the area proposed for annexation is located, local districts, special service districts, school districts, and municipalities whose boundaries are within ½ mile of an area proposed for annexation. Over the past several weeks, staff reached out to affected entities to provide them with an overview of the City’s proposed Annexation Policy Plan and to gather information regarding affected entity concerns and interests.

Below is an outline of meetings conducted to date:

- June 13, 2019 – Special counsel and City Manager attended Town of Hideout Town Council meeting; Special counsel provided public input

⁶ Two municipalities may have overlapping Annexation Expansion Areas.

- June 19, 2019 – Planning staff met with Summit County Community Development Director
- June 25, 2019 – Planning staff and special counsel conference call with Summit County Community Development Director, Summit County attorney, and Town of Hideout attorney
- July 10, 2019 – Summit County Manager and Park City Manager met with Hideout Town Manager to understand background and reinforce Park City and Summit County’s concerns
- July 16, 2019 – Planning staff discussion with the Development Review Committee, including Public Utilities & Streets, Sustainability, the Fire Marshal, Engineering, and Building; representatives from the Park City Fire District, Snyderville Basin Water Reclamation District, and Park City Police Department attended
- July 17, 2019 – Planning staff and special counsel conference call with Summit County Community Development Director
- July 18, 2019 – Planning staff attended the Hideout Planning Commission meeting regarding Hideout’s proposed Annexation Policy Plan. Planning Director Bruce Erickson spoke on the record regarding Park City’s concerns with Hideout’s inclusion of the southeast quadrant of Quinn’s Junction in their Annexation Expansion Area because it encompassed the City-owned Clark Ranch property and the United Park City Mines development-restricted Richardson Flat property. The Hideout Planning Commission requested more information regarding the Quinn’s Junction area.
- July 22, 2019 – Planning staff met with Park City Police Chief and Park Deputy City Attorney to discuss public safety in Bonanza Flat
- July 22, 2019 – Planning staff conference call with Summit County Community Development Director and Summit County Planning staff
- July 23, 2019 – Planning staff emailed requested information on the Quinn’s Junction area to the Hideout Town Manager, Planning Commission Chair, and attorney
- July 25, 2019 – Planning staff met with Wasatch County Planning Director
- July 25, 2019 – Planning staff met with Park City School District
- July 30, 2019 – Planning staff met with Jordanelle Special Service District
- August 1, 2019 – Planning staff attended Hideout’s Planning Commission public hearing on Hideout’s Annexation Policy Plan. The Hideout Planning Commission amended their Annexation Expansion Area to exclude the City-owned Clark Ranch property. Planning Director Bruce Erickson informed the Planning Commission that Park City is interested in collaborative planning for the region. The Hideout Planning Commission continued their public hearing on the Annexation Policy Plan to August 15, 2019.
- August 5, 2019 – Staff reached out to the Snyderville Basin Recreation District
- August 12, 2019 – Planning staff began the notice process and mailed a copy of the Annexation Policy Plan and notice of the upcoming public meeting and public hearings to affected entities

- August 13, 2019 – Planning staff emailed a copy of the Annexation Policy Plan and notice of the upcoming public meeting and public hearings to affected entities
- August 14, 2019 – Planning staff was invited to attend the Wasatch County Commission work meeting to present the City’s proposed inclusion of Bonanza Flat in the City’s updated Annexation Expansion Area
- August 15, 2019 – Planning staff attended the Hideout Planning Commission Annexation Policy Plan public hearing. The Planning Commission forwarded a positive recommendation to the Hideout Town Council to adopt their proposed Annexation Policy Plan, which includes the Richardson Flat properties.
- August 19, 2019 – Park City’s Mayor, Mayor Pro Tem, and City Manager attended a multijurisdictional meeting with elected officials and staff from Hideout, Summit County, Wasatch County, and Jordanelle Special Service District
- August 22, 2019 – The Hideout Town Council held a public hearing on the Annexation Policy Plan on August 22, 2019. The outcome of the Town Council meeting at the time of this report is unknown.

Process

To adopt an Annexation Policy Plan, the Planning Commission must hold a public meeting, allow affected entities to examine and provide input on the proposed Plan, and accept and consider any comments from affected entities until 10 days after the public meeting (through Monday, September 9, 2019). The Commission may make any modifications to the proposed Annexation Policy Plan the Commission considers appropriate.

The Commission must then hold a public hearing. Based on public input provided at the public hearing, the Commission may make any further modifications to the proposed Annexation Policy Plan the Commission considers appropriate. The Commission may then submit its recommended Annexation Policy Plan to the City Council. The City Council must hold a public hearing on the Annexation Policy Plan recommended by the Commission and may make any modifications to the Annexation Policy Plan the City Council considers appropriate. The City Council may adopt the plan with or without modifications.

The proposed timeline is as follows:

- August 28, 2019 – Planning Commission Public Meeting
- September 11, 2019 – Planning Commission Public Hearing and Possible Approval
- September 12, 2019 – City Council Public Hearing and Possible Approval

Notice

Notice was published on the Utah Public Notice website and the Park City website and was posted on Friday, August 9, 2019. Notice was published in the *Park Record* on Saturday, August 10, 2019. Notice and a copy of the proposed Annexation Policy Plan was mailed to affected entities on Monday, August 12, 2019, and notice and a copy of the proposed Annexation Policy Plan was emailed to affected entities on Tuesday, August 13, 2019.

Affected Entity Input

At the time of this report, no comments have been received from affected entities.

Public Input

At the time of this report, no comments have been received from the public.

Alternatives

At this time, affected entities will have ten days (through September 9, 2019) to provide written comment regarding the proposed Annexation Policy Plan. The Planning Commission may make any modifications to the Plan the Commission considers appropriate.

- The Planning Commission may move the process forward and hold a Public Hearing on the Plan on September 11, 2019; or
- The Planning Commission may continue the discussion to a date certain and provide direction to staff regarding additional information, revisions, or analysis needed in order to move to the public hearing phase.

Summary Recommendation

Staff recommends the Planning Commission review the proposed Annexation Policy Plan and Land Management Code (LMC) amendments, conduct a public meeting, and allow affected entities an opportunity to provide input on the plan at the public meeting and for ten days thereafter (through September 9, 2019). Based on input provided, the Planning Commission may make any modifications to the proposed Annexation Policy Plan the Commission considers appropriate. Staff recommends that the Planning Commission then hold a public hearing on the Annexation Policy Plan on September 11, 2019, and consider forwarding a positive recommendation for City Council's consideration on September 12, 2019.

Exhibits

EXHIBIT A – Draft Ordinance and Land Management Code Redlines

EXHIBIT B – Annexation Policy Plan

EXHIBIT A – Draft Ordinance and Land Management Code Redlines

Ordinance No. 2019-XX

**AN ORDINANCE ADOPTING THE PARK CITY ANNEXATION POLICY PLAN AND
ANNEXATION EXPANSION AREA AND AMENDING THE LAND MANAGEMENT CODE
TITLE 15, CHAPTER 8 – ANNEXATIONS**

WHEREAS, the Annexation Policy Plan is designed and enacted to help Park City plan for future expansion in conjunction with neighboring political entities; to guide decision making with specific criteria that further objectives of the Park City General Plan and City policies; and to abide by requirements of the Utah Code relating to annexations for municipalities of Park City's size and class;

WHEREAS, the Annexation Policy Plan is designed and enacted to protect the general health, safety, and welfare of Park City's citizens 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, on December 16, 1993, the City Council adopted an annexation policy declaration and annexation declaration boundary;

WHEREAS, on December 16, 1996, the annexation policy declaration and annexation declaration boundary expired;

WHEREAS, in 2001, the Utah State Legislature enacted revised annexation language in the Utah State Code, specifically standards required and suggested by Section 10-2-401.5 of the Utah Code, as amended;

WHEREAS, on December 13, 2002, the Planning Commission voted to forward to the City Council a positive recommendation to adopt the Annexation Policy Plan with specific amendments;

WHEREAS, on January 9, 2003, the City Council passed and adopted an Annexation Policy Plan and codified the plan in the Land Management Code, Title 15, Chapter 8 – Annexations;

WHEREAS, on August 28, 2019, the Planning Commission duly noticed and conducted a public meeting to introduce an amended Annexation Policy Plan and to solicit comment from affected entities, as defined by the Utah Code;

WHEREAS, the Planning Commission accepted and considered written comments from affected entities for ten days after the public meeting;

WHEREAS, on September 11, 2019, the Planning Commission duly noticed and conducted a public meeting on the proposed Annexation Policy Plan to receive public comment;

WHEREAS, on September 11, 2019, the Planning Commission voted to forward to the City Council a _____ recommendation to adopt the Annexation Policy Plan; and

WHEREAS, on September 12, 2019, the City Council duly noticed and conducted a public hearing on the Annexation Policy Plan; and

WHEREAS, it is in the best interest of the residents of Park City, Utah, to adopt the 2019 Annexation Policy Plan and to amend the Land Management Code Title 15, Chapter 8 – Annexations; to abide by the Utah Code; to be consistent with the General Plan and the values and identified goals of the Park City community; to protect health and safety, and to maintain the quality of life for Park City 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 THE LAND MANAGEMENT CODE. Land Management Code Title 15, Chapter 8 – Annexations, is hereby amended as indicated in Exhibit A attached hereto. Any conflicts or cross-references from other provisions of the Land Management Code to Chapter 8 shall be resolved by the Community Development Director.

SECTION 2. 2019 ANNEXATION POLICY PLAN. The 2019 Annexation Policy Plan is hereby updated as indicated in Exhibit B attached hereto.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this _____, 2019

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

28 considered for inclusion in the expansion Area when practical and feasible; consider, in
29 conjunction with Park City's General Plan, the need over the next twenty (20) years for
30 additional land suitable for residential, commercial, and industrial Development; consider the
31 reasons for including agricultural lands, forests, recreation Areas, and wildlife management
32 Areas in Park City; and be guided by the following [~~principals.~~] principles:

33

34 If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- 35 A. Along the boundaries of existing special districts for sewer, water, fire, and other
36 services, along the boundaries of school districts whose boundaries follow City
37 boundaries or school districts adjacent to school districts whose boundaries follow City
38 boundaries, and along the boundaries of other taxing entities;
- 39 B. To eliminate islands and peninsulas of territory that are not receiving municipal type
40 services;
- 41 C. To facilitate the consolidation of overlapping functions of local government;
- 42 D. To promote the efficient delivery of services; and
- 43 E. To encourage the equitable distribution of community resources and obligations.

44

45 It is the intent of this Chapter to ensure that Property annexed to the City will contribute to
46 the attractiveness of the community and will enhance the resort image, which is critical for
47 economic viability, and that the potential deficit of revenue against expense to the City is not
48 unreasonable. This Chapter shall be considered Park City's annexation policy plan and
49 declaration.

50

51 This Chapter hereby incorporates by reference all standards required and suggested by
52 Sections 10-2-401 et[.] [S]seq. of the Utah Code[~~, Annotated, 1953~~], as amended.

53

54 Section 2. Section 15-8-2 is amended to read:

55 **15-8-2 General Requirements**

56 The following specific requirements are hereby established for annexation to Park City:

- 57 A. Property under consideration of annexation must be considered a logical extension of
58 the City boundaries.
- 59 B. Annexation of Property to the City must be consistent with the intent and purpose of this
60 Chapter and the Park City General Plan.
- 61 C. Every annexation shall include the greatest amount of Property possible that is a
62 contiguous Area and that is contiguous to the City's municipal boundaries.
- 63 D. Piecemeal annexation of individual small Properties shall be discouraged if larger
64 contiguous Parcels are available for annexation within a reasonable [~~time frame~~]
65 timeframe in order to avoid repetitious annexations.
- 66 E. Islands of county jurisdiction shall not be left or created as a result of the annexation and
67 peninsulas and irregular boundaries shall be avoided.
- 68 F. In addition to services provided by existing districts, such as sewer, fire protection, and
69 public schools, the following urban level services, consistent with those normally
70 provided in the rest of the incorporated boundaries will be provided to annexed Areas:
- 71 1. Police protection;
 - 72 2. Snow removal on Public Streets, subject to standard City snow removal policies;
 - 73 3. Street maintenance on existing Streets, provided that such Streets have been
74 constructed or reconstructed to City Street standards or are acceptable to the
75 City Engineer and City Council;
 - 76 4. Planning, zoning, and Code enforcement;
 - 77 5. Availability of municipal-sponsored parks and recreational activities and cultural
78 events and facilities;

79 6. Water services as the Area is developed. Existing water treatment and storage
80 facilities may currently be inadequate to provide services to the annexed Area.
81 Developers of the annexed Area are required to pay for the cost of improvements
82 related to the extension of and connection with the City lines and systems as well
83 as participate in additional improvements such as storage capacity and
84 distribution as necessary for safe, reliable, and efficient water flows.

85 G. If feasible and practical, water and sewer lines shall be extended to the Area proposed
86 for annexation. Expenses associated with such extension shall be the responsibility of
87 the Applicant(s). The City shall determine timing and capacity of extending water and
88 sewer to the proposed annexation Area.

89 H. Before considering requests for annexation, the City shall carefully analyze the impacts
90 of annexation of an Area, taking into consideration whether the Area will create negative
91 impacts on the City and considering whether the City can economically provide services
92 to the annexed Area. Community issues such as location and adequacy of schools and
93 community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface
94 Zones, usable open space and recreation Areas, protection of Sensitive Lands,
95 conservation of natural resources, protection of view corridors, protection and
96 preservation of Historic resources, Affordable Housing, balance of housing types and
97 ownership, adequate water and sewer capacity to serve the future needs of the
98 proposed annexation Area shall also be considered.

99 I. Situations may exist where it is in the public interest to preserve certain lands from
100 Development where there exist Geologic Hazards, excessive Slopes, flood plains, or
101 where the need for preservation of community open space and/or agricultural lands is
102 consistent with the General Plan. In such circumstances, annexations may occur as a
103 means of retaining those lands in a natural state.

- 104 J. The City shall consider annexation of unincorporated Areas of Summit County and
105 Wasatch County that are within the annexation expansion Area as defined by Exhibit A.
- 106 K. In general, the City does not favor annexation of territory~~[, which]~~ that should be located
107 within another municipality, nor does it favor the annexation of unincorporated territory
108 solely for the purpose of acquiring municipal revenues, or for ~~[retarding]~~ diminishing the
109 capacity of another municipality to annex.
- 110 L. Annexations that expand the resort and/or tourist economy, provide second home or
111 rental residential Properties, preserve environmentally Sensitive Lands, and provide
112 significant public open space and/or community facilities are preferred.

113

114 Section 3. Section 15-8-3 is amended to read:

115 **15-8-3 Property Owner Initiation Of Annexation**

116 When initiated by a Property Owner, the process for annexation shall be as follows:

- 117 A. The Property Owner or Owners shall submit to the City a petition for annexation. The
118 petition shall meet the criteria and shall be in the form as established by the City and in
119 compliance with State law as set forth in Sections 10-2-401, 402, and 403 of the Utah
120 Code~~[, Annotated, 1953]~~, as amended.
- 121 1. The petition shall contain signatures of Property Owners representing a majority
122 of the private land Area and at least one-third (1/3) of the value of all private real
123 Property within the Area proposed for annexation.
- 124 2. If the Area is within an Agriculture ~~[p]~~Protection Area created under ~~[e]~~State law
125 Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials
126 Protection Areas, or a migratory bird production area created under State law
127 Title 23, Chapter 28, Migratory Bird Production Area, then the petition must cover
128 one hundred percent (100%) of the private land Area within the Area proposed
129 for annexation.

- 130 3. If the Property is owned by a public entity other than the federal government, the
131 petition shall be signed by the Owner of all of the publicly owned Property within
132 the Area proposed for annexation.
- 133 4. The petition must contain the signatures of the owners of private real property
134 that covers one hundred percent (100%) of rural real property as that term is
135 defined under State law Title 17B, Chapter 2a, Section 1107, Limited Purpose
136 Local Government Entities, within the area proposed for annexation; and
- 137 5. Said petition shall designate up to five (5) of the petitioners as sponsors, one (1)
138 who shall be designated as the contact sponsor. The mailing address of each
139 sponsor shall be included in the petition.
- 140 B. Attached to and as part of the petition shall be an accurate certified survey plat of the
141 Property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately
142 describing the existing City boundaries and each individual ownership sought to be
143 annexed, including an accurate legal description of the Property to be annexed.
- 144 C. There shall also be attached to the annexation petition a statement as to the anticipated
145 timetable for Development, if applicable, of the Property being annexed.
- 146 D. If the proposed Property is intended for Development, the petition for annexation shall
147 include Complete Applications for a Master Planned Development (MPD) and a
148 preliminary Subdivision plat. The petition shall state the requested zoning designation(s),
149 and shall show the proposed Zoning District lines on the plans. Impact mitigation
150 considerations in the annexation agreement will be based on the Density permitted
151 under the requested or applied zone requirements.
- 152 E. Except in the case of POS or ROS zoning, zoning requests are subject to review and
153 consideration of the Planning Commission for a recommendation, with final approval by
154 the City Council concurrent with public hearings on the proposed annexation.

- 155 F. There shall also be attached to the annexation petition a full disclosure statement of any
156 and all waters owned or historically utilized on the Property to be annexed, and a
157 statement from the water Owner(s) as to the estimated value of the water or the price at
158 which he or she is willing to sell the said water to the City.
- 159 G. The annexation petition shall not propose annexation of any land Area proposed for
160 annexation to a municipality in a previously filed petition that has not been granted,
161 denied, or rejected.
- 162 H. The annexation petition shall not propose annexation of any land Area being considered
163 for incorporation under Utah State law.
- 164 I. On the date of filing the annexation petition with the City Recorder, the petition
165 sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the
166 county in which the Property is located and to the chair of the Planning Commission
167 which has review authority or jurisdiction over the said Property.
- 168 J. There shall be attached to the petition a comprehensive review and analysis of
169 surrounding Property. See Section 15-8-5(E).

170

171 Section 4. Section 15-8-4 is amended to read:

172 **15-8-4 Procedure For Petition And Annexation Plats**

173 The procedure for processing annexation petitions and plats shall be as follows:

- 174 A. A petition and proper plat certified by a licensed surveyor shall be submitted to the City
175 Recorder in accordance with Section [~~10-2-403(2)(C)~~] 10-2-403(3)(C) of the Utah Code
176 [~~Annotated, 1953~~], as amended, together with any other information required by the
177 City staff to enable the staff to prepare an annexation impact report.
- 178 B. Prior to City Council action on the petition, the petition and plat shall be reviewed by the
179 Planning Director, who shall determine the feasibility of expanding the annexation

- 180 boundaries and who shall prepare a written recommendation for consideration by the
181 City Council.
- 182 C. If the City Council accepts the annexation petition, the petition shall be delivered to the
183 City Recorder for certification pursuant to Section 10-2-405 of the Utah Code[
184 ~~Annotated, 1953~~], as amended.
- 185 D. If the annexation petition is certified by the City Recorder, the City Council shall provide
186 for public notice as set forth in Section 10-2-406 of the Utah Code[~~Annotated, 1953~~], as
187 amended.
- 188 E. The Planning Commission, upon referral from the Planning Director, shall hold a public
189 hearing and make a recommendation on the annexation proposal, including the
190 recommended zoning, to the City Council. After receipt of the Planning Commission's
191 recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code[
192 ~~Annotated, 1953~~], as amended, the City Council shall hold a public hearing on all
193 proposed annexations. After closure of the public hearing, the City Council may either
194 grant or deny the annexation petition; provided, however, that protests to an annexation
195 petition shall be dealt with as set forth in Section 10-2-407 of the Utah Code[~~annotated,~~
196 ~~1953~~], as amended. Denial of or granting the petition under protest is subject to Section
197 10-2-408 of the Utah Code[~~Annotated, 1953~~], as amended. If City Council grants the
198 annexation petition, it shall assign a zone to the annexed territory at the time the territory
199 is annexed.
- 200 F. Once the City Council enacts an ordinance annexing an unincorporated Area or
201 adjusting a boundary all applicable zoning and Land Management Code sections shall
202 apply to the annexed Property.
- 203 G. Within thirty (30) days after enacting an ordinance annexing an unincorporated Area or
204 adjusting a boundary, the City shall file with the Lieutenant Governor of the State of Utah

205 the notice of annexation, as required by Section 10-2-425 of the Utah Code~~[, Annotated,~~
206 ~~4953]~~, as amended.

207 H. Upon receipt of the Certificate of Annexation from the Lieutenant Governor, the City shall
208 record with the County Recorder:

- 209 1. The original notice of annexation filed with the Lieutenant Governor;
- 210 2. The Certificate of Annexation issued by the Lieutenant Governor;
- 211 3. The original approved plat or map prepared by a licensed surveyor and approved
212 by the City; and
- 213 4. A certified copy of the ordinance approving the annexation.

214 Section 5. Section 15-8-5 is amended to read:

215 **15-8-5 Annexation Petition Review - After City Council Acceptance Of Petition**

216 A. **STAFF REVIEW TEAM.** After approval of the annexation petition by the City Council,
217 general annexation procedure shall comply with Utah State law; provided, however, that
218 the City Council shall not take Final Action on any petition until the same has been
219 reviewed by the Park City Planning Commission and by the staff review team. For
220 purposes of annexation petition review, the staff review team shall be composed of at
221 least the following, or their designees:

222 Planning Director, City Engineer, Director of Public Works, Fire Marshall, Police Chief,
223 representatives from applicable utility providers, and Park City School District
224 Superintendent.

225 B. **ANNEXATION EVALUATION AND STAFF REPORT.** The staff review team will review
226 each annexation and zoning request. The Planning Department will prepare a staff
227 report with considerations and a staff recommendation to present to the Planning
228 Commission. The staff report shall include an evaluation of the proposed annexation and
229 shall include at least the following information:

- 230 1. The ability to meet the general annexation requirements as stated in Section 15-
231 8-2 herein.
- 232 2. An accurate map of the proposed annexation Area showing the boundaries and
233 Property ownership within the Area, the topography of the Area and major natural
234 features, e.g., drainage, channels, Streams, wooded Areas, Areas of high water
235 table, Very Steep Slopes, sensitive Ridge Line Areas, Wildfire/Wildland Interface
236 Zones, and other environmentally Sensitive Lands.
- 237 3. Current and potential population of the Area and the current residential Densities.
- 238 4. Land Uses presently existing and those proposed.
- 239 5. Character and Development of adjacent Properties and neighborhoods.
- 240 6. Present zoning and proposed zoning.
- 241 7. A statement as to how the proposed Area, and/or its potential land Use will
242 contribute to the achievement of the goals and policies of the Park City General
243 Plan.
- 244 8. Assessed valuation of the current Properties.
- 245 9. Potential demand for various municipal services and the need for land Use
246 regulation in the Area, e.g. consideration of the distance from existing utility lines,
247 special requirements for Sensitive Lands review and fire protection in
248 Wildfire/Wildland Interface Zones, location within hazardous soils Areas, and
249 feasibility of snow removal from Public Streets.
- 250 10. The effect the annexation will have upon City boundaries and whether the
251 annexation will ultimately create potential for future islands, undesirable
252 boundaries, and difficult service Areas.
- 253 11. A specific timetable for extending services to the Area and how these services
254 will be financed.
- 255 12. Potential revenue versus service costs.

- 256 13. An estimate of the tax consequences to residents of the Area to be annexed.
- 257 14. Recommendations or comments of other local government jurisdictions regarding
- 258 the annexation proposal and potential impact of the annexation on general
- 259 county economic needs, goals, or objectives.
- 260 15. Location and description of any Historic or cultural resources.

261 C. **CONDITIONS OF ANNEXATION APPROVAL AND ANNEXATION AGREEMENT.** The

262 City has established the following conditions, which must be met prior to completion of

263 the annexation, unless the City Council finds that the circumstances of an annexation

264 are such that a condition or conditions do not apply. These conditions shall be applied

265 consistently for each Property; however, unusual or unique circumstances may emerge

266 from time to time where special conditions may be applied. The conditions of annexation

267 approval shall be formalized as part of a written annexation agreement prepared by the

268 Planning Director, or designee.

269 The annexation agreement shall be reviewed by the Planning Commission and

270 approved by City Council contemporaneously with the certified annexation petition. If

271 approved the annexation agreement shall be signed by the petitioners and City Council

272 and recorded with the Summit County Recorder. The annexation agreement shall

273 include, but is not limited to the following conditions:

- 274 1. Transfer of usable water rights as established by City policy sufficient to serve
- 275 the proposed Development.
- 276 2. Additional improvements as necessary, which may be required in order to
- 277 improve the water system.
- 278 3. Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent
- 279 with the Subdivision standards of this Code.
- 280 4. Phasing of the project to insure adequacy of public facilities may be required.

- 281 5. Payment of park land acquisition fees, dedication of open space or conservation
282 Areas, and payment of Development impact fees.
- 283 6. Provision of Affordable Housing in accordance with the Affordable Housing
284 Resolution [47-99] 03-2017, as in effect at the time of petition.
- 285 7. Submittal of Site plans and architectural plans for review.
- 286 8. Flood plain management or preservation of environmentally Sensitive Lands
287 including compliance with the Sensitive Lands Overlay [s]Section of the Code.
- 288 9. Analysis and survey of any Historic and cultural resources located on the
289 Property.
- 290 10. Analysis of the fiscal impacts of the Development as determined necessary by
291 the City. The fiscal Impact Analysis format, including the revenue and cost
292 assumptions, shall be approved by the City. If necessary, the City shall hire
293 qualified experts to perform the fiscal Impact Analysis.
- 294 11. Fees paid in lieu of satisfying certain conditions, as approved by Council action.
- 295 12. Comprehensive review of surrounding Property as described below in Section
296 15-8-5(E).
- 297 13. Any other condition reasonably related to a health, safety, or welfare issue or
298 negative impact of the project.
- 299 14. Annexations located within the Quinn's Junction Area shall be consistent with the
300 Quinn's Junction Joint Planning Commission Principles outlined in the General
301 Plan. ~~[Study (QJAS) shall be found to be consistent with the findings and~~
302 ~~conclusions of the QJAS. Any annexation petition filed prior to the final approval~~
303 ~~of the QJAS by the City will be stayed pending Final Action on the study].~~
- 304 D. **AMENDMENTS TO THE ANNEXATION AGREEMENT.** Subsequent substantive
305 amendments to the annexation agreement are subject to review and approval by the

306 Planning Commission and City Council with adequate public notice and recordation with
307 the Summit County Recorder.

308 E. **COMPREHENSIVE REVIEW AND ANALYSIS OF SURROUNDING PROPERTY.** A
309 comprehensive land Use review and analysis of Property surrounding the proposed
310 annexation must be completed and submitted with the annexation petition. This analysis
311 of surrounding Property shall be in sufficient detail for the City to determine the long term
312 community impacts of the proposed annexation on these Properties. This analysis must
313 include, but is not limited to, all Property within one and one-half (1 and 1/2) miles of the
314 boundaries of the proposed annexation. The Planning Director may modify the study
315 Area up to one-half (1/2) mile more or less to achieve a suitable and logical study Area.
316 The review and analysis of surrounding Property shall be performed by a qualified land
317 Use planner with assistance from other professionals, such as traffic engineers, civil
318 engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the
319 option of selecting the qualified professionals to perform this analysis with the cost to be
320 paid by the Applicant. The review and analysis shall include, but is not limited to a study
321 of the following:

- 322 1. Slope, wetlands, vegetation, wildlife habitat, view corridors, existing Historic and
323 cultural resources, and significant geological features.
- 324 2. Existing and proposed road systems.
- 325 3. Existing and proposed utilities and major utility extension plans.
- 326 4. Location of proposed open space, recreational Areas, and trail systems.
- 327 5. Existing and proposed land Uses including type and Density of residential Areas.
- 328 6. Existing and proposed locations of community facilities such as fire stations,
329 schools, parks, recreation centers, etc.

330 Section 6. Section 15-8-6 is amended to read:

331 **15-8-6 Municipal Initiation Of Annexation**

332 It shall be the policy of the City to annex Areas meeting all of the following criteria with or
333 without receipt of a petition from the Property Owners:

- 334 A. The annexation is an island within or a peninsula contiguous to the City;
- 335 B. The majority of each island or peninsula consists of residential or commercial
336 Development;
- 337 C. The Area proposed for annexation requires the delivery of municipal-type services;
338 ~~and~~
- 339 D. The City has provided most or all of the municipal-type services to the Area for more
340 than one (1) year~~;~~ and
- 341 E. Annexation of the Area is supported by the goals of the Park City General Plan,
342 including open space, land Use, Affordable Housing, recreation, growth management,
343 and economic Development.

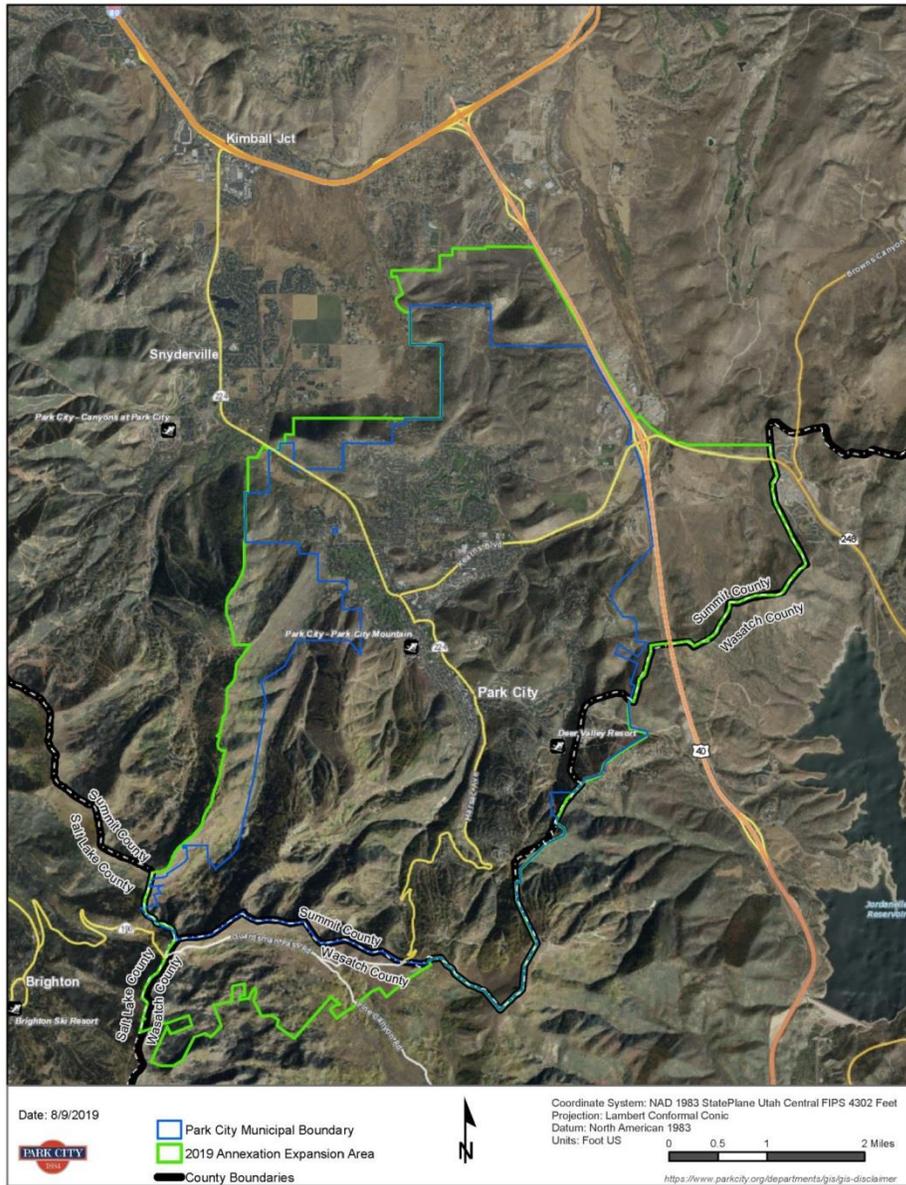
344
345 Such annexations shall be processed as provided under Section 10-2-418 of Utah Code~~,~~
346 ~~Annotated, 1953~~, as amended, including all noticing and public hearing requirements. This
347 review shall be in addition to the review required in Section 15-8-5 herein.

348
349 If written protest to such annexation is timely filed and complies with Section 10-2-418
350 Subsection ~~(3)~~ (8) of the Utah Code~~, Annotated, 1953~~, as amended, the City may not adopt
351 an ordinance annexing the Area proposed for annexation, and the annexation proceedings
352 under this ~~(3)~~ (8) shall be considered terminated.

353
354 Section 7. Section 15-8-7 is amended to read:

355 **15-8-7 Expansion Area Boundary Map**

- 356 A. The Expansion Area Boundary Map is included as Exhibit A below:



357

358 B. The following criteria were used as justification to exclude from the expansion Area

359 Property considered by State definition to be Urban Development:

- 360 1. Topography and other physical constraints to efficient delivery of basic services.
- 361 2. Overlapping utility providers with services already being provided by others.
- 362 3. Level of existing services and standing of existing roads are below City standards
363 and require expensive upgrades.
- 364 4. Other high fiscal implications to the City.
- 365 5. Overlapping school districts, i.e. not in Park City School District.
- 366 6. Overlapping taxing entities [~~and location in Wasatch County~~].

367

368 Section 8. Section 15-8-8 is amended to read:

369 **15-8-8 Affected Entities Statements**

370 Statements from affected entities are included as Exhibit B.

EXHIBIT B – Annexation Policy Plan



ANNEXATION POLICY PLAN

I. INTRODUCTION

To plan Park City's future expansion in conjunction with neighboring political entities and to guide decision making with specific criteria that further the objectives of the Park City General Plan and City policies, Park City adopted its first Annexation Policy Plan on December 16, 1993. The Annexation Policy Plan has been updated over the years and embodies the goals of the Park City General Plan. The modified 2019 Annexation Policy Plan updates the framework through which the City will investigate potential annexations as the City grows, while protecting important gateways into the City and maintaining the City's community character.

II. BACKGROUND AND OVERVIEW

In 2001, the Utah State Legislature revised State annexation law. On January 9, 2003, the City Council adopted Ordinance No. 03-01 to update and codify the City's Annexation Policy Plan in the Land Management Code, Title 15, Chapter 8. Park City amended the Annexation Policy Plan over the years to clarify procedure, to align with amendments to Utah State annexation law, and to include City-owned properties in the Annexation Expansion Area, an area that encompasses land the City may consider annexing in the future. For example, on December 21, 2006, City Council adopted Ordinance No. 06-86 to clarify that the Planning Commission reviews an annexation agreement contemporaneously with an annexation petition, and the City Council grants final approval. On October 12, 2015, City Council adopted Ordinance No. 15-35 to amend the Annexation Policy Plan to align with revisions to Utah State law. On June 15, 2017, City Council adopted Ordinance No. 2017-29 to modify the Annexation Expansion Area to include City-owned property.

On April 4, 2019, City Council directed staff to consider modifying Park City's Annexation Expansion Area to protect open space, to increase capacity for affordable housing development, and to avoid overlaps with the Annexation Expansion Area of other municipalities. On June 27, 2019, City Council directed staff to begin the process to amend the City's Annexation Policy Plan and Annexation Expansion Area to include the Round Valley open space north of the City, the southeast quadrant of the Quinn's Junction Intersection (Highway 40 and State Road 248) to the Summit County border, and the City-owned Bonanza Flat open space along the City's southern boundary within unincorporated Wasatch County. This modified Annexation Expansion Area enables the City to consider annexing these areas in the future.

No land use changes for the Round Valley and Quinn’s Junction areas are proposed at this time. The Round Valley and Quinn’s Junction areas are included in the 2019 Annexation Expansion Area pursuant to the current Summit County land uses and zoning and are subject to the Quinn’s Junction Joint Planning Commission Principles developed in collaboration between Park City and Summit County, described in Section V below. Any future land use or zoning changes for the Round Valley and Quinn’s Junction area may require amending the Park City General Plan and the Land Management Code.

The Bonanza Flat open space along the City’s southern border in unincorporated Wasatch County will be protected from development under a conservation easement in perpetuity. The inclusion of Bonanza Flat in the 2019 Annexation Expansion Area allows the City to continue to collaborate with Wasatch County to potentially bring Bonanza Flat into the City boundary and jurisdiction.

III. POPULATION GROWTH PROJECTIONS FOR PARK CITY AND ADJOINING AREAS

Utah is among the top ten states that lead the nation in population growth.¹ The Wasatch Back is no exception to Utah’s growing population. According to the 2010 U.S. Census, the Park City population was 7,546 and is projected to increase to 13,744 by 2040.² The population of Summit County is projected to grow from approximately 32,200 to over 60,600 by 2045. Wasatch County, which borders the City’s southern boundary, is projected to have the second highest population percentage increase in Utah over the next fifty years.³ By 2045, the population of Wasatch County is projected to grow from approximately 28,600 to over 64,500.⁴

Goal 2 of the Park City General Plan is to emphasize and preserve Park City’s sense of place while collaborating with our neighbors through regional land use and transportation planning. Collaborative regional planning is essential over the coming years to ensure that Wasatch Back communities thrive as the region grows. This updated Annexation Policy Plan encompasses joint planning principles Park City developed in partnership with Summit County and continues cooperation with Wasatch County regarding the future of the Park City-owned Bonanza Flat open space beyond the City’s southern boundary.

IV. CHARACTER OF THE COMMUNITY

The 2019 Annexation Expansion Area includes important gateways to Park City to protect the character of the community. From the discovery of silver in the late 1860s to its incorporation as a city in 1884, from the peak of its natural resource harvest in the mid-1890s to the great fire in 1898, and from its ghost town status in the 1950s to its 1963 revival as a ski town and host of the 2002 Winter Olympics, Park City has reinvented itself. Today, Park City is home for over

¹ Kem C. Gardner Policy Institute Blog: *Utah Remains Third Fastest Growing State*, Pam Perlich (December 2018).

² 2012 Baseline Projections – Utah Governors Office of Management and Budget, *Municipal Population Projections 2010-2060*, approved by the Mountainland Association of Governments.

³ Kem C. Gardner Policy Institute 2017 Research Brief, *Utah’s Long-Term Demographic and Economic Projections Summary*, by Pamela S. Perlich, Mike Hollingshaus, Emily R. Harris, Juliette Tennert, and Michael T. Hogue.

⁴ Kem C. Gardner Policy Institute 2015-2065 State and County Projections: Demography UTAH Population Committee 2010-2016 Population Estimates.

8,000 people⁵ and hundreds of thousands of tourists visit every year to experience the City's world-class, multi-seasonal recreation and arts and culture.

The core values that define Park City's community character are outlined in the Park City General Plan and include its small-town feel, sense of community, natural setting, and historic heritage. As Park City grows and develops, Parkites want to *Keep Park City, Park City*, and this includes preserved gateways to the City, thoughtful growth and planning, environmental stewardship, enhanced quality of life, and community and economic diversity.⁶

The goals outlined in the Park City General Plan include:

Goal 1: Protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods.

Goal 2: Emphasize and preserve a sense of place while collaborating with the Wasatch Back and Salt Lake City regions through regional land use and transportation planning.

Goal 3: Encourage alternative modes of transportation on a regional and local scale to maintain Park City's small-town character.

Goal 4: Conserve a connected, healthy network of open space for continued access to and respect for the natural setting.

Goal 5: Be a leader in energy efficiency and conservation of natural resources, reducing greenhouse gas emissions by at least fifteen percent below 2005 levels in 2020.

Goal 6: Implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change.

Goal 7: Create a diversity of primary housing opportunities to address the changing needs of residents.

Goal 8: Increase affordable housing opportunities and associated services for the workforce of Park City.

Goal 9: Provide unparalleled parks and recreation opportunities for residents and visitors.

Goal 10: Provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with a sense of community.

Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience.

⁵ U.S. Census Bureau Population Division, Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2018.

⁶ 2014 Park City General Plan, Volume I, p. 10-17.

Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.

Goal 13: Grow as an arts and culture hub.

Goal 14: Foster innovative sustainable development, protect the community vision, and prevent negative ecological, qualitative, and economic impacts to the region.

Goal 15: Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.

Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.

To protect the Park City community character, the City established a rigorous process for property owners who petition to be annexed into Park City. The Annexation Policy Plan and annexation petition process is codified in the Land Management Code, Title 15, Chapter 8 – Annexations, and the proposed amended Annexation Policy Plan is attached as Exhibit A at the end of this document.

V. 2019 ANNEXATION EXPANSION AREA

The Park City General Plan contemplates a modified Annexation Expansion Area that includes the Round Valley area at the City's northern boundary, encompasses the southeast quadrant of the Quinn's Junction Intersection at Highway 40 and State Road 248 – the eastern gateway to the City, and incorporates the Bonanza Flat open space, the southern gateway to the City.⁷ Pursuant to the Park City General Plan and current City policy, the 2019 Annexation Expansion Area includes Round Valley, Quinn's Junction, and Bonanza Flat, areas highlighted on the map below:

⁷ 2014 Park City General Plan, Volume I, p. 35-37.

ROUND VALLEY

Round Valley—scenic ridges, rolling hills, and open space at the City’s northern boundary—provides over 30 miles of trails for hiking, biking, running, snowshoeing, and skiing. On October 30, 2014, City Council adopted Ordinance No. 14-59 to annex approximately 1,370 acres of Round Valley into Park City. This area is protected by a conservation easement or is zoned Recreation Open Space to retain the area for recreational uses and to preserve environmentally sensitive lands.

The City’s 2019 Annexation Expansion Area is extended to include a 363-acre Round Valley parcel (SS-57-A-X) so that the City may contemplate bringing this City-owned property into the City boundary. Also, approximately 75 acres of private property along the northeast portion of Round Valley is included in the 2019 Annexation Expansion Area to create a logical extension of the northern City boundary to the base of the Mountain Ranch Estates, Trailside, and Silver Summit subdivisions in unincorporated Summit County.

QUINN’S JUNCTION

On June 17, 2002, the City Council adopted Resolution 12-02, an Interlocal Cooperation Agreement between Summit County and Park City for a joint planning process of the Quinn’s Junction area. Between July 2002 and October 2004, Park City and Summit County worked together to create a shared land use plan for future development along the Quinn’s Junction Intersection at Highway 40 and State Road 248, known as the Quinn’s Junction Area Study. Both entities reviewed their general plans to identify commonalities and established the Quinn’s Junction Joint Planning Commission Principles to guide future development of the area.

The Quinn’s Junction Joint Planning Commission Principles regarding the southeast quadrant of the Quinn’s Junction Intersection outline future development that (1) is sensitive to the environmental factors of the area, (2) preserves open space, (3) produces density that results in significant public benefits to promote Park City’s resort, recreation, tourism, and resort-based second-home economy, (4) prohibits highway service commercial and convenience retail and regional big-box retail commercial along the Highway 40 and State Road 248 corridor, (5) considers institutional uses for a hospital, educational facility, recreation/sports training facility, or an arts/cultural heritage/history-based institution, (6) provides recreation and open space uses in the Richardson Flat area and may include a golf course, active recreation, equestrian, and preserved open space, and (7) clusters residential development.

The Principles preserve view corridors with development proposed to be clustered according to the topography and other environmental factors. Open space and recreation are envisioned to be the predominant land use in the area with transit-oriented access to an interconnected system of trails. Vast surface parking areas with high visibility from the entry corridor are prohibited and any surface parking must be buffered from the entry corridor.

Park City is the beneficiary of over 580 acres of development-restricted property along State Road 248 located within the southeast quadrant of the Quinn’s Junction Intersection, known as

Richardson Flat.⁸ Additionally, Park City is the owner of Clark Ranch, 344 acres located along Highway 40.⁹ The 2019 Annexation Expansion Area encompasses these properties, as well as private property in order to create a logical extension of the City boundary to the Summit County border to respect the existing Summit County district boundaries.

BONANZA FLAT

On November 8, 2016, Park City voted in favor of a \$25,000,000 general obligation bond to help the City acquire Bonanza Flat, 1,350 acres of open space contiguous with the City's southern border in unincorporated Wasatch County. Bonanza Flat will be protected open space in perpetuity under a conservation easement. The City has included Bonanza Flat in the 2019 Annexation Expansion Area in order to work collaboratively with Wasatch County to potentially bring the City-owned open space within the Park City boundary and jurisdiction.

VI. ATTEMPT TO AVOID GAPS BETWEEN OR OVERLAPS WITH OTHER MUNICIPAL ANNEXATION EXPANSION AREAS

In developing the 2019 Annexation Expansion Area, Park City attempted to avoid gaps between or overlaps with the Annexation Expansion Area of other municipalities. However, the Town of Hideout in Wasatch County is in the process of amending their Annexation Policy Plan. As of the date of this Plan, Hideout proposes to include much of the southeast quadrant of Quinn's Junction in unincorporated Summit County within their Annexation Expansion Area. Park City objected to Hideout's Annexation Expansion Area in the southeast quadrant of Quinn's Junction because it encompassed the Park City-owned Clark Ranch property, as well as Richardson Flat, over 580 acres that is development restricted with Park City as the beneficiary. The Hideout Planning Commission amended the Annexation Expansion Area to exclude Clark Ranch. However, the Hideout Planning Commission retained the Richardson Flat area in their proposed Annexation Expansion Area.

Inclusion of the southeast quadrant of Quinn's Junction in Park City's Annexation Expansion Area is a logical extension of Park City's boundary and respects the existing Summit County boundary and Snyderville Basin Water Reclamation District, Snyderville Basin Recreation District, Park City Fire District, and Park City School District boundaries. Also, inclusion of the southeast quadrant of Quinn's Junction in Park City's Annexation Expansion Area allows the City to contemplate annexing City-owned property, as well as the Richardson Flat property, which is under a development restriction with Park City as the beneficiary. Additionally, Summit

⁸ On May 17, 1994, United Park City Mines (UPCM) filed an application to annex an area—initially referred to as Flagstaff Mountain and now known as Empire Pass—into Park City. After years of negotiations, on June 24, 1999, City Council adopted [Ordinance No. 99-30](#), "AN ORDINANCE ANNEXING APPROXIMATELY 1750 ACRES KNOWN AS FLAGSTAFF MOUNTAIN INTO THE CORPORATE LIMITS OF PARK CITY, UTAH AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO INCLUDE THE ANNEXED AREA." On the same day, City Council authorized a Development Agreement between UPCM and Park City. ([Resolution No. 20-99](#), "RESOLUTION AUTHORIZING THE FLAGSTAFF MOUNTAIN DEVELOPMENT AGREEMENT.") Park City granted UPCM certain development rights in the Empire Pass area upon annexation. In exchange, UPCM agreed to restrict development on over 580 acres in unincorporated Summit County on property known as Richardson Flat, with Park City as the beneficiary.

⁹ On October 9, 2014, the City Council approved a Real Estate Purchase Contract for the City's purchase of Clark Ranch.

County and Park City have been collaboratively planning the Quinn’s Junction area since 2002 and share a vision for the future of this area.

VII. CURRENT AND PROJECTED COSTS OF INFRASTRUCTURE, URBAN SERVICES, AND PUBLIC FACILITIES

Services such as sewer, fire protection, and public schools are provided to annexed areas by existing districts. Park City provides the following urban level services—consistent with those normally provided in the rest of the incorporated boundaries—to annexed areas: police protection; snow removal on public streets; street maintenance on streets that are constructed or reconstructed to City standards; planning, zoning, and code enforcement; municipal-sponsored parks and recreational activities, and cultural events and facilities; and water services as the area is developed.

Round Valley and Quinn’s Junction within Summit County

The Round Valley and Quinn’s Junction areas are currently located within the Park City Fire District, Snyderville Basin Water Reclamation District, Snyderville Basin Recreation District, Summit County Mosquito Abatement District, and Park City School District. If Round Valley and Quinn’s Junction are eventually annexed into Park City, these areas would remain within these districts.

Bonanza Flat within Wasatch County

Park City is in the process of installing trailheads, limited parking, and vault toilets in the Bonanza Flat area, but this is the extent of development. There will be no utility service to the area. The City will not connect water or sewer service to Bonanza Flat and no water from a Weber Basin Water Conservancy District source will be used for outdoor uses in Bonanza Flat. Bonanza Flat will be protected open space under a conservation easement in perpetuity. Located in unincorporated Wasatch County, Bonanza Flat is currently served by the Wasatch County Fire District and Wasatch County Sheriff’s Office.

Snyderville Basin Water Reclamation District

If the Round Valley or Quinn’s Junction area is annexed into Park City, any future development would continue to be subject to the Snyderville Basin Water Reclamation District authority since both areas are currently in the service area. The cost of infrastructure would be through developer funding. If Bonanza Flat is annexed into Park City, it will remain undeveloped as protected open space and no utilities will be extended to the area. No trans-basin water transfers will occur between the Snyderville Basin Water Reclamation District and Bonanza Flat.

Snyderville Basin Recreation District

If Round Valley and Quinn’s Junction are annexed into Park City, Snyderville Basin Recreation District trails that currently exist in the Round Valley and Quinn’s Junction area, or that may be developed within the proposed Annexation Expansion Area, would continue to be the property of the Snyderville Basin Recreation District, which generally holds trails in the form of perpetual

easements. Bonanza Flat in unincorporated Wasatch County is outside the Snyderville Basin Recreation District and annexation of Bonanza Flat into Park City would not impact the District, but may provide opportunities to connect trails between Wasatch County and the Snyderville Basin Recreation District.

If Round Valley and Quinn's Junction are annexed into Park City, Park City may request withdrawal from the Snyderville Basin Recreation District for these areas. Depending on the circumstances and impact on the Snyderville Basin Recreation District base, this may include the creation of a debt service district for the Snyderville Basin Recreation District to cover any payments on the remaining debt which was or may be issued against the property before the annexation occurs. With the current value of the property being considered, this would likely not have a significant impact on the base and would be unnecessary.

Park City Fire District

Round Valley and Quinn's Junction are served by the Park City Fire District and would remain in the District if the areas are annexed into Park City. A Park City Fire District Station is proposed to be constructed within the northwest quadrant of the Quinn's Junction Intersection near the Intermountain Healthcare Park City Medical Campus and will be the closest station serving Round Valley and Quinn's Junction.

If Park City were to annex Bonanza Flat located within unincorporated Wasatch County, the Park City Fire District boundary would have to be amended in order for the Park City Fire District to provide emergency response services. The approximate response time from Park City Fire District Station 34 at 7805 Royal Street to Bonanza Flat is 11 minutes with a distance of 3.7 miles, assuming clear roads and fair weather. Access to Bonanza Flat is restricted in the winter, but this is no different than any other wildland area within the Park City Fire District with access challenges.

Park City Public Utilities

Water – Park City could provide water to the Round Valley and Quinn's Junction areas in the future because Park City currently has surplus water. Also, more water may be acquired through the Western Summit County Project. Water supply infrastructure in any annexed area would need to be extended from the existing Park City water system. The cost would depend on the area to be served. Funding for the infrastructure would be obtained through impact fees, user fees, or developer funding, depending on the nature of the need and City Council policy. Park City will not provide water to Bonanza Flat.

Road Maintenance and Plowing – The main access to Round Valley and the southeast quadrant of Quinn's Junction is Highway 40 and State Road 248, roads that are maintained and plowed by the Utah Department of Transportation. If Round Valley and Quinn's Junction are annexed into Park City, there would be no additional need for City road maintenance or plowing. Bonanza Flat is accessed through State Road 224, which is closed during the winter months. The Utah Department of Transportation maintains and plows State Road 224. If Bonanza Flat is

annexed into Park City, there would be no additional need for City road maintenance or plowing within the Bonanza Flat area.

Park City Trails and Open Space

The Round Valley and Bonanza Flat properties are City-owned and the Trails and Open Space Department currently maintains these areas. Therefore, annexation of Round Valley and Bonanza Flat into Park City would not change the required Trails and Open Space staff or services. If future trails are constructed or open space is acquired in the Quinn's Junction area, the Trails and Open Space plans and budget would need to be amended to include the cost to serve these areas.

Park City Police Department

If the Round Valley, Quinn's Junction, and Bonanza Flat areas are annexed into Park City, the cost of Park City Police Department coverage could range anywhere from \$617,760 to \$2,000,556 annually, depending on City Council policy regarding level of service. This estimate includes personnel, equipment, law enforcement, vehicles, and uniforms.

VII. LAND SUITABLE FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT

Goal 1 of the Park City General Plan is to protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods. In 2014, approximately 73% of the City was built-out in terms of residential units and commercial development was just over half built-out.¹⁰ Today, approximately 79% of the City is built-out. There is still room to direct growth inward to strengthen existing neighborhoods. Additionally, the Lower Park Avenue Redevelopment Authority presents opportunities for public and private partnership to redevelop the resort base, community, and neighborhood, and the Main Street Redevelopment Area may be extended.

VIII. INCLUSION OF RECREATIONAL AREAS

Park City prefers annexations that provide significant open space. The Park City General Plan identifies the Round Valley, Quinn's Junction, and Bonanza Flat areas as important open space and recreational areas.¹¹ Goal 4 of the Park City General Plan establishes principles to protect open space for the community's benefit and enjoyment – to conserve a connected, healthy network of open space for continued access to and respect for the natural setting.

The Round Valley open space contains over 30 miles of trails for hiking, biking, running, snowshoeing, and skiing. The 580-acre Richardson Flat area within the southeast quadrant of Quinn's Junction is under a development restriction, but the restriction allows for potential future recreational uses like a golf course, an equestrian center, or other public recreation. The Bonanza Flat open space at the southern boundary of the City will be conserved in its natural state in perpetuity for the benefit of the community.

¹⁰ 2014 Park City General Plan, Volume I, p. 11.

¹¹ 2014 Park City General Plan, Volume I, p. 37.

X. TAX CONSEQUENCES TO RESIDENTS WITHIN PARK CITY AND THE ANNEXATION EXPANSION AREA

The following is a property tax comparison of the Round Valley, Quinn’s Junction, and Bonanza Flat areas based on the 2018 property tax assessment and rates (the last complete tax year):

| SUMMIT COUNTY – ROUND VALLEY | | | | |
|---|---------------------------|-----------------------------------|-----------------------|-----------------------------|
| | Tax Rate Summit County | Estimated Amount Summit County | Tax Rate Park City | Estimated Rate Park City |
| County Municipal Services | 0.000622 | \$98.32 | - | - |
| County General Fund | 0.000831 | \$131.35 | 0.000831 | \$131.35 |
| State Assessing & Collecting Levy | 0.000009 | \$1.42 | 0.000009 | \$1.42 |
| Local Assessing & Collecting Levy | 0.000169 | \$26.71 | 0.000169 | \$26.71 |
| Park City Fire District | 0.000726 | \$114.76 | 0.000726 | \$114.76 |
| Mosquito Abatement | 0.00003 | \$4.47 | 0.00003 | \$4.74 |
| Snyderville Basin Rec Operating* ¹² | 0.000404 | \$63.86 | - | - |
| Snyderville Basin Rec Bond* | 0.000217 | \$34.30 | 0.000217 | \$34.30 |
| Park City School District | 0.00433 | \$684.42 | 0.00433 | \$684.42 |
| Charter School Levy – Park City | 0.000039 | \$6.16 | 0.000039 | \$6.16 |
| Park City Operating | - | - | 0.001237 | \$195.53 |
| Park City General Obligation Debt | - | - | 0.000822 | \$129.93 |
| TOTAL | 0.007377 | \$1,166.05 | 0.00841 | \$1,329.33 |
| ESTIMATED TOTAL COLLECTION INCREASE | | | | \$163.28 |

¹² * The scenarios in Summit County assume that if the property were annexed, the City would request a de-annexation from the Snyderville Basin Recreation District on the same property. Depending on the circumstances and the impact on the Snyderville Basin Recreation District base, this may include the creation of a debt service district for the Snyderville Basin Recreation District to cover any payments on the remaining debt which was or may be issued against the property before the annexation occurs. With the current value of the property being considered, this would likely not have a significant impact on the base and would be unnecessary.

SUMMIT COUNTY – QUINN’S JUNCTION

| | Tax Rate Summit County | Estimated Amount Summit County | Tax Rate Park City | Estimated Amount Park City |
|---|---------------------------|-----------------------------------|-----------------------|-------------------------------|
| County Municipal Services | 0.000622 | \$1,324.98 | - | - |
| County General Fund | 0.000831 | \$1,770.19 | 0.000831 | \$1,770.19 |
| State Assessing & Collecting Levy | 0.000009 | \$19.17 | 0.000009 | \$19.17 |
| Local Assessing & Collecting Levy | 0.000169 | \$360.00 | 0.000169 | \$360.00 |
| Park City Fire District | 0.000726 | \$1,546.52 | 0.000726 | \$1,546.52 |
| Mosquito Abatement | 0.00003 | \$63.91 | 0.00003 | \$63.91 |
| Snyderville Basin Rec Operating* ¹³ | 0.000404 | \$860.60 | - | - |
| Snyderville Basin Rec Bond* | 0.000217 | \$462.25 | 0.000217 | \$462.25 |
| Park City School District | 0.00433 | \$9,233.76 | 0.00433 | \$9,223.76 |
| Charter School Levy – Park City | 0.000039 | \$83.08 | 0.000039 | \$83.08 |
| Park City Operating | - | - | 0.001237 | \$2,635.05 |
| Park City General Obligation Debt | - | - | 0.000822 | \$1,751.02 |
| TOTAL | 0.007377 | \$15,714.47 | 0.00841 | \$17,914.97 |
| ESTIMATED TOTAL COLLECTION INCREASE | | | | |
| | | | | \$2,200.49 |

¹³ * The scenarios in Summit County assume that if the property were annexed, the City would request a de-annexation from the Snyderville Basin Recreation District on the same property. Depending on the circumstances and the impact on the Snyderville Basin Recreation District base, this may include the creation of a debt service district for the Snyderville Basin Recreation District to cover any payments on the remaining debt which was or may be issued against the property before the annexation occurs. With the current value of the property being considered, this would likely not have a significant impact on the base and would be unnecessary.

WASATCH COUNTY – BONANZA FLAT

| | County Tax Rate | County Estimated Amount | Park City Tax Rate | Park City Estimated Amount |
|--|--------------------|----------------------------|-----------------------|-------------------------------|
| Wasatch | 0.002019 | \$12.88 | 0.002019 | \$12.88 |
| Wasatch County School District | 0.008051 | \$51.37 | 0.008051 | \$51.37 |
| Wasatch Fire Protection SSD | 0.000538 | \$3.43 | 0.000538 | \$3.43 |
| Wasatch County SSD No. 21 | 0.000241 | \$1.54 | 0.000241 | \$1.54 |
| Central Utah Water Conservancy District | 0.0004 | \$2.55 | 0.0004 | \$2.55 |
| Park City Operating | - | - | 0.001237 | \$7.89 |
| Park City General Obligation Debt | - | - | 0.000822 | \$5.25 |
| TOTAL | 0.011249 | \$71.77 | 0.013308 | \$84.92 |
| ESTIMATED TOTAL COLLECTION INCREASE | | | | |
| | | | | \$13.15 |

IMPACT ON PARK CITY PROPERTY OWNERS

While a wider total Park City taxable base would potentially reduce the current debt burden on Park City property owners, based on the current taxable value of the parcels evaluated, the tax consequences to the general obligation debt levy for current Park City property owners would be insignificant.

SALES AND USE TAX

The following table shows the current sales tax rate structure and the Park City rate structure if a property was included in the Park City Municipality limits:

| SALES TAX RATE COMPARISON | | |
|--|--|--|
| Sales and Use Taxes | Current Sales Tax Rate (Snyderville Basin Transit District) | Current Park City Municipal Rate |
| State of Utah General Sales & Use Tax | 4.85% | 4.85% |
| Summit County County Option Sales Tax Local Option Sales Tax Recreation, Arts, and Parks Tax Mass Transit Tax Transportation Tax Additional Mass Transit Tax Transportation Infrastructure Tax Transit Capital Expenses | 0.25% 1.00% 0.10% 0.30% 0.25% 0.25% 0.25% 0.20% | 0.25% - 0.10% - 0.25% 0.25% 0.25% 0.20% |
| Park City Local Option Sales Tax Resort City Sales Tax Mass Transit Tax | - - - | 1.00% 1.60% 0.30% |
| Total "Base" | 7.45% | 9.05% |
| Other Taxes Countywide Restaurant Tax Countywide Motor Vehicle Rental Tax Countywide Transient Room Tax Statewide Transient Room Tax Park City Transient Room Tax | 1.00% 2.50% 3.00% 0.32% - | 1.00% 2.50% 3.00% 0.32% 1.00% |

The City also levies a 3.5% Municipal Telecommunication License Tax and a 6% Municipal Energy Tax. These use taxes are not levied in unincorporated County areas.

Park City Municipal Corporation currently levies a 3.5% Franchise Fee on all franchised utility or television providers, excluding energy suppliers. The fees would apply to all sales of services or products from the utility or television provider within City limits.

XI. URBAN DEVELOPMENT EXCLUDED FROM THE ANNEXATION EXPANSION AREA

Urban development within one-half mile of the Annexation Expansion Area was excluded due to topography and other physical constraints to efficient delivery of basic services, overlapping utility providers with services already being provided by others, level of existing services and standing of existing roads below City standards that require expensive upgrades, high fiscal impacts to the City, and overlapping districts.

Park City worked in collaboration with Summit County regarding the inclusion of Round Valley and the southeast quadrant of the Quinn's Junction Intersection in the modified Annexation Expansion Area. Urban development within one-half mile of the Annexation Expansion Area within Summit County was excluded along the City's northern boundary to avoid overlapping utility and services already provided. Additionally, the Park City General Plan seeks to provide each neighborhood with a well-defined edge, such as open space or a naturally landscaped buffer zone, permanently protected from development. The Round Valley area along the northern boundary between Park City and unincorporated Summit County provides open space and recreation for both communities and establishes a naturally landscaped buffer zone that delineates the Park City boundary and unincorporated Summit County.

Park City excluded urban development within one-half mile of the Annexation Expansion Area within Summit County along the east side of Highway 40, north of State Road 248, in agreement with Summit County, acknowledging that this area will be developed in unincorporated Summit County pursuant to Summit County zoning and the Quinn's Junction Joint Planning Commission Principles.

In order to draw the Annexation Expansion Area along the Summit County boundary and the boundaries of existing districts for sewer, water, fire, schools, and other services, Park City excluded urban development within one-half mile of the Annexation Expansion Area where Quinn's Junction abuts the Wasatch County boundary in order to delineate Summit County and Wasatch County services and jurisdiction.

Due to the extensive protections to conserve Bonanza Flat in its natural state and to prohibit development in perpetuity, no utilities will be extended to Bonanza Flat. Urban development within one-half mile of Bonanza Flat was excluded from the Annexation Expansion Area because of topography and other physical constraints to efficient delivery of basic services and overlapping utility providers with services already being provided by others.

XII. INTERESTS OF AFFECTED ENTITIES

Affected entities include counties in whose unincorporated area the area proposed for annexation is located, local districts, special service districts, school districts, and municipalities within one-half mile of an area proposed for annexation. In developing the 2019 Annexation Policy Plan, Park City reached out to Summit County, Wasatch County, the Snyderville Basin Water Reclamation District, the Snyderville Basin Recreation District, Park City Fire District, Park City School District, and the Jordanelle Special Service District for discussion and input.

The Park City Planning Commission will hold a public meeting on the 2019 Annexation Policy Plan on August 28, 2019, at 5:30 PM in City Hall (445 Marsac Avenue) and affected entities are invited to attend. Affected entities will have ten days after the public meeting to submit written comments to Park City regarding the 2019 Annexation Policy Plan (through September 9, 2019).

The Park City Planning Commission will hold a public hearing on the 2019 Annexation Policy Plan on September 11, 2019, at 5:30 PM in City Hall and may forward a positive recommendation to the City Council. The City Council of Park City will hold a public hearing on September 12, 2019 at 6:00 PM in City Hall and may take final action. Affected entities are invited to attend and provide comment.

Park City School District

The Park City School District expressed an interest in potentially locating a future school or facility in either the Round Valley or Quinn's Junction area. If Round Valley or Quinn's Junction are annexed into Park City, the City will work with the Park City School District to potentially locate a future school or facility within these areas.

Affected Entities include:

Jordanelle Special Service District

Mountain Regional Water District

Park City Fire District

Park City School District

Snyderville Basin Recreation District

Snyderville Basin Water Reclamation District

Summit County

Summit County Mosquito Abatement District

Summit Water Distribution Company

Town of Hideout

Wasatch County

Wasatch County Fire District

Wasatch County School District

Weber Basin Water Conservancy District

Courtesy Notice was sent to:

Utah Department of Transportation

Utah State Parks

WITHIN 30 DAYS AFTER ADOPTING THIS ANNEXATION POLICY PLAN, THE CITY COUNCIL SHALL SUBMIT A COPY OF THE PLAN TO THE LEGISLATIVE BODY OF SUMMIT COUNTY AND WASATCH COUNTY.

EXHIBIT A –

PROPOSED AMENDED LAND MANAGEMENT CODE TITLE 15, CHAPTER 8 – DRAFT

LAND MANAGEMENT CODE 15-8-1 – PURPOSE

The annexation requirements specified in this Annexation Policy Plan are intended to protect the general interests and character of the community; assure orderly growth and Development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds, and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer Areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State law.

In meeting the goals of Park City's annexation policy plan, the Planning Commission and City Council shall strive to avoid gaps between or overlaps with the expansion Area of other municipalities; consider the population growth projections for Park City and adjoining Areas for the next twenty (20) years; consider current and projected costs of infrastructure, urban services, and necessary public facilities; facilitate full Development of Areas within Park City; expand infrastructure, services, and facilities into the Area being considered for inclusion in the expansion Area when practical and feasible; consider, in conjunction with Park City's General Plan, the need over the next twenty (20) years for additional land suitable for residential, commercial, and industrial Development; consider the reasons for including agricultural lands, forests, recreation Areas, and wildlife management Areas in Park City; and be guided by the following principles:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- A. Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries or school districts adjacent to school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities;
- B. To eliminate islands and peninsulas of territory that are not receiving municipal type services;
- C. To facilitate the consolidation of overlapping functions of local government;
- D. To promote the efficient delivery of services; and
- E. To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image, which is critical for economic

viability, and that the potential deficit of revenue against expense to the City is not unreasonable. This Chapter shall be considered Park City's annexation policy plan and declaration.

This Chapter incorporates by reference all standards required and suggested by Sections 10-2-401 et seq. of the Utah Code, as amended.

LAND MANAGEMENT CODE 15-8-2 – GENERAL REQUIREMENTS

The following specific requirements are hereby established for annexation to Park City:

- A. Property under consideration of annexation must be considered a logical extension of the City boundaries.
- B. Annexation of Property to the City must be consistent with the intent and purpose of this Chapter and the Park City General Plan.
- C. Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.
- D. Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable timeframe in order to avoid repetitious annexations.
- E. Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.
- F. In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed Areas:
 1. Police protection;
 2. Snow removal on Public Streets, subject to standard City snow removal policies;
 3. Street maintenance on existing Streets, provided that such Streets have been constructed or reconstructed to City Street standards or are acceptable to the City Engineer and City Council;
 4. Planning, zoning, and Code enforcement;
 5. Availability of municipal-sponsored parks and recreational activities and cultural events and facilities;
 6. Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows.
- G. If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water and sewer to the proposed annexation Area.
- H. Before considering requests for annexation, the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, usable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, Affordable Housing, balance of housing types and

ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Area shall also be considered.

- I. Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains, or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexations may occur as a means of retaining those lands in a natural state.
- J. The City shall consider annexation of unincorporated Areas of Summit County and Wasatch County that are within the annexation expansion Area as defined by Exhibit A.
- K. In general, the City does not favor annexation of territory that should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for diminishing the capacity of another municipality to annex.
- L. Annexations that expand the resort and/or tourist economy, provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and/or community facilities are preferred.

LAND MANAGEMENT CODE 15-8-3 – PROPERTY OWNER INITIATION OF ANNEXATION

When initiated by a Property Owner, the process for annexation shall be as follows:

- A. The Property Owner or Owners shall submit to the City a petition for annexation. The petition shall meet the criteria and shall be in the form as established by the City and in compliance with State law as set forth in Sections 10-2-401, 402, and 403 of the Utah Code, as amended.
 - 1. The petition shall contain signatures of Property Owners representing a majority of the private land Area and at least one-third (1/3) of the value of all private real Property within the Area proposed for annexation.
 - 2. If the Area is within an Agriculture Protection Area created under State law Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production area created under Title 23, Chapter 28, Migratory Bird Production Area, then the petition must cover one hundred percent (100%) of the private land Area within the Area proposed for annexation.
 - 3. If the Property is owned by a public entity other than the federal government, the petition shall be signed by the Owner of all of the publicly owned Property within the Area proposed for annexation.
 - 4. The petition shall contain the signatures of the owners of private real property that covers one hundred percent (100%) of rural real property as that term is defined under State law Title 17B, Chapter 2a, Section 1107, Limited Purpose Local Government Entities, within the area proposed for annexation; and
 - 5. Said petition shall designate up to five (5) of the petitioners as sponsors, one (1) who shall be designated as the contact sponsor. The mailing address of each sponsor shall be included in the petition.
- B. Attached to and as part of the petition shall be an accurate certified survey plat of the Property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the Property to be annexed.
- C. There shall also be attached to the annexation petition a statement as to the anticipated timetable for Development, if applicable, of the Property being annexed.

- D. If the proposed Property is intended for Development, the petition for annexation shall include Complete Applications for a Master Planned Development (MPD) and a preliminary Subdivision plat. The petition shall state the requested zoning designation(s), and shall show the proposed Zoning District lines on the plans. Impact mitigation considerations in the annexation agreement will be based on the Density permitted under the requested or applied zone requirements.
- E. Except in the case of POS or ROS zoning, zoning requests are subject to review and consideration of the Planning Commission for a recommendation, with final approval by the City Council concurrent with public hearings on the proposed annexation.
- F. There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the Property to be annexed, and a statement from the water Owner(s) as to the estimated value of the water or the price at which he or she is willing to sell the said water to the City.
- G. The annexation petition shall not propose annexation of any land Area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.
- H. The annexation petition shall not propose annexation of any land Area being considered for incorporation under Utah State law.
- I. On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the county in which the Property is located and to the chair of the Planning Commission which has review authority or jurisdiction over the said Property.
- J. There shall be attached to the petition a comprehensive review and analysis of surrounding Property. See Section 15-8-5(E).

LAND MANAGEMENT CODE 15-8-4 – PROCEDURE FOR PETITION AND ANNEXATION PLATS

The procedure for processing annexation petitions and plats shall be as follows:

- A. A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403(3)(C) of the Utah Code, as amended, together with any other information required by the City staff to enable the staff to prepare an annexation impact report.
- B. Prior to City Council action on the petition, the petition and plat shall be reviewed by the Planning Director, who shall determine the feasibility of expanding the annexation boundaries and who shall prepare a written recommendation for consideration by the City Council.
- C. If the City Council accepts the annexation petition, the petition shall be delivered to the City Recorder for certification pursuant to Section 10-2-405 of the Utah Code, as amended.
- D. If the annexation petition is certified by the City Recorder, the City Council shall provide for public notice as set forth in Section 10-2-406 of the Utah Code, as amended.
- E. The Planning Commission, upon referral from the Planning Director, shall hold a public hearing and make a recommendation on the annexation proposal, including the recommended zoning, to the City Council. After receipt of the Planning Commission's recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code, as amended, the City Council shall hold a public hearing on all proposed annexations. After closure of the public hearing, the City Council may either grant or deny the annexation petition; provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407 of the Utah Code, as amended. Denial of or granting the petition under protest is subject to Section 10-2-408 of the Utah Code, as

amended. If City Council grants the annexation petition, it shall assign a zone to the annexed territory at the time the territory is annexed.

- F. Once the City Council enacts an ordinance annexing an unincorporated Area or adjusting a boundary all applicable zoning and Land Management Code sections shall apply to the annexed Property.
- G. Within thirty (30) days after enacting an ordinance annexing an unincorporated Area or adjusting a boundary, the City shall file with the Lieutenant Governor of the State of Utah the notice of annexation, as required by Section 10-2-425 of the Utah Code, as amended.
- H. Upon receipt of the Certificate of Annexation from the Lieutenant Governor, the City shall record with the County Recorder:
 - 1. The original notice of annexation filed with the Lieutenant Governor;
 - 2. The Certificate of Annexation issued by the Lieutenant Governor;
 - 3. The original approved plat or map prepared by a licensed surveyor and approved by the City; and
 - 4. A certified copy of the ordinance approving the annexation.

**LAND MANAGEMENT CODE 15-8-5 –
ANNEXATION PETITION REVIEW – AFTER CITY COUNCIL ACCEPTANCE OF PETITION**

- A. **STAFF REVIEW TEAM.** After approval of the annexation petition by the City Council, general annexation procedure shall comply with Utah State law; provided, however, that the City Council shall not take Final Action on any petition until the same has been reviewed by the Park City Planning Commission and by the staff review team. For purposes of annexation petition review, the staff review team shall be composed of at least the following, or their designees:

Planning Director, City Engineer, Director of Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers, and Park City School District Superintendent.

- B. **ANNEXATION EVALUATION AND STAFF REPORT.** The staff review team will review each annexation and zoning request. The Planning Department will prepare a staff report with considerations and a staff recommendation to present to the Planning Commission. The staff report shall include an evaluation of the proposed annexation and shall include at least the following information:
 - 1. The ability to meet the general annexation requirements as stated in Section 15-8-2 herein.
 - 2. An accurate map of the proposed annexation Area showing the boundaries and Property ownership within the Area, the topography of the Area and major natural features, e.g., drainage, channels, Streams, wooded Areas, Areas of high water table, Very Steep Slopes, sensitive Ridge Line Areas, Wildfire/Wildland Interface Zones, and other environmentally Sensitive Lands.
 - 3. Current and potential population of the Area and the current residential Densities.
 - 4. Land Uses presently existing and those proposed.
 - 5. Character and Development of adjacent Properties and neighborhoods.
 - 6. Present zoning and proposed zoning.
 - 7. A statement as to how the proposed Area, and/or its potential land Use will contribute to the achievement of the goals and policies of the Park City General Plan.
 - 8. Assessed valuation of the current Properties.

9. Potential demand for various municipal services and the need for land Use regulation in the Area, e.g. consideration of the distance from existing utility lines, special requirements for Sensitive Lands review and fire protection in Wildfire/Wildland Interface Zones, location within hazardous soils Areas, and feasibility of snow removal from Public Streets.
10. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service Areas.
11. A specific timetable for extending services to the Area and how these services will be financed.
12. Potential revenue versus service costs.
13. An estimate of the tax consequences to residents of the Area to be annexed.
14. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.
15. Location and description of any Historic or cultural resources.

- C. **CONDITIONS OF ANNEXATION APPROVAL AND ANNEXATION AGREEMENT.** The City has established the following conditions, which must be met prior to completion of the annexation, unless the City Council finds that the circumstances of an annexation are such that a condition or conditions do not apply. These conditions shall be applied consistently for each Property; however, unusual or unique circumstances may emerge from time to time where special conditions may be applied. The conditions of annexation approval shall be formalized as part of a written annexation agreement prepared by the Planning Director, or designee.

The annexation agreement shall be reviewed by the Planning Commission and approved by City Council contemporaneously with the certified annexation petition. If approved the annexation agreement shall be signed by the petitioners and City Council and recorded with the Summit County Recorder. The annexation agreement shall include, but is not limited to the following conditions:

1. Transfer of usable water rights as established by City policy sufficient to serve the proposed Development.
2. Additional improvements as necessary, which may be required in order to improve the water system.
3. Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent with the Subdivision standards of this Code.
4. Phasing of the project to insure adequacy of public facilities may be required.
5. Payment of park land acquisition fees, dedication of open space or conservation Areas, and payment of Development impact fees.
6. Provision of Affordable Housing in accordance with the Affordable Housing Resolution 03-2017, as in effect at the time of petition.
7. Submittal of Site plans and architectural plans for review.
8. Flood plain management or preservation of environmentally Sensitive Lands including compliance with the Sensitive Lands Overlay Section of the Code.
9. Analysis and survey of any Historic and cultural resources located on the Property.
10. Analysis of the fiscal impacts of the Development as determined necessary by the City. The fiscal Impact Analysis format, including the revenue and cost assumptions, shall be approved by the City. If necessary, the City shall hire qualified experts to perform the fiscal Impact Analysis.

11. Fees paid in lieu of satisfying certain conditions, as approved by Council action.
12. Comprehensive review of surrounding Property as described below in Section 15-8-5(E).
13. Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the project.
14. Annexations located within the Quinn's Junction Area shall be found to be consistent with the Quinn's Junction Joint Planning Commission Principles outlined in the General Plan.

D. **AMENDMENTS TO THE ANNEXATION AGREEMENT.** Subsequent substantive amendments to the annexation agreement are subject to review and approval by the Planning Commission and City Council with adequate public notice and recordation with the Summit County Recorder.

E. **COMPREHENSIVE REVIEW AND ANALYSIS OF SURROUNDING PROPERTY.** A comprehensive land Use review and analysis of Property surrounding the proposed annexation must be completed and submitted with the annexation petition. This analysis of surrounding Property shall be in sufficient detail for the City to determine the long term community impacts of the proposed annexation on these Properties. This analysis must include, but is not limited to, all Property within one and one-half (1 and 1/2) miles of the boundaries of the proposed annexation. The Planning Director may modify the study Area up to one-half (1/2) mile more or less to achieve a suitable and logical study Area.

The review and analysis of surrounding Property shall be performed by a qualified land Use planner with assistance from other professionals, such as traffic engineers, civil engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the Applicant. The review and analysis shall include, but is not limited to a study of the following:

1. Slope, wetlands, vegetation, wildlife habitat, view corridors, existing Historic and cultural resources, and significant geological features.
2. Existing and proposed road systems.
3. Existing and proposed utilities and major utility extension plans.
4. Location of proposed open space, recreational Areas, and trail systems.
5. Existing and proposed land Uses including type and Density of residential Areas.

Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc.

LAND MANAGEMENT CODE 15-8-6 – MUNICIPAL INITIATION OF ANNEXATION

It shall be the policy of the City to annex Areas meeting all of the following criteria with or without receipt of a petition from the Property Owners:

- A. The annexation is an island within or a peninsula contiguous to the City;
- B. The majority of each island or peninsula consists of residential or commercial Development;
- C. The Area proposed for annexation requires the delivery of municipal-type services;
- D. The City has provided most or all of the municipal-type services to the Area for more than one (1) year; and

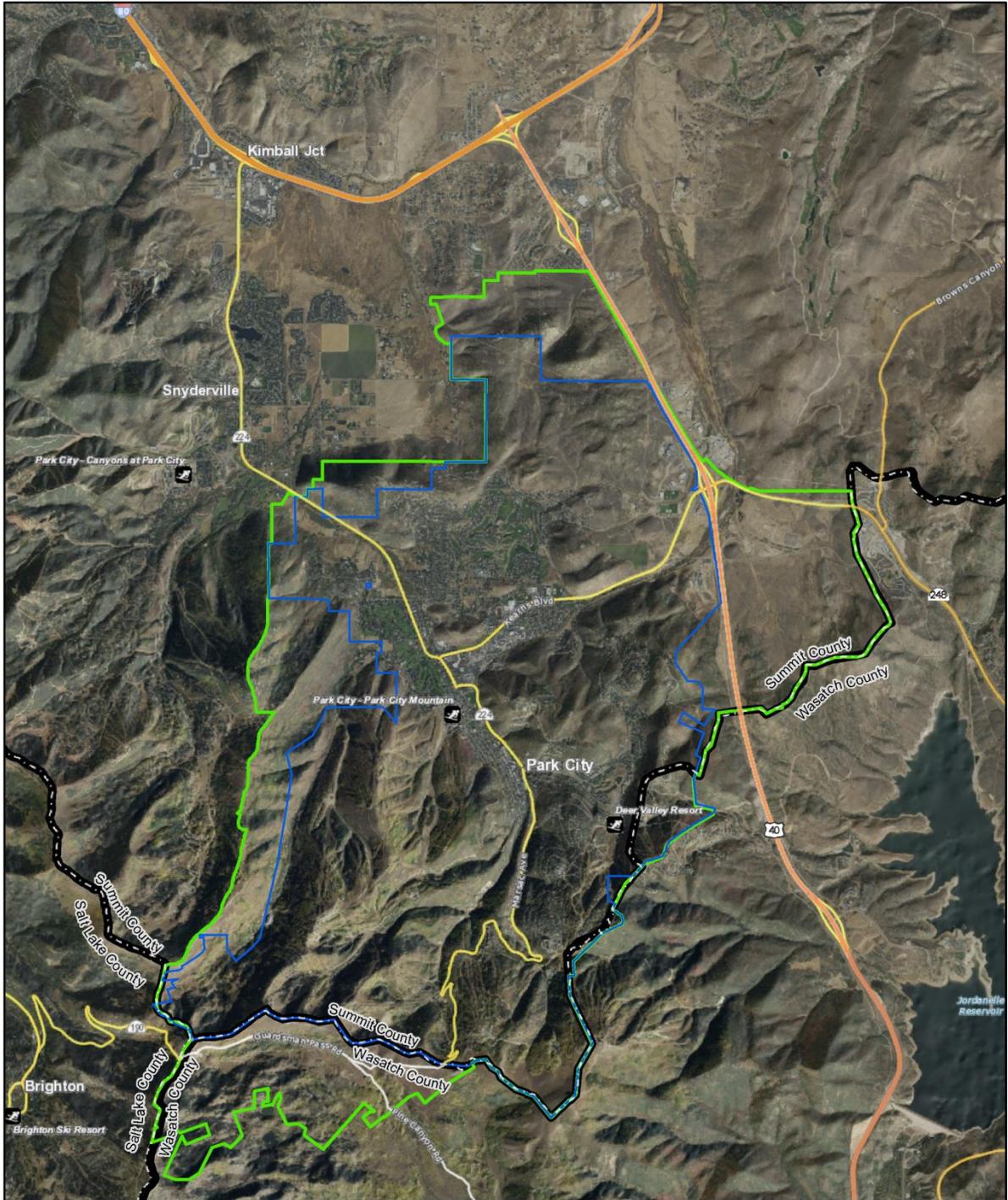
- E. Annexation of the Area is supported by the goals of the Park City General Plan, including open space, land Use, Affordable Housing, recreation, growth management, and economic Development.

Such annexations shall be processed as provided under Section 10-2-418 of Utah Code, as amended, including all noticing and public hearing requirements. This review shall be in addition to the review required in Section 15-8-5 herein.

If written protest to such annexation is timely filed and complies with Section 10-2-418 Subsection (8) of the Utah Code, as amended, the City may not adopt an ordinance annexing the Area proposed for annexation, and the annexation proceedings under this Section shall be considered terminated.

LAND MANAGEMENT CODE 15-8-7 – EXPANSION AREA BOUNDARY MAP

- A. The Expansion Area Boundary Map is included as Exhibit A below:



Date: 8/9/2019



- Park City Municipal Boundary
- 2019 Annexation Expansion Area
- County Boundaries



Coordinate System: NAD 1983 StatePlane Utah Central FIPS 4302 Feet
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Units: Foot US



<https://www.parkcity.org/departments/gis/gis-disclaimer>

- B. The following criteria were used as justification to exclude from the expansion Area Property considered by State definition to be Urban Development:
1. Topography and other physical constraints to efficient delivery of basic services.
 2. Overlapping utility providers with services already being provided by others.
 3. Level of existing services and standing of existing roads are below City standards and require expensive upgrades.
 4. Other high fiscal implications to the City.
 5. Overlapping school districts, i.e. not in Park City School District.
 6. Overlapping taxing entities.

LAND MANAGEMENT CODE 15-8-8 – AFFECTED ENTITIES STATEMENTS

[Statements from affected entities will be included as Exhibit B in the final adoption of the Land Management Code Title 15, Chapter 8, Section 8.]



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Land Management Code
Amendments to 15-11 Historic Preservation

Author: Hannah M. Tyler, AICP, Senior Planner
 Caitlyn Barhorst, Historic Preservation Planner

Date: August 28, 2019

Type of Item: Legislative – LMC Amendment

Recommendation

1. Staff recommends the Planning Commission review the proposed LMC amendments, open a public hearing and consider forwarding a positive recommendation to City Council on September 12, 2019 regarding the Land Management Code (LMC) amendments to 15-11-2(C) Terms and Qualifications of Members and 15-11-8(A) Staff Assistance.
2. Planning Department staff requests that the Planning Commission open a public hearing and continue the discussion regarding the Land Management Code Amendments for Chapter 15-11-12.5 Historic Preservation Board Review for Material Deconstruction to a date uncertain.

Description

Project Name: Land Management Code (LMC) Amendments in Chapter 15-11-2(C) Terms and Qualifications of Members; 15-11-8(A) Staff Assistance; and 15-11-12.5 Historic Preservation Board Review for Material Deconstruction

Applicant: Planning Department

Proposal: Revisions to the Land Management Code

Affected Land Management Code Chapters: 15-11 Historic Preservation

Reason for Review: LMC Amendments related to Historic Preservation require Historic Preservation Board review, Planning Commission review and City Council review and action.

Background

On August 7, 2019, the Historic Preservation Board opened a public hearing and continued the discussion regarding the proposed LMC Amendments to August 21, 2019. On August 21, 2019 the Historic Preservation Board forwarded a positive recommendation to Planning Commission with comments. [August 21, 2019 HPB Staff Report](#) (page 171).

Analysis

The purpose of the proposed Land Management Code amendment is to update all references to Utah Heritage Foundation to reflect their new organizational name of

Preservation Utah. Preservation Utah changed their organizational name in 2017. The draft ordinance in Exhibit 1 reflects these changes.

After the review and comments from HPB on August 21, 2019, Staff has decided to continue editing the amendments to Section 15-11-12.5 Historic Preservation Board Review for Material Deconstruction. Staff is recommending the Planning Commission continue this item to a date uncertain.

Exhibits

Exhibit 1 – Draft Ordinance

Exhibit A – LMC § 15-11 Historic Preservation

Exhibit 1—Draft Ordinance

Ordinance 19-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING CHAPTER 15-11 HISTORIC PRESERVATION.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the proposed Land Management Code (LMC) amendments enhance the design standards to maintain aesthetic experience of Park City; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic);

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings; and

WHEREAS, the Historic buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition and significant alteration of Historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, the Historic Preservation Board duly noticed and conducted public hearings at the regularly scheduled meetings on August 7, 2019 and August 21, 2019 and forwarded a recommendation to Planning Commission and City Council; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on August 28, 2019 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on September 12, 2019; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, activity and success of the ski resort base area; to ensure compatible development; 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. APPROVAL OF AMENDMENTS TO TITLE 15 - LAND MANAGEMENT CODE CHAPTER 15-11 HISTORIC PRESERVATION. The recitals above are incorporated herein as findings of fact. Chapters 15-11 of the Land Management Code of Park City are hereby amended as redlined in Exhibit A.

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

PASSED AND ADOPTED this ____ day of _____, 2019

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC § 15-11-2 Terms and Qualifications of Members

Exhibit B – LMC § 15-11-8 Staff Assistance

1 **Exhibit A – LMC § 15-11-2 Terms and Qualifications of Members**

2
3 **15-11-2 Terms And Qualifications Of Members**

4 Members of the HPB shall serve terms of three (3) years. The terms shall be staggered.
5 Terms may expire on May 1, however, members of the HPB shall continue to serve until
6 their successors are appointed and qualified.

- 7 A. The Mayor shall appoint a new HPB member to fill vacancies that might arise
8 and such appointments shall be to the end of the vacating member's term.
- 9 B. It is the first priority of the City Council that the HPB have technical
10 representation in Historic preservation, therefore, when vacancies occur and if
11 appropriate, it shall be the first consideration of the City Council to ensure that
12 there is a licensed architect, or other professional having substantial experience
13 in rehabilitation-type construction, serving on the HPB, and secondly that there is
14 representation from the Park City Historical Society. After being notified by the
15 City of a vacancy, at least two (2) nominations shall be rendered to the City
16 Council by the Park City Historical Society if it desires to participate in the
17 Application process.
- 18 C. In addition, the HPB should include members with the following qualifications, or
19 representing the following interests:
- 20 1. A member recommended by or associated with the Utah State Historical
21 Society or ~~[Utah Heritage Foundation]~~ Preservation Utah.
 - 22 2. A member living in the Historic District with demonstrated interest and
23 knowledge of Historic preservation.
 - 24 3. A member appointed at large from Park City with demonstrated interest
25 and knowledge of Historic preservation.
 - 26 4. A member associated with Main Street Business and commercial
27 interests.

28 HISTORY

29 *Adopted by Ord. 02-07 on 5/23/2002*

30 *Amended by Ord. 03-34 on 7/10/2003*

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Exhibit B – LMC § 15-11-8 Staff Assistance

15-11-8 Staff Assistance

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- A. ~~[Utah Heritage Foundation]~~ Preservation Utah.
- B. National Trust for Historic Preservation.
- C. Utah State Division of History.
- D. Park City Historical Society.
- E. American Institute of Architects (AIA).
- F. The National Alliance of Preservation Commissions.
- G. American Planning Association (APA)

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002
Amended by Ord. [03-34](#) on 7/10/2003
Amended by Ord. [06-35](#) on 6/8/2006
Amended by Ord. [09-23](#) on 7/9/2009

Planning Commission Staff Report



Subject: Twisted Branch Subdivision
Author: Alexandra Ananth, Senior Planner
Date: August 28, 2019
Type of Item: Legislative – Final Subdivision Plat

| | |
|----------------------------|---|
| Project Number: | PL-17-03664 |
| Owners: | REDUS Park City LLC and PCMC |
| Applicant: | Alliance Engineering, Inc. |
| Location: | Metes and Bounds parcels located south of B2 MPD (Montage Resort and B2 East Subdivision) and north of the Red Cloud Subdivision, including a portion of Twisted Branch Road. |
| Zoning: | RD-MPD and ROS-MPD, subject to the 2007 Flagstaff Development Agreement (Amended Agreement) |
| Adjacent Land Uses: | Deer Valley Resort, Marsac Avenue, SR 224 (aka Guardsman Road), B2 East Subdivision (undeveloped multi-family residential), Red Cloud Subdivision (single family houses and vacant lots), open space areas and trails and conservation easement properties. |
| Reason for Review: | Subdivision plats require Planning Commission review and City Council approval. |

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the application and draft findings of fact, conclusions of law, and conditions of approval, and forward a positive recommendation to City Council on September 12, 2019, pursuant to the draft Ordinance.

Proposal

This application is a request for final subdivision plat approval of the Twisted Branch Subdivision (**Exhibit A**), a gated private road that will be owned by REDUS, to create three (3) platted lots of record, as further described in the applicant’s letter (**Exhibit B**). Lots are platted for fee title ownership. The plat includes the following:

- Lot 1- City water tank and additional land;
- Lot 2- on-mountain, private restaurant site as further described in Section 2.6 of the Amended Agreement ([Exhibit C- link](#));
- Lot 3- City water pump station and additional land.

The proposed plat also:

- Creates six (6) non-development parcels (Parcels A-F) for access, utilities, ski runs and trails, open space, etc.;
- Records existing and proposed easements for ski runs, public trails and

- trailheads, bridges, snowmaking, access, utilities and open space;
- Includes a portion of existing Twisted Branch Road, a private road from the intersection with SR 224, south to Parcel C, revised to not plat the remainder of the road to the Red Cloud intersection, at this time;
 - Neither allocates nor assigns residential or new commercial development density to any of the lots or parcels;
 - Maintains status quo in terms of ownership, use and maintenance of both Twisted Branch Road, and SR 224, a State Route maintained by Utah Department of Transportation (UDOT);
 - Consists of a total of 24.02 acres of metes and bounds described property;
 - As conditioned, complies with the LMC and the 2007 Amended Agreement and Technical Reports, including Report #9, Private Road Access Limitation Procedures, and does not preclude Twisted Branch Road from converting to a public road in the future (with necessary approvals and agreements).

Background

Flagstaff Development Agreement

On June 24, 1999, Council adopted [Ordinance 99-30](#) and [Resolution 20-99](#) approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” Master Planned Development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement was amended and recorded in March 2007 ([Exhibit C- link](#)) and is referred to as the Amended Agreement. Fourteen (14) specific Technical Reports are included as part of the controlling documents for the entire Flagstaff Annexation and Development areas ([Exhibit D- link](#)). The subject property is also subject to the March 12, 2004 Maintenance Agreement ([Exhibit L- link](#)).

Twisted Branch Road is a private gated road with access off of SR 224 and serves as access to the Red Cloud Subdivision and proposed Lot 2 (the proposed private on-mountain restaurant with no parking as allowed in Section 2.6 of the Amended Agreement). Park City Municipal Corporation maintains an easement over the road for maintenance and emergency access to Bonanza Flats property.

Sections 2.8.2 and 2.8.3 of the Amended Agreement allowed for the construction of a private controlled access road between Flagstaff Mountain and the Bonanza Flats area provided that such private road is properly controlled to prevent through access to adjacent properties. Exhibit 9 of the Amendment Agreement, Private Road Access Limitation Procedures for Flagstaff Mountain, additionally notes that “The primary goal and objective of these procedures is to preserve the existing limited winter time public access to Park City from Wasatch County by continuing the seasonal closure of Guardsman Pass Road through the Resort.”

Section 2.8.5 of the Amended Agreement directly addresses Controlled Snowmobile Access and states “Winter snowmobile access to Brighton States and to Bonanza Flats

is presently available over portions of SR 224. Developer and Deer Valley shall allow seasonal snowmobile access to property owners and renters in Brighton Estates over those portions of SR 224 within the Project that are presently used or alternatively over similar portions of SR 224 as may be relocated. Developer and Deer Valley shall otherwise prevent wintertime motorized vehicular access to the extent such action is consistent with the policy of the public entity that owns SR 224....”

The Amended Agreement stipulates that should the private road be converted to a public road, SR 224 shall no longer be used as a public road. It notes that the “developer shall support and shall not undermine seasonal closure... of SR 224 and shall control motorized vehicular access from SR 224 to the private road system to prevent vehicular through traffic.”

To date Park City Municipal Corporation has no indication that UDOT plans to abandon SR 224 as a seasonal public right of way and no obligation is created to convert the private road to a public right of way. The proposed Twisted Branch Subdivision does not change the current use, access or ownership of either SR 224 or Twisted Branch Road. ***Staff recommends that language from the Amended Agreement or the City Attorney’s Office be incorporated into a Plat Note (Condition #11u) stating “Recordation of this Plat does not preclude Twisted Branch Road from being dedicated as a public road in the future or preclude other possible future agreements between the parties that would allow full or limited public access, provided such dedication and agreements are approved by the City and the owner of Twisted Branch Road.”***

Properties within the Twisted Branch Subdivision, while part of the Large Scale Flagstaff Mountain MPD, are not located within previously approved “small scale” MPDs such as the Village at Empire Pass MPD (Pod A), Flagstaff Mountain Resort Phase II (Pod B-1) MPD, the Village at Empire Pass Pod B-2 MPD, or Red Cloud MPD and have no assigned residential or commercial density or unit equivalents (UE) from the Amended Agreement. Section 2.6 of the Amended Agreement describes the “Beano Style”, private on- mountain restaurant proposed on Lot 2, aka the “Hot Creek” site.

Initial Submittal

On September 17, 2017, the City received an application for the proposed Twisted Branch Subdivision. The application was complete on September 22, 2017, with submittal of revised title reports and other documents. City staff and the applicant spent several months coordinating with utility providers and various city staff to ensure that the utility plans, platted lots and parcels, ownership and easements, and previous agreements were correctly identified and accounted for. Various revised plats were submitted to address concerns raised by city staff and utility providers.

No portion of this property was previously platted as part of another approved subdivision plat and is described as metes and bounds parcels as follows: REDUS parcels are PCA-S-98-SD-1, PCA-S-98-SD-3, and PCA-S-98-SD-9. City parcels are PCA-S-98-II-X. Total property subject to this plat is 24.02 acres.

Previous Commission hearings

On May 9th, 2018 the Planning Commission conducted a public hearing and continued this item to June 13th. A public hearing was conducted on June 13, 2018 (**Exhibits P – Minutes of the June 13, 2018 Meeting**). At the public hearing testimony was given by the President of the Brighton Estates Property Owners Association (BEPOA) stating that he believed BEPOA had an agreement with the prior owners of Deer Valley that as part of the expansion of Empire Pass, Twisted Branch Road was to be dedicated to the City as a public road at some point in the future and that the Brighton Estates Property Owners Association would be allowed access to Twisted Branch Road in order to gain safe year-around access to Brighton Estates.

The applicant has provided responses to issues raised at the June 13, 2018, meeting (**Exhibit R**) as well at their License with UDOT (**Exhibit S**) which authorizes a seasonal bypass for “over the snow vehicles” to facilitate winter closing of SR 224 for the Bandana ski run which crosses over SR 224 during the winter ski season.

The applicant maintains that they have no agreement with BEPOA for use of the private road and that the Flagstaff Development Agreement is clear that Twisted Branch Road must remain a private road and that a change to this requires an amendment to the Development Agreement which they are not proposing at the current time.

Brighton Estates submitted an Encroachment Permit from UDOT (**Exhibit T**) allowing the Brighton Estates Property Owners Association to plow SR 224 from mile point 0.9 on the Park City side to mile point 0 and continuing over the summit of Empire Pass to Wasatch County to provide winter access for its members and the members of the Pine Canyon Property Owners Association.

City staff has reviewed these submittals and believes that these are issues that should be addressed directly Between REDUS, the Brighton Estates and Pine Canyon Property Owners Associations and UDOT, and that a Plat Note (**Condition #11u**) stating ***“Recordation of this Plat does not preclude Twisted Branch Road from being dedicated as a public road in the future or preclude other possible future agreements between the parties that would allow full or limited public access, provided such dedication and agreements are approved by the City and the owner of Twisted Branch Road.”***

Revised Submittal

On December 20, 2018, the applicant submitted a revised plat and application. This revised plat does not incorporate existing SR 224, except to identify it as Guardsman Road” a 0.64 acre parcel situated between Lot 1 and Parcels E and F. The plat identifies existing pavement and retaining walls of the lower portion of Twisted Branch Road, extending only to Parcel C. This plat provides Lot 2 and Parcel C with frontage on a private road necessary to process and approve a conditional use permit for the private, on-mountain restaurant. The previous plat included SR-224 and the entire Twisted Branch Road from the intersection with Marsac Avenue south to the Summit-

Wasatch County line and raised an issue regarding the gap between Twisted Branch Road and SR 224 at the County line.

Previous Conditional Use Permits

A Conditional Use Permit (CUP) was approved on February 13, 2008, for a private on-mountain “Beano Style” restaurant, on Lot 2 as allowed in Section 2.6 of the Amended Agreement. The applicant was granted a one (1) year extension in 2009 to allow apply for a subdivision plat to create a lot of record and frontage on a street in order to receive a building permit. Having a platted lot with frontage on a street was a condition of approval of that CUP. The CUP expired on February 13, 2010 as it was not acted upon.

Analysis

Proposed Subdivision

The applicant requests approval of a final subdivision plat to create three (3) lots and six (6) parcels from metes and bounds described parcels consisting of 24.02 acres (See **Exhibit K**) as described below.

Table 1

| Proposed Lot/ Parcel | Size (acres) | Existing and/or Proposed Uses | Zone | Access | Ownership |
|-----------------------------|---------------------|--|-------------|---|---------------------|
| Lot 1 | 3.61 | City water tank and municipal uses. | RD-MPD | SR 224 (also easement to platted Marsac Avenue) | PCMC |
| Lot 2 | 3.86 | On-mountain, “Beano Style”, private restaurant described in Section 2.6 Amended Agreement, subject to CUP approval. Location of clean fill and excavated soils deposit area (per amended CMP). | ROS | Twisted Branch Road | REDUS Park City LLC |
| Lot 3 | 0.24 | City water pump building and municipal uses. | RD-MPD | SR 224 and platted Marsac Avenue | PCMC |
| Parcel A | 1.21 | Open Space, Lucky Jack ski run and Ruby Chair. | ROS | Twisted Branch Road | REDUS Park City LLC |
| Parcel B | 1.68 | Open Space and Bandana ski run. | ROS | Twisted Branch Road | REDUS Park City LLC |
| Parcel C | 3.72 | Open Space and proposed clean fill deposit area (per amended CMP) and future DV ski resort uses. | ROS | Twisted Branch Road | REDUS Park City LLC |
| Parcel D | 0.18 | Open Space, driveway access easement (recorded at Summit County) to adjacent B2 East Subdivision, and | RD-MPD | Marsac Avenue and SR 224 | REDUS Park City LLC |

| | | | | | |
|-----------------------------|------|--|----------------|---------------------------------------|---|
| | | utility easements. | | | |
| Parcel E | 0.29 | Open Space and existing paved trailhead parking area and adjacent cut slope. | RD-MPD | SR 224 | REDUS Park City LLC |
| Parcel F | 0.41 | Open space – land between SR 224 and Twisted Branch Road. | ROS | SR 224 | REDUS Park City LLC |
| Twisted Branch-private road | 8.18 | Lower portion of Twisted Branch Road- 60' private roadway, existing pavement, cut slopes, retaining walls, snow storage areas, additional land and public utility easements. | RD-MPD and ROS | Marsac Avenue and SR 224 | REDUS Park City LLC. |
| Guardsman parcel | 0.64 | Existing SR 224 called out as a parcel containing a portion of the existing road located between Lot 1 and Parcel F. | RD-MPD and ROS | Marsac Avenue and Twisted Branch Road | Utah State Route 224 (UDOT) as to use REDUS Park City as to underlying land |

Planning Commission review on June 13, 2018

On June 13, 2018, the Planning Commission conducted a public hearing, reviewed the subdivision application and provided discussion and feedback to Staff and the Applicant regarding the following items (see also **Exhibit P- Minutes of June 13, 2018 meeting and Exhibit R- Applicant's responses to questions raised by the public**):

- Waiver of the preliminary plat step to review as a final subdivision plat. **Commission agreed to waive the preliminary plat step for the previous four (4) lot subdivision.**
- FAQ and staff analysis including specifics of the plat, parcels, location, uses, easements, etc. **Commission had no further questions regarding the specifics of the subdivision plat application.**
- Applicant's request to include a plat note allowing Building Height to be measured for Lot 2 from final grade after fill is deposited and graded to match contours of adjacent land. **Commission agreed to the plat note as conditioned to measure the Building Height (maximum of 28' plus additional 5' for pitched roofs greater than 4:12) from Final Grade following acceptance of fill, and stipulating that fill is to conform to the topography of the adjacent ski run, subject to an approved grading permit and further conditions. Approval of a CUP by the Planning Commission is required prior to issuance of building permits for the proposed restaurant.**
- Applicant's request to amend the Construction Mitigation Plan (CMP), Exhibit 15 to the Development Agreement (see **Exhibit C**). **Commission agreed to the request to amend the Construction Mitigation Plan. (Note that the amended CMP was approved as a separate item on August 8th, 2018.)**

- Draft findings of fact, conclusions of law, and conditions of approval as outlined in the Draft Ordinance. *Commission requested amendments to the Ordinance to address the gap between the end of Twisted Branch Road at Red Cloud Trail and the Summit/ Wasatch County line and to address the real estate transaction requirements of the Amended Agreement. **See attached Ordinance that describes the Building Height measurement language for Lot 2 (Condition #11r) and language addressing the Memorandum of Agreement regarding Historic Preservation (Condition #3).** (Note that the issue of the gap between Twisted Branch Road and the County line is not relevant with this revised plat as the plat doesn't include the upper portion of Twisted Branch Road or the gap.) Staff also recommends a Plat Note (Condition #11u) stating "Recordation of this Plat does not preclude Twisted Branch Road from being dedicated as a public road in the future or preclude other possible future agreements between the parties that would allow full or limited public access, provided such dedication and agreements are approved by the City and the Owner of Twisted Branch Road."*

Twisted Branch Subdivision Issues and Frequently Asked Questions (FAQ)

Where is the property located and what is the zoning?

The proposed Twisted Branch Subdivision is located off of SR 224 adjacent to and northeast of the B2 East Subdivision (Pod B-2) approved by City Council in 2017 (**Exhibit F**) and is south of the Marsac Avenue round-about at the Montage Resort. The subdivision is generally north of Red Cloud Subdivision and Guardsman Pass. A majority of the land is located within the Recreation Open Space (ROS) District. The lower portions of Twisted Branch Road and SR 224, as well as the City water tank and water pump house parcels, are located within the Residential Development (RD- MPD) District subject to the Flagstaff Development Agreement (MPD) (**Exhibit J**). No changes are proposed to the existing zoning.

What is the primary purpose of this subdivision plat?

The primary purpose of this subdivision plat is to create a platted lot of record for a future private restaurant with frontage on a private street (Lot 2) and to plat lots of record for existing City water facilities (Lots 1 and 3), as well as to provide necessary utility and access easements on lots and open space parcels in compliance with the LMC and the Amended Agreement.

Is the property subject to any approved Master Planned Developments (MPDs)?

The land is part of the Flagstaff Annexation area and is subject to the March 2007 Amended Flagstaff Annexation and Development Agreement ([Exhibit C- link](#)), Technical Reports ([Exhibit D- link](#)), and other recorded agreements. No portion of this plat is located within an approved small scale MPD, including the Mountain Village MPD, the Village at Empire Pass MPD, the Northside Village MPD, the Parcel B-2 Empire Pass MPD or the Red Cloud MPD.

Are there existing Conservation Easements on this property?

The property is located between two identified conservation easements, namely Conservation Easement West Parcel and Conservation Easement East Parcel (see **Exhibit O**). These are conservation easements placed on much of the ROS zoned land within the Flagstaff Mountain Annexation area managed by Summit Land Conservancy [link](#). This property is not subject to these recorded conservation easements.

Does the plat make changes to existing SR 224 or Twisted Branch Road?

No. Twisted Branch Road remains a private, gated road providing access to Red Cloud Subdivision and proposed Lot 2. State Route 224 (SR 224) remains a seasonal public road. This plat does not make changes to existing SR 224 or Twisted Branch Road. No additional road construction is proposed.

In accordance with the Amended Agreement, Twisted Branch Road remains a private Road. Amended Agreement Section 2.8 describes the conditions related to the re-alignment of sections of SR 224 and the requirement for the private road to access Pod D. The lower portion of SR 224 was realigned as platted Marsac Avenue and the old alignment was closed to all vehicle traffic, except as provided for as an emergency route.

The Amended Agreement states in 2.8.2 Private Road, "Upon Small Scale MPD approval and only to the extent of the Small Scale MPD approval, Developer shall construct a private road system within Flagstaff Mountain, as depicted in Exhibit H, over which Developer shall maintain all-season access throughout the year. Said private road, from its point of departure from S.R. 224 to the Summit/Wasatch County line, may be converted to a public road, in which event existing S.R. 224 from said point of departure to the county line shall no longer be used as a public road." The Applicant is not proposing to convert Twisted Branch Road to a public road with this subdivision plat.

The Amended Agreement also states in Section 2.8.3 that the Developer shall support and shall not undermine seasonal closure of realigned SR 224 and shall control motorized vehicular access from SR 224 to the private road system to prevent vehicular through traffic. The applicant has not undermined seasonal closure and maintains two gates on Twisted Branch Road to control access. Should the Planning Commission choose to approve this subdivision the Planning Department recommends a Condition and Plat Note (**Condition #11u**) stating "**Recordation of this Plat does not preclude Twisted Branch Road from being dedicated as a public road in the future or preclude other possible future agreements between the parties that would allow full or limited public access, provided such dedication and agreements are approved by the City and the owner of Twisted Branch Road.**" **Staff will work with the City Attorney's Office to craft the exact language.**

What are the existing and proposed uses?

See **Table 1** above for existing and proposed uses, size, zoning, access and current ownership. All uses are subject to zoning district requirements; the Amended Agreement and associated Exhibits, Technical Reports and recorded agreements. No

residential or commercial development density or Unit Equivalents (UE) are allocated or assigned to any of the lots or parcels within this subdivision. A CUP for a private, on mountain restaurant was previously approved on proposed Lot 2, however that approval has expired. The private restaurant use is further described in Section 2.6 of the Amended Agreement.

Lot 2 and Parcel C are approved by the amended CMP Technical Report to accept excavated soil and material from Flagstaff Development sites, to replace the Daly West site which is no longer available (**see Exhibit N- grading exhibit for Lot 2**). Placement of fill on these two sites will require a Grading Permit in accordance with requirements of amended CMP (Technical Report #15).

Are there any historic structures on this property?

There are no historic structures located within the proposed Twisted Branch Subdivision.

Does the Memorandum of Agreement between the Empire Master Owner's Association and Park City related to Technical Reports #5 and #6 apply to this plat?

Yes, the conditions regarding execution and ratification by City Council of the Memorandum of Agreement (**Exhibit Q**), that sets forth a plan for the Association to address the maintenance needs (as defined therein) of certain historic mining sites thereby achieving substantial compliance with the Historic Preservation Plan for the time periods set forth therein, apply to this subdivision plat. A condition of approval is recommended that the Agreement shall be executed in full and ratified by the City Council prior to recordation of the Twisted Road Subdivision or other REDUS plat, whichever comes first.

Over the course of the past year the City has worked to complete a Memorandum of Agreement that specifies that the Empire Pass Master Owners Association (EPMOA) is the responsible party for compliance with two of the Technical Reports associated with the Flagstaff Development Agreement (the Amended Agreement) including Technical Report #5, Historic Preservation and Technical Report #6 Open Space. The agreement specifies that EPMOA will contribute \$20,000 annually for the next 10 years, with a ten year extension, for historic preservation activities. This fee will be placed in a Maintenance Fund and will be distributed after a yearly review by EPMOA and the City, and all expenditures will need approval from the City.

The City has also secured a commitment from EPMOA to Park City Museum for reimbursement of costs associated with the stabilization of the Little Bell Mine Ore Bin. REDUS and Storied Development have also agreed to make a one-time payment of \$40,000 each to stabilize the roof structure and re-roof the Judge Mining and Smelting Company Office.

Finally the Planning Department notes that an update to Technical Report #5 and #6 to reflect current ownership and mine operations will be completed by EPMOA and the City, and will be a Condition of Approval to this subdivision. The City is currently in

discussions with Deer Valley regarding additional contributions to the Maintenance Fund.

Are there any existing or proposed public trails and trailheads and will they remain?

Public trails and trailheads, as required by the Amended Agreement, are complete (**see Exhibit M**). There are trails located on this property and they are identified on the proposed plat in specific trail easements. A plat note indicates that trails may be relocated with the City's permission as is necessary for the on-mountain restaurant and soil deposit areas. New trails may be proposed over time. A public trailhead parking area is identified as an easement on Parcel E adjacent the Mid Mountain Trail.

Why are the City's water tank and pump station parcels included in this plat?

Two (2) City parcels are located within the boundary of the subdivision. In order to not leave remnant parcels, the applicant agreed to include these parcels. Proposed Lot 1 is developed with a City water tank and access road and proposed Lot 3 is developed with a City water pump station, both are currently described as metes and bounds parcels. The subdivision plat creates platted lots of record for these current uses and potential future municipal and utility uses. There is no waste water service provided to Lots 1 or 3 and therefore these lots are designated as non-developable on the plat. These lots have access to platted Marsac and/or SR 224.

Are there any utility issues?

Existing recorded and proposed utility easements are provided based on utility coordination meetings held with service providers and City staff. An aerial photograph overlay of the plat is helpful in visualizing the proposed lots and parcels in relationship to the two roads, existing and proposed utilities and existing adjacent subdivisions (**Exhibit E- existing conditions and Exhibit F – aerial photo overview**). Additional submittal information is included in the following: **Exhibit G- photos, Exhibit H- SBWRD letter, Exhibit I- utility plans, and Exhibit J - zoning map.**

In July 2017, the applicant received approval for a Line Extension Agreement (LEA) by the Snyderville Basin Water Reclamation District (SBWRD) extending a sewer line to Lot 2 via a dedicated Sewer Easement recorded on July 21, 2017 and shown on the B2 East Subdivision plat. Following discussions between REDUS, Deer Valley and SBWRD, this easement was vacated and a revised easement was recorded on September 13, 2018 in a slightly revised alignment as shown on Sheet 4 of proposed Twisted Branch plat. SBWRD recommended conditions and plat notes to address their concerns (**Exhibit H- SBWRD letter- updated**). Final utility plans for Lot 2 are required to be submitted at the time of the CUP application. Any additional required utility easements, based on final building design and approval, shall be recorded if necessary, prior to issuance of a building permit.

The Owner is responsible for extending the public wastewater system to Lot 2 according to requirements of the LEA. Wastewater service is not available for Lots 1 and 3, Parcels A, B, C, D, E, or F. These lots and parcels are considered undevelopable.

What roads do the existing property and proposed lots have frontage on?

The property has frontage on platted Marsac Avenue; Twisted Branch Road, and SR 224. Twisted Branch Road is a private, gated road. Proposed lots and parcels have access to Marsac, Twisted Branch Road and/or SR 224. The plat provides frontage on Twisted Branch Road for Lot 2, the proposed restaurant lot.

Are there any proposed changes to existing roads, uses or access control gates?

No changes are proposed to the alignment, access, or operation of existing roads or access gates. The plat identifies Twisted Branch Road as a private road that is gated and will be owned by REDUS. SR 224 remains a seasonal public road maintained by UDOT.

Is an access protection easement required to limit access to this property from adjacent property?

No additional access protection easements are required as the subdivision abuts platted subdivisions and conservation easements on the east and west. An exception being a metes and bounds parcel adjacent to Lot 2 that was recently quit claimed to Deer Valley Resort by the former owner. That parcel is zoned ROS and has no development entitlements.

Does the subdivision plat comply with development regulations and density identified in the Amended Agreement? Is this property subject to any approved MPDs?

The plat complies with development regulations and density as identified in the Amended Agreement and the LMC (see below). The private road was constructed and gated per the Agreement, and this subdivision plat does not change how the roads are accessed, maintained or used. The proposed lots and parcels are assigned no residential or commercial development density, with exception of the private, on-mountain restaurant on proposed Lot 2 as identified in Section 2.6 of the Amended Agreement. None of the land subject to this proposed subdivision plat is located within the Village at Empire Pass MPD, the Northside Village MPD, Pod B-2 MPD or the Red Cloud MPD.

What is the private on-mountain restaurant?

The private, "Beano Style", on-mountain restaurant identified for Lot 2 (aka Hot Creek site) is described in Section 2.6 of the Amended Agreement and may be between 7,000 and 10,000 square feet in floor area for use by the HOA and members of the private Empire Club. Approval of a CUP by the Planning Commission is required prior to issuance of building permits. "Beano Style" refers to a similar private, on-mountain restaurant located at Beaver Creek in Colorado.

How will building height be measured for Lot 2?

The applicant requests consideration of a plat note stating a height measurement method for the private, on mountain restaurant on Lot 2. Lot 2 is in a hollow and existing grade will need to be raised to match the adjacent ski run to allow for ski in and ski out access. Staff recommends that building height not exceed zone height of 28' (plus height exceptions stated in the LMC) following the acceptance of fill. Ten (10') to twenty

(20') feet of fill may be necessary to raise grade at the restaurant building pad to match grade of the adjacent ski run to accommodate ski in and ski out access. Final location of the building and building height will be reviewed and approved by the Planning Commission, at the time of a CUP application. Final fill and grading of the site is subject to an approved Grading Permit. Staff recommends the following Conditions of Approval:

- Re-grading of Lot 2 shall tie into existing grade of the adjacent ski run. Fill will be approved only to the extent that final slope and surface of the Lot matches contours of the adjacent property in a natural and unobtrusive manner. Height for the restaurant building shall not exceed 28' from Final Grade following acceptance of fill. Height exceptions for pitched roofs (4:12 and greater) will apply. Final building location and height shall be reviewed and approved by the Planning Commission during review of the CUP and based on height exception review criteria in LMC Chapter 6 and substantial compliance with the grading plan exhibit reviewed by the Planning Commission during review of this plat. Fill placement and grading shall not exceed the height of existing ski runs and shall be blended to the existing topography subject to an approved grading permit.
- A grading permit and grading plans, that are substantially consistent with the grading plan exhibit reviewed during the subdivision plat approval, are required prior to depositing clean excavated soil from the Annexation Area, on Lot 2 and Parcel C. Grading plans shall comply with amended Technical Report #15 (CMP).

Land Management Code (LMC) Compliance

The subdivision plat has been reviewed for compliance with lot and site requirements of the RD and ROS Zoning Districts described in the table below:

| | RD Zoning District/Amended Agreement Requirements | ROS Zoning District/Amended Agreement Requirements |
|---------------------------|---|--|
| Lot Size | No minimum lot size. See Table 1 above. Complies. | No minimum lot size. See Table 1 above. Complies. |
| Uses | See Table 1. Complies. No residential or commercial units or UE are proposed for any of the lots or parcels. | See Table 1. Complies. No residential units or UE are proposed for any of the lots or parcels. A 7,000 to 10,000 sf private on-mountain restaurant on Lot 2 is allowed by the Amended Agreement subject to CUP approval by the Planning Commission. |
| Perimeter setbacks | Amended Agreement requires perimeter setbacks of 25'; unless exceptions are approved by the Planning Commission at the time of the plat approval, otherwise setbacks of the District apply. No setback exceptions requested. | Amended Agreement requires perimeter setbacks of 25'; unless exceptions are approved by the Planning Commission at the time of the plat approval, otherwise setbacks of the District apply. No setback exceptions requested. |

| | | |
|---------------------------------------|---|---|
| Front yard setbacks | LMC requires a minimum of 25 feet to front facing garages, 20 feet to the building (LMC exceptions apply). Reviewed at time of CUP and building permits. | LMC requires a minimum of 25 feet from all property lines (LMC exceptions apply). Reviewed at time of CUP and building permits. |
| Rear yard setbacks | LMC requires a minimum of 15 feet (LMC exceptions apply). Reviewed at time of CUP and building permits. | LMC requires a minimum of 25 feet from all property lines (LMC exceptions for accessory uses, etc. apply). Reviewed at time of CUP and building permits. |
| Side yard setbacks | LMC requires a minimum of 12 feet (LMC exceptions apply). Reviewed at time of CUP and building permits. | LMC requires a minimum of 25 feet from all property lines (LMC exceptions for accessory uses, etc. apply). Reviewed at time of CUP and building permit. |
| Building Height and Volumetric | LMC allows 28' and an additional 5' for a pitched roof (minimum of 4:12 roof pitch required for the exception). | LMC allows 28' and an additional 5' for a pitched roof (minimum of 4:12 roof pitch required for the exception). A plat note (see CoA #110) stipulating how the on-mountain restaurant building height is measured is recommended to account for raising grade of Lot 2 to match the adjacent ski run. Height will not exceed 28' from final fill grade, as approved through a Grading Permit. LMC Height exceptions would apply (e.g. for roof pitch of 4:12 and greater). Planning Commission shall review building location and height at the time of CUP review. See discussion item above. |
| Architectural Design | All construction is subject to LMC Chapter 5 and Village at Empire Pass Design Review Board approval with review conducted prior to approval of CUPs and Building Permits. | All construction is subject to LMC Chapter 5 and Village at Empire Pass Design Review Board approval with review conducted prior to approval of CUPs and Building Permits. |

As conditioned, the application meets requirements of Section 15-7 of the Park City Land Management Code regarding subdivisions and the proposed plat complies with requirements for lot, parcel and street layout, lot and parcel descriptions, access and utility easements.

A utility plan (**Exhibit I**) was reviewed by the City Engineer, Department of Public Utilities, and SBWRD and found to be consistent with the proposed plat and utility requirements. Prior to final action and recordation of this plat all required plat notes regarding utilities and easements will be included and reviewed by the City Engineer. Specific utility plans for Lot 2 will be submitted with any CUP applications for future uses.

Request to waive requirement of a Preliminary Plat

LMC 15-7.1-3 describes a Minor Subdivision as containing not more than three (3) Lots

fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of public improvements. Minor Subdivisions are typically reviewed as final subdivisions without initial review as a preliminary plat. Per the LMC, the Planning Commission may waive one or more steps in the approval process by allowing the Applicant to combine requirements of the Preliminary Plat and Final Subdivision Plat into a single submittal.

The proposed plat includes three (3) platted lots of record, two (2) of which result from City owned parcels located within the boundaries of this plat. The six parcels are not developable and are platted to prevent remnant land. The Applicant agreed to include the City property, after the initial submittal was reviewed. The plat has no residential or commercial development density, no additional road construction is proposed, and the extension of sewer and water requested to Lot 2 has been coordinated by these service providers and the City, with required plat notes and easements identified on the plat, **The Commission provided direction at the June 13, 2018, meeting to approve waiving the Preliminary Plat step for this subdivision application (at that time there were 4 lots).**

Good Cause

Staff finds good cause for this subdivision plat as it is consistent with the Land Management Code and as conditioned, and complies with the 2007 Amended Flagstaff Agreement and associated technical reports. The proposed subdivision plat provides platted lots of record for existing uses and for uses stipulated in the Amended Agreement; plats utility, snow storage, trails, trailheads and access easements; identifies non-development open space parcels; and does not change the status quo regarding ownership, use and maintenance of Twisted Branch Road or SR 224.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the plat and conditions of approval.

Notice

On August 10, 2019 a legal notice was published in the Park Record, the Utah Public Notice website and on the City website. On August 14, 2019 the property was posted and notices were mailed to property owners within 300 feet.

Public Input

On April 11th, 2018 the Planning Commission conducted a public hearing and continued the hearing to May 9th at the request of the applicant. No public input was provided on May 9th. On May 9th the public hearing was continued to June 13th at which time the President of the Brighton Estates Property Owners Association, provided input (**Exhibit P- minutes of the June 13th meeting**). Mr. Fischer expressed concern that the staff report did not address timing of when the City will accept dedication of Twisted Branch Road making it a public road. Mr. Fischer also expressed concern about the existing unpaved gap between the end of Twisted Branch Road and existing SR 224 near the top of Guardsman Pass. He was concerned that there would be no public access to

Wasatch County if Twisted Branch Road became a public road (see **Exhibit R** for applicant's responses to Mr. Fischer's questions).

The Amended Agreement specifies that Twisted Branch Road will be a private road that may be converted to a public road. The Amended Agreement does not specify timing or conditions that must be met for dedication of Twisted Branch Road to become a public road. The Bandana By-Pass created to get under the Bandana ski run in the winter is outside the bounds of this plat. REDUS has granted a license to UDOT to formalize use of this By-Pass located on REDUS's property. To date Park City has not received any indication from UDOT that they wish to abandon SR 224 in favor of Twisted Branch Road.

Following the public hearing the item was continue to July 11, 2018 in order for Staff and the applicant to address these concerns and to finalize the findings of fact and conditions of approval. Prior to the July 11, 2018 meeting the applicant requested a continuation to a date uncertain. The applicant has amended the proposed plat by removing the top portion of the private road and desires to proceed with the existing language and that of the Amended Development Agreement and address any further conditions directly with the City Council. . Staff has added a condition addressing that fact the recordation of the Twisted Branch Plat does not preclude Twisted Branch Road from being dedicated as a public road in the future provided such dedication and agreements are approved by the City and the owner.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the subdivision plat, as conditioned or amended [with or without further direction regarding additional conditions regarding the private road issues];, or
- The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated by conditions of approval.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the application and draft findings of fact, conclusions of law, and conditions of approval, and consider forwarding a recommendation to City Council on September 12, 2019, pursuant to the draft Ordinance.

Exhibits

Draft Ordinance

Exhibit A – Proposed Subdivision Plat

Exhibit B – Applicant's Project Narrative

Exhibit C – Flagstaff Development Agreement (2007) (Amended Agreement) ([link](#))
Exhibit D – Technical Reports ([link](#))
Exhibit E – Existing Conditions and Topographic Survey
Exhibit F – Aerial Photo Overview
Exhibit G – Photos
Exhibit H– SBWRD Letter
Exhibit I – Utility Plans
Exhibit J – Zoning Map of project area
Exhibit K – County Recorder Plat
Exhibit L – March 12, 2004 [Maintenance Agreement \(link\)](#)
Exhibit M – Existing Public Trails in the Twisted Branch Road area
Exhibit N – Grading Exhibit for Lot 2
Exhibit O – Surrounding Property and Conservation Easements
Exhibit P – Planning Commission June 13, 2019, Minutes
Exhibit Q – Memorandum of Agreement regarding historic preservation
Exhibit R – Applicant’s responses to public input and questions
Exhibit S – License between REDUS and UDOT for Bandana ski run Bypass Route
Exhibit T – Brighton Estates Property Owner’s Association Encroachment Permit to allow plowing of SR 224

DRAFT Ordinance 19-XX

AN ORDINANCE APPROVING THE TWISTED BRANCH SUBDIVISION, INCLUDING PCA-S-98-SD-1, PCA-S-98-SD-3, part of PCA-S-98-SD-9 AND PCA-S-98-II-X, LOCATED WITHIN THE FLAGSTAFF ANNEXATION AND DEVELOPMENT AREA IN PARK CITY, UTAH.

WHEREAS, owners of the property known as Twisted Branch Subdivision and PCMC, located in Park City, Utah, have petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on August 10th, 2019, and the property was posted on August 14th, 2019, according to the requirements of the Land Management Code.

WHEREAS, courtesy notice was sent to surrounding property owners on August 14th, 2019, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on March 28th, April 11th, May 9th, June 13, 2018, April 24th, and May 22nd 2019 and August 28th, to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on August 28th, 2019, conducted a public hearing and forwarded a recommendation to the City Council; and

WHEREAS, on _____ 2019, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Twisted Branch Subdivision plat in that this subdivision plat is intended to comply with the Park City Land Management Code and the 2007 Amended Flagstaff Development Agreement, including all Exhibits and Technical Reports. This subdivision plat is also intended to maintain status quo in terms of the use, ownership, configuration and maintenance of both Twisted Branch Road, a private road maintained by the Empire Pass Master Owners Association, and SR 224, a State Route maintained by UDOT, and to include conditions consistent with the Amended Agreement.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The subdivision plat as shown in Exhibit A is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located within the Flagstaff Annexation area south and east of the B2 East Subdivision and north of the Red Cloud Subdivision and the Summit/Wasatch County line. The property includes metes and bounds described parcels that contain a portion of Guardsman Pass Road, Twisted Branch Road and adjacent property including Lot 1, a PCMC water tank, and Lot 3 a PCMC water pump house.
2. The following parcels are subject to this subdivision plat: REDUS parcels are PCA-S-98-SD-1, PCA-S-98-SD-3 and part of PCA-S-98-SD-9. City parcel PCA-S-98-II-X. Total plat area is 24.02 acres.
3. Zoning of the property is primarily Recreation Open Space (ROS), the northern portion is zoned Residential Development (RD).
4. On June 24, 1999, Council adopted [Ordinance 99-30](#) and [Resolution 20-99](#) approving the annexation and development agreement for the Flagstaff Mountain area.
5. Resolution 20-99 granted the equivalent of a “large-scale” Master Planned Development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each development pod or parcel.
6. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007 and is referred to as the Amended Agreement.
7. The property is also subject to the March 12, 2004, Maintenance Agreement intended to be a covenant running with the land and binding upon the successors of the Owners that memorializes the undertaking and agreement of the Master Association to cause to be maintained at all times portions of the public infrastructure within the Flagstaff Development, with the costs and expenses of such maintenance and repair to be paid for by the Master Association and the Sub-Associations formed within the Flagstaff Development as provided in the Master Declaration.
8. The Amended Agreement specifies that a total of 87 acres, within three development Pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. Subsequent approvals occurred for sub area Master Plans, such as the Village at Empire Pass MPD, the POD B-2 Empire Pass MPD, and the Red Cloud MPD (within Pod D).
9. The property subject to the Twisted Branch Subdivision is located within the Large Scale Flagstaff Resort Master Planned Development (MPD). The property is not located within the Mountain Village, the Village at Empire Pass MPD, the Northside Village MPD, the POD B-2 Empire Pass MPD, or the Red Cloud MPD. The property has no assigned residential or commercial density in terms of units or unit equivalents (UE).
10. The lands within the Twisted Branch Road Subdivision are adjacent to B2 East Subdivision, Northside Village Subdivision and Red Cloud Subdivision but are not part of these or any other approved or recorded subdivisions.
11. This subdivision plat does not create remnant un-platted parcels of land under common ownership.

12. Section 2.6 of the Amended Agreement allows for development of an on-mountain private restaurant, identified as a “Beano Style” restaurant ranging in size from 7,000 sf to 10,000 sf, subject to approval of a CUP by the Planning Commission.
13. The proposed Twisted Branch Subdivision plat creates three (3) lots of record (2 of which are City owned parcels the Applicant agreed to include in this subdivision rather than leave as exception parcels) and six (6) open space parcels from several metes and bounds described parcels.
14. At its discretion, the Planning Commission waived the Preliminary Plat step allowing the Applicant to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.
15. Lot 1 contains a city water tank and surrounding land.
16. Lot 2 is proposed as the location of an on-mountain private restaurant described by Section 2.6 of the Amended Agreement and provides sewer service access for Lot 2 from the main.
17. Lot 3 contains a city water pump station and surrounding land.
18. A Conditional Use Permit (CUP) was approved on February 13, 2008, for the private, “Beano Style”, on-mountain restaurant, as described in Section 2.6 of the Amended Agreement. The restaurant was approved in the location of Lot 2 with a condition that a platted lot was required prior to issuance of a building permit. In 2009, a one year extension of the CUP approval was granted to allow time for the applicant to apply for a subdivision plat and receive a building permit. The CUP was not acted upon and has since expired.
19. A new CUP application and Planning Commission approval is required prior to issuance of a building permit for the private restaurant proposed for Lot 2.
20. Parcel A is proposed for open space land for Lucky Jack ski run and Ruby lift.
21. Parcel B is proposed for open space and the location of existing Bandana ski run.
22. Parcel C is proposed for open space as well as a clean fill deposit area (per amended CMP) and future DV trails, ski resort runs and uses.
23. Parcel D contains an easement for driveway access to adjacent B2 East Subdivision and contains utility easements.
24. Parcel E is proposed for an existing paved trailhead parking area and adjacent cut slope.
25. Parcel F is open space between Twisted Branch Road and SR-224.
26. Parcels A, B, C, D, E, and F are non-developable parcels, with other identified uses, and have no allocated or assigned residential or commercial density.
27. Lot 1 has frontage on SR-224 and a recorded easement to platted Marsac Avenue.
28. Lot 2 has frontage on Twisted Branch Road.
29. Lot 3 has frontage on platted Marsac Avenue and SR 224.
30. A Line Extension Agreement approval letter for Lot 2 was issued by SBWRD in July 2017 extending a sewer line to Lot 2 via a dedicated Sewer Easement recorded on July 21, 2017 and is shown on the B2 East Subdivision plat. The easement was updated on September 13, 2018, in a slightly revised alignment as shown on Sheet 4 of plat.
31. Final utility plans are required to be submitted with the Conditional Use Permit for Lot 2. Any additional required utility easements, based on final building design and approval, will be recorded prior to issuance of a building permit.

32. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
33. No changes are proposed to existing road alignments, use, ownership, or maintenance with this plat. Twisted Branch Road will continue to be a private gated road, maintained by the Empire Pass Master Owners Association, and is subject to Section 2.8 of the Amended Agreement.
34. Parcel C and Lot 2 are identified to accept excavated material (clean materials) from the Flagstaff Development lots within the Annexation Area, subject to approval of a grading plan consistent with the amended Construction Mitigation Plan technical report.
35. Lot 2 is in a hollow and may require 10' to 20' of fill in order to bring grade up to meet the adjacent ski run and allow ski in and ski out access to the private, on-mountain restaurant from the adjacent ski run, depending also on the volume of export from other Flagstaff development sites. Grading will tie into natural grade to the west and the edge of the adjacent ski run to the east to facilitate ski in and ski out access to the restaurant.
36. Measuring Building Height of the future restaurant building from grade following acceptance of fill will allow ski in and ski out access. The Planning Commission at the time of the CUP will review the building height which will not exceed the zone height of 28' with LMC allowable height exceptions from new established grade.
37. The final plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
38. Snow storage areas and easements are necessary due to the possibility of large amounts of snowfall in this location.
39. Requirements of the Amended Agreement will be reviewed and verified for compliance during the Conditional Use Permit application review for development of the "Beano Style" private, on-mountain restaurant on Lot 2.
40. The property subject to this subdivision plat is located between two identified conservation easements, namely Conservation Easement West Parcel and Conservation Easement East Parcel. These conservation easements were placed on much of the ROS zoned portions of the Flagstaff Mountain Annexation area. This property is not subject to an existing conservation easement.
41. Existing and proposed uses of the ROS zoned portions of this subdivision plat include ski trails, ski lifts and bridges, the private on-mountain restaurant, roads and retaining walls, utility installations, drainage facilities, city water tank and pump station, parking areas, trail heads, trails, etc., subject to the Amended Agreement and the LMC.
42. Development within Empire Pass is governed by that certain Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and Iron Mountain entered into by and between United Park City Mines Company, Deer Valley Resort Company, and Park City Municipal Corporation, a third class city of the State of Utah, and recorded on March 2, 2007, as Entry No. 806100 in Book 1850 at Page 1897 in the records of the Summit County Recorder, as amended or supplemented from time to time ("Development Agreement"). The Development Agreement required the Developer,

as such term is defined in the Development Agreement, to develop a Historic Preservation Plan, which said 127 page Historic Preservation Plan was prepared by SWCA, Inc., on August 2000 and is entitled, Historic Preservation Plan for Flagstaff Mountain Association, Park City, Summit County, Utah, as amended or supplemented from time to time including by that certain Historic Preservation Plan, Exhibit 6 dated May 2001 (and subsequently Revised and Approved December 2001)(collectively, the "Historic Preservation Plan"). The Historic Preservation Plan, Exhibit 6 dated May 2001 (and subsequently Revised and Approved December 2001)("Exhibit 6") identified historic preservation work needed at 21 historic mining sites within the Flagstaff Mountain Annexation Boundary and specified that the master homeowner association was responsible for maintaining any site that was not part of an ongoing operation.

43. Conditions regarding execution and ratification by City Council of the Memorandum of Agreement between the Empire Master Owner's Association and Park City ("Agreement"), that sets forth a plan for the Association to address the maintenance needs (as defined therein) of certain historic mining sites thereby achieving substantial compliance with the Historic Preservation Plan for the time periods set forth therein, apply to this subdivision plat.
44. Findings within the Analysis section are incorporated herein as findings of fact.

Conclusions of Law

1. The subdivision plat, as conditioned, complies with Land Management Code Chapter 7.
2. The subdivision plat, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision plat, as conditioned, is consistent with the Flagstaff Development Agreement and associated documents and agreements.
4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat as conditioned.
5. Approval of the subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, the Amended Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. The Agreement between the Empire Pass Master Owner's Association and Park City ("Agreement") to set forth a plan for the Association to address the maintenance needs (as defined therein) of certain historic mining sites thereby achieving substantial compliance with the Historic Preservation Plan for the time periods set

forth therein shall be executed in full and ratified by the City Council prior to recordation of the Twisted Branch Subdivision or other REDUS plats, whichever comes first.

4. Non-exclusive public utility easements shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD and consistent with the utility plan, including drainage easements. All existing and required easements, based on review by the City Engineer, Department of Public Utilities and SBWRD will be shown and recorded on the plat. All existing recorded easements and agreements shall be referenced on the plat, including entry number and date.
5. A financial guarantee in a form and amount acceptable to the City and in conformance with these conditions of approvals, for the value of any required public improvements, such as water, sewer, landscaping, fire hydrants, etc. shall be provided to the City prior to building permit issuance for new construction. All public improvements shall be completed according to City standards prior to release of this guarantee. Ten percent of the bond shall be held by the City for the warranty period and until such improvements are accepted by the City.
6. A SBWRD Line Extension Agreement is required for extension of wastewater service to Lot 2. Such Agreement shall be provided prior to plat recordation.
7. The Owner shall be responsible for extending the public wastewater system to Lot 2 according to requirements of the Line Extension Agreements.
8. All approved public trails, consistent with the Amended Development Agreement and the Park City Master Trails Plan, shall be shown on the plat.
9. Twisted Branch Road is designated as a private road consistent with the Amended Development Agreement.
10. Recording of this plat does not change the use, ownership, maintenance, or configuration of SR-224 or Twisted Branch Road.
11. The recorded plat shall include, but is not limited to, the following plat notes in a form approved by the City Attorney and City Engineer:
 - a. This plat is subject to the conditions of approval in Ordinance 2019-xx.
 - b. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007, as Entry No. 0086100 in Book 1850, Page 1897 ("the Amended Development Agreement")), and associated technical reports, and including the March 12, 2004 Maintenance Agreement, continue to apply.
 - c. Twisted Branch Road is a private road operated, maintained and repaired by the Master Owners Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. All required access control gates shall remain in place as required by the Amended Agreement, and no additional access shall be permitted unless such Agreement is amended by the City Council in the future.

- d. Public safety access and public utility easements and access are hereby dedicated for Twisted Branch Road. There are no dedicated Flagstaff DA emergency access roads on this plat.
- e. This development is part of a common plan development and an MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
- f. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
- g. Wastewater service to Lot 2 will be provided by the Snyderville Basin Water Reclamation District, according to approved Line Extension Agreements.
- h. Wastewater service is not currently available for Lots 1 and 3 or for Parcels A, B, C, D, E and F. Structures requiring wastewater service may not be constructed on lots and parcels without approved Line Extension Agreements.
- i. Existing public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements and are subject to reasonable relocation by the Owner with approvals by the City.
- j. A public trailhead parking easement is hereby established on Parcel E, as shown on the plat.
- k. Trees, structures and retaining walls shall not be located within SBWRD easements.
- l. A ten foot (10') wide snow storage easement is hereby dedicated to the Empire Pass Master Owners Association along the frontage of all lots and parcels and shall be shown on the plat.
- m. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots and not within streets or roads.
- n. No residential or commercial density (units or unit equivalents) is assigned or allocated to any of the Lots or Parcels of this plat. A private, Beano Style, on-mountain restaurant is allowed on Lot 2 (aka Hot Creek site), as further described in the Amended Agreement (Section 2.6), subject to approval of a Conditional Use Permit.
- o. Conditional use permit approval is required prior to issuance of building permits for the on-mountain private restaurant on Lot 2, as described in Section 2.6 of the Amended Agreement. No building permits shall be issued until all necessary utility easements are recorded. A construction mitigation plan, landscape and irrigation plan, grading and storm water plan, and a limit of disturbance plan shall be submitted with the conditional use permit application and in advance of issuing any building permits.
- p. A fire protection and emergency access plan shall be submitted and approved by the Park City Fire District prior to the issuance of any building permits for Lot 2. The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the wildland urban interface zones as required by the Chief Building Official.

- q. A grading permit and grading plans, that are substantially consistent with the grading plan exhibit reviewed during the subdivision plat approval, are required prior to depositing clean excavated soil from the Annexation Area, on Lot 2 and Parcel C. Grading plans shall comply with amended Technical Report #15 (CMP).
 - r. Re-grading of Lot 2 shall tie into existing grade of the adjacent ski run. Fill will be approved only to the extent that final slope and surface of the Lot matches contours of the adjacent property in a natural and unobtrusive manner. Height for the restaurant building shall not exceed 28' from established grade following placement of fill. Height exceptions for pitched roofs (4:12 and greater) will apply. Final building location and height shall be reviewed and approved by the Planning Commission during review of the CUP and based on height exception review criteria in LMC Chapter 6 and substantial compliance with the grading plan exhibit reviewed by the Planning Commission during review of this plat. Fill placement and grading shall not exceed the height of existing ski runs and shall be blended to the existing topography subject to an approved grading permit.
 - s. Prior to placement of clean fill on Lot 2 and/or Parcel C, the Owner shall relocate trails impacted by proposed grading and construction. Trail closures shall be avoided to the greatest extent possible during the peak season. Trail location shall be approved by the City.
 - t. Section 2.8 of the Amended Agreement shall apply unless further amended by the City Council as reiterated herein. Amended Agreement (Section 2.8.2) states that "said private road, from the point of departure from SR 224 to the Summit/Wasatch line may be converted to a public road, in which event existing SR 224 from said point of departure to the county line shall no longer be used as a public road". Additionally Section 2.8.3 states "the Developer shall support and shall not undermine seasonal closure of realigned SR 224 and shall control motorized vehicular access from SR 224 to the private road system to prevent vehicular through traffic".
 - u. Recordation of this plat does not preclude Twisted Branch Road from being dedicated as a public road in the future or preclude other possible future agreements between the parties that would allow full or limited public access, provided such dedication and agreements are approved by the City and the owner of Twisted Branch Road.
12. The applicant stipulates to these conditions of approval and further stipulates that all lands acquired by foreclosure within the property covered by the Amended Agreement remain as regulated by the Amended Agreement and that all agreed upon real estate transactions shall comply with Section 3.2 of the Amended Agreement.

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

PASSED AND ADOPTED this _____ day of August, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit

Exhibit A – Proposed subdivision plat

BOUNDARY DESCRIPTION

PARCEL 1

A parcel of land located in the west half of Section 28, the southeast quarter of Section 29, the northeast quarter of Section 32 and the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is North 00°30'49" West 533.19 feet coincident with the section line and West 96.22 feet from a 3-1/4" aluminum cap and pipe at the southwest corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the boundary of the Conservation Easement West Parcel, recorded January 7, 2003, as Entry No. 643790, and running thence South 51°56'51" East 407.89 feet; thence North 40°22'26" East 209.96 feet to a point on a non tangent curve to the right having a radius of 4550.00 feet, of which the radius point bears South 81°20'20" East; thence northerly along the arc of said curve 583.85 feet through a central angle of 0°71'08"; thence North 02°06'34" West 580.60 feet to the easterly boundary of said Conservation Easement West Parcel; thence coincident with the Conservation Easement West Parcel North 02°06'34" West 136.35 feet to a point on the southerly boundary of 82 East Subdivision, recorded March 7, 2018, as Entry No. 1087538; thence coincident with the boundary of said 82 East Subdivision the following ten (10) courses: 1) South 47°13'14" East 218.22 feet; thence 2) North 36°44'43" East 144.31 feet to a point on a non tangent curve to the left having a radius of 460.00 feet, of which the radius point bears South 88°39'31" West; thence 3) northerly along the arc of said curve 4.79 feet through a central angle of 0°03'48"; to a point on a compound curve to the left having a radius of 596.00 feet, of which the radius point bears South 89°03'42" West; thence 4) northerly along the arc of said curve 229.98 feet through a central angle of 22°06'32"; thence 5) North 24°02'49" West 418.18 feet to a point on a curve to the right having a radius of 85.00 feet, of which the radius point bears North 65°57'11" East; thence 6) along the arc of said curve 139.33 feet through a central angle of 93°54'58" to a point of reverse curve to the left having a radius of 30.00 feet, of which the radius point bears North 20°07'52" West; thence 7) northeasterly along the arc of said curve 35.43 feet through a central angle of 67°39'38"; thence 8) North 02°12'30" East 119.72 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 87°47'30" East; thence 9) along the arc of said curve 44.31 feet through a central angle of 04°50'10"; thence 10) North 55°36'18" West 101.33 feet to a point on Marsac Avenue Right of Way, recorded June 28, 2002, as Entry No. 623451 in the Office of the Recorder, Summit County, Utah; thence coincident with said Marsac Avenue Right Of Way the following five (5) courses: 1) North 55°33'45" East 12.79 feet to a point on a curve to the left having a radius of 190.00 feet, of which the radius point bears North 34°26'15" West; thence 2) along the arc of said curve 124.38 feet through a central angle of 37°32'27"; thence 3) North 18°03'18" East 52.52 feet to a point on a curve to the right having a radius of 25.00 feet, of which the radius point bears South 71°56'42" East; thence 4) along the arc of said curve 81.96 feet through a central angle of 187°50'29"; thence 5) South 64°06'13" East 50.00 feet; thence South 25°53'47" West 31.85 feet to a point on a curve to the left having a radius of 475.00 feet, of which the radius point bears South 64°06'13" East; thence along the arc of said curve 145.55 feet through a central angle of 17°33'25"; thence South 76°34'47" East 41.25 feet; thence North 51°22'05" East 66.95 feet to a point on that certain Special Warranty Deed, recorded March 22, 2004, as Entry No. 692419; thence coincident with said Special Warranty Deed the following three (3) courses: 1) North 80°16'21" East 134.00 feet, thence (2) South 29°30'38" East 125.94 feet; thence (3) South 08°13'38" East 107.00 feet; thence South 10°24'39" East 98.68 feet to a point on that certain Special Warranty Deed, recorded March 19, 2004, as Entry No. 692322; thence coincident with said Special Warranty Deed the following two (2) courses: 1) South 00°56'05" East 212.31 feet; thence (2) South 37°58'02" West 224.97 feet; thence continuing South 37°58'02" West 99.10 feet to a point on a non tangent curve to the right having a radius of 53.00 feet, of which the radius point bears South 67°18'40" West; thence southerly along the arc of said curve 419.72 feet through a central angle of 45°22'24" to a point of reverse curve to the left having a radius of 4470.00 feet, of which the radius point bears South 67°18'56" East; thence southerly along the arc of said curve 291.00 feet through a central angle of 03°43'48"; thence South 23°03'48" East 264.06 feet; thence South 03°21'06" West 504.85 feet to a point on a curve to the right having a radius of 1030.00 feet, of which the radius point bears North 86°38'54" West; thence along the arc of said curve 212.25 feet through a central angle of 11°48'25" to a point of compound curve to the right having a radius of 255.00 feet, of which the radius point bears North 74°50'29" West; thence southwesterly along the arc of said curve 152.55 feet through a central angle of 34°16'39"; thence South 49°26'10" West 233.46 feet to a point on a curve to the right having a radius of 280.00 feet, of which the radius point bears North 20°07'52" West; thence along the arc of said curve 46.35 feet through a central angle of 50°24'35" to a point of compound curve to the right having a radius of 310.00 feet, of which the radius point bears North 09°50'45" East; thence westerly along the arc of said curve 125.12 feet through a central angle of 23°07'32"; thence South 58°59'34" West 156.49 feet; thence North 78°45'30" West 133.15 feet; thence North 21°25'30" West 445.03 feet to the boundary of said Conservation Easement West Parcel; thence coincident with the Conservation Easement West Parcel North 50°24'02" East 341.40 feet to the point of beginning.

Less and excepting the following three described parcels:

The description contained in that certain Special Warranty Deed recorded March 19, 2004, as Entry No. 692322 in Book 1606 at Page 185, said parcel being more particularly described as follows:

A parcel of land located in the southwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is South 00°30'49" East 181.08 feet along Section Line and East 786.96 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 56°00'00" East 194.36 feet; thence South 00°56'05" East 212.31 feet; thence South 37°58'02" West 224.97 feet; thence North 21°18'48" West 36.81 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears North 86°38'54" West; thence southerly along the arc of said curve 387.42 feet through a central angle of 09°01'18"; thence North 33°52'05" West 76.51 feet to a point on a curve to the right having a radius of 475.00 feet, of which the radius point bears North 56°07'55" East; thence northwesterly along the arc of said curve 87.59 feet through a central angle of 10°33'54"; thence North 23°18'11" West 58.02 feet; thence North 36°12'33" East 233.06 feet to the point of beginning.

AND

The description contained in that certain Special Warranty Deed recorded March 22, 2004, as Entry No. 692419 in Book 1606 at Page 820, said parcel being more particularly described as follows:

Beginning at a point that is South 00°30'49" East 2624.03 feet along section line and East 854.74 feet from the Northwest corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 29°30'38" East 125.94 feet; thence South 08°13'38" East 107.00 feet; thence South 34°00'00" West 70.49 feet; thence North 56°00'00" West 190.94 feet; thence North 04°37'47" West 145.00 feet; thence North 80°16'21" East 134.00 feet to the point of beginning.

AND

The description contained in that certain Special Warranty Deed recorded March 19, 2004, as Entry No. 692324 in Book 1606 at Page 195, said parcel being more particularly described as follows:

A parcel of land located in the west half of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 00°30'49" West 97.51 feet along Section Line and East 568.20 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly line of the Marsac Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded June 28, 2002, #623451; and running thence South 55°36'17" East 44.90 feet to a point on a 525.00 foot radius curve to the left; thence southerly along the arc of said curve 59.04 feet (chord bears South 16°01'45" West 59.01 feet); thence North 55°36'17" West 64.83 feet to a point on the easterly line of the Marsac Avenue Right of Way and on a 190.00 foot radius curve to the left; thence northeasterly along the easterly line of the Marsac Avenue Right of Way and the arc of said curve 56.22 feet (chord bears North 35°45'50" East 56.02 feet) to the Point of Beginning.

The Basis of Bearing for the above description is North 00°30'49" West 2646.88 feet between the southwest corner and the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

ALSO

Subject to a 50-foot wide private access and utility easement located in the west half of Section 28, the southeast quarter of Section 29, the northeast quarter of Section 32 and the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said easement being more particularly described as follows:

Beginning at a point that is North 00°30'49" West 157.00 feet coincident with the section line and East 643.05 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian (a 3-1/4" aluminum cap and pipe was set on the section line South 00°30'49" West 12.00 feet from the quarter corner location), said point being on the boundary of Marsac Avenue Right of Way, recorded June 28, 2002, as Entry No. 623451 in the office of the recorder, Summit County, Utah; and running thence along Marsac Avenue Right of Way South 64°06'13" East 50.00 feet; thence South 25°53'47" West 31.85 feet to a point on a curve to the left having a radius of 475.00 feet, of which the radius point bears South 64°06'13" East; thence along the arc of said curve 196.38 feet through a central angle of 23°41'17"; thence South 02°12'30" West 123.76 feet to a point on a curve to the left having a radius of 375.00 feet, of which the radius point bears South 87°47'30" East; thence along the arc of said curve 59.05 feet through a central angle of 09°01'18"; thence South 75°35'15" West 51.67 feet to a point on a curve to the left having a radius of 30.00 feet, of which the radius point bears South 14°24'45" East; thence along the arc of said curve 52.17 feet through a central angle of 99°38'04"; thence South 24°02'49" East 469.37 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 65°57'11" West; thence along the arc of said curve 428.20 feet through a central angle of 46°43'53" to a point of reverse curve to the left having a radius of 4475.00 feet, of which the radius point bears South 67°18'56" East; thence southerly along the arc of said curve 956.54 feet through a central angle of 12°14'50" to a point of compound curve to the left having a radius of 25.00 feet, of which the radius point bears South 79°33'46" East; thence easterly along the arc of said curve 76.99 feet through a central angle of 176°26'25" to a point of compound curve to the left having a radius of 4975.00 feet, of which the radius point bears North 76°00'10" West; thence northerly along the arc of said curve 321.87 feet through a central angle of 03°42'25" to a point of reverse curve to the right having a radius of 75.00 feet, of which the radius point bears South 79°42'35" East; thence easterly along the arc of said curve 226.54 feet through a central angle of 173°03'41"; thence South 03°21'06" West 392.14 feet to a point on a curve to the right having a radius of 1025.00 feet, of which the radius point bears North 86°38'54" West; thence along the arc of said curve 211.22 feet through a central angle of 11°48'25" to a point of compound curve to the right having a radius of 250.00 feet, of which the radius point bears North 74°50'29" West; thence southwesterly along the arc of said curve 149.56 feet through a central angle of 34°16'39"; thence South 49°26'10" West 233.46 feet to a point on a curve to the right having a radius of 275.00 feet, of which the radius point bears North 40°33'50" West; thence along the arc of said curve 241.95 feet through a central angle of 50°24'35" to a point of compound curve to the right having a radius of 305.00 feet, of which the radius point bears North 09°50'45" East; thence northwesterly along the arc of said curve 246.21 feet through a central angle of 46°15'05" to a point of reverse curve to the left having a radius of 40.00 feet, of which the radius point bears South 56°05'05" West; thence southwesterly along the arc of said curve 126.68 feet through a central angle of 181°26'58" to a point of reverse curve to the right having a radius of 1525.00 feet, of which the radius point bears South 54°38'52" West; thence southeasterly along the arc of said curve 273.26 feet through a central angle of 10°16'00" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 64°54'52" East; thence easterly along the arc of said curve 607.09 feet through a central angle of 92°45'25"; thence North 62°09'27" East 324.38 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears North 27°50'33" West; thence along the arc of said curve 231.93 feet through

BOUNDARY DESCRIPTION (CONTINUED)

a central angle of 31°16'00" to a point of reverse curve to the right having a radius of 75.00 feet, of which the radius point bears South 59°06'33" East; thence southeasterly along the arc of said curve 181.22 feet through a central angle of 138°26'24" to a point on the southwesterly boundary of Red Cloud Subdivision, recorded January 27, 2005, as Entry No. 724721 in the office of the recorder, Summit County, Utah; thence along the boundary of Red Cloud Subdivision the following five (5) courses: 1) continuing along the arc of said curve 80.07 feet through a central angle of 61°10'16" to a point of reverse curve to the left having a radius of 215.00 feet, of which the radius point bears South 39°29'53" East; thence 2) southwesterly along the arc of said curve 150.27 feet through a central angle of 40°02'47"; thence 3) South 10°27'20" West 165.38 feet to a point on a curve to the right having a radius of 625.00 feet, of which the radius point bears North 79°32'40" West; thence 4) along the arc of said curve 394.15 feet through a central angle of 36°08'00"; thence 5) South 46°33'19" West 192.32 feet; thence continuing South 46°33'19" West 18.29 feet to a point on a curve to the right having a radius of 200.00 feet, of which the radius point bears North 43°24'41" West; thence along the arc of said curve 201.87 feet through a central angle of 57°49'51"; thence North 75°34'50" West 106.13 feet to a point on a curve to the left having a radius of 75.00 feet, of which the radius point bears South 14°25'10" West; thence along the arc of said curve 90.55 feet through a central angle of 69°10'42"; thence South 35°14'29" West 31.77 feet to a point on the Summit-Wasatch County Line; thence coincident with said County Line North 62°52'30" West 56.69 feet; thence North 35°14'29" East 58.49 feet to a point on a curve to the right having a radius of 125.00 feet, of which the radius point bears South 54°45'31" East; thence along the arc of said curve 150.92 feet through a central angle of 69°10'42"; thence South 75°34'50" East 106.13 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears North 14°25'10" East; thence along the arc of said curve 151.40 feet through a central angle of 57°49'51"; thence North 46°35'19" East 210.61 feet to a point on a curve to the left having a radius of 575.00 feet, of which the radius point bears North 43°24'41" West; thence along the arc of said curve 362.62 feet through a central angle of 36°08'00"; thence North 10°27'20" East 165.38 feet to a point on a curve to the right having a radius of 265.00 feet, of which the radius point bears South 79°32'40" East; thence along the arc of said curve 185.22 feet through a central angle of 40°02'47" to a point of reverse curve to the left having a radius of 25.00 feet, of which the radius point bears North 39°29'53" West; thence northwesterly along the arc of said curve 87.10 feet through a central angle of 199°36'40" to a point of reverse curve to the right having a radius of 475.00 feet, of which the radius point bears North 40°33'50" West; thence southwesterly along the arc of said curve 259.21 feet through a central angle of 31°16'00"; thence South 62°09'27" West 324.38 feet to a point on a curve to the right having a radius of 425.00 feet, of which the radius point bears North 27°50'33" West; thence along the arc of said curve 688.04 feet through a central angle of 92°45'25" to a point of reverse curve to the left having a radius of 1475.00 feet, of which the radius point bears South 64°54'52" West; thence northwesterly along the arc of said curve 264.30 feet through a central angle of 10°16'00" to a point of reverse curve to the right having a radius of 80.00 feet, of which the radius point bears North 54°38'52" East; thence northwesterly along the arc of said curve 285.02 feet through a central angle of 181°26'58" to a point of reverse curve to the left having a radius of 255.00 feet, of which the radius point bears North 56°05'05" East; thence southeasterly along the arc of said curve 205.85 feet through a central angle of 46°15'05" to a point of compound curve to the left having a radius of 225.00 feet, of which the radius point bears North 09°50'45" East; thence easterly along the arc of said curve 197.96 feet through a central angle of 50°24'35"; thence North 49°26'10" East 233.46 feet to a point on a curve to the left having a radius of 200.00 feet, of which the radius point bears North 40°33'50" West; thence along the arc of said curve 119.65 feet through a central angle of 34°16'39" to a point of compound curve to the left having a radius of 975.00 feet, of which the radius point bears North 74°50'29" West; thence northerly along the arc of said curve 200.92 feet through a central angle of 11°48'25"; thence North 03°21'06" East 392.14 feet to a point on a curve to the left having a radius of 25.00 feet, of which the radius point bears North 86°38'54" West; thence along the arc of said curve 75.51 feet through a central angle of 173°03'41" to a point of reverse curve to the right having a radius of 5025.00 feet, of which the radius point bears North 79°42'35" West; thence southerly along the arc of said curve 325.10 feet through a central angle of 03°42'25" to a point of compound curve to the right having a radius of 75.00 feet, of which the radius point bears North 76°00'10" West; thence westerly along the arc of said curve 230.96 feet through a central angle of 176°26'25" to a point of compound curve to the right having a radius of 4525.00 feet, of which the radius point bears South 79°33'46" East; thence northerly along the arc of said curve 967.23 feet through a central angle of 12°14'50" to a point of reverse curve to the left having a radius of 475.00 feet, of which the radius point bears North 67°18'56" West; thence northerly along the arc of said curve 387.42 feet through a central angle of 46°43'53"; thence North 24°02'49" West 469.37 feet to a point on a curve to the right having a radius of 80.00 feet, of which the radius point bears North 65°57'11" East; thence along the arc of said curve 139.12 feet through a central angle of 99°38'04"; thence North 75°35'15" East 10.21 feet to a point on a non tangent curve to the right having a radius of 425.00 feet, of which the radius point bears North 89°08'22" East; thence Northerly along the arc of said curve 22.76 feet through a central angle of 03°04'07"; thence North 02°12'30" East 123.76 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 87°47'30" East; thence along the arc of said curve 217.05 feet through a central angle of 23°41'17"; thence North 25°53'47" East 31.85 feet to the point of beginning.

PARCEL 2

The description contained in that certain Special Warranty Deed recorded March 19, 2004, as Entry No. 692322 in Book 1606 at Page 185, said parcel being more particularly described as follows:

A parcel of land located in the southwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is South 00°30'49" East 181.08 feet along Section Line and East 786.96 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 56°00'00" East 194.36 feet; thence South 00°56'05" East 212.31 feet; thence South 37°58'02" West 224.97 feet; thence North 21°18'48" West 36.81 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears North 86°38'54" West; thence southerly along the arc of said curve 387.42 feet through a central angle of 09°01'18"; thence North 33°52'05" West 76.51 feet to a point on a curve to the right having a radius of 475.00 feet, of which the radius point bears North 56°07'55" East; thence northwesterly along the arc of said curve 87.59 feet through a central angle of 10°33'54"; thence North 23°18'11" West 58.02 feet; thence North 36°12'33" East 233.06 feet to the point of beginning.

AND

The description contained in that certain Special Warranty Deed recorded March 22, 2004, as Entry No. 692419 in Book 1606 at Page 820, said parcel being more particularly described as follows:

Beginning at a point that is South 00°30'49" East 2624.03 feet along section line and East 854.74 feet from the Northwest corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 29°30'38" East 125.94 feet; thence South 08°13'38" East 107.00 feet; thence South 34°00'00" West 70.49 feet; thence North 56°00'00" West 190.94 feet; thence North 04°37'47" West 145.00 feet; thence North 80°16'21" East 134.00 feet to the point of beginning.

PARCEL 3

The description contained in that certain Special Warranty Deed recorded March 19, 2004, as Entry No. 692324 in Book 1606 at Page 195, said parcel being more particularly described as follows:

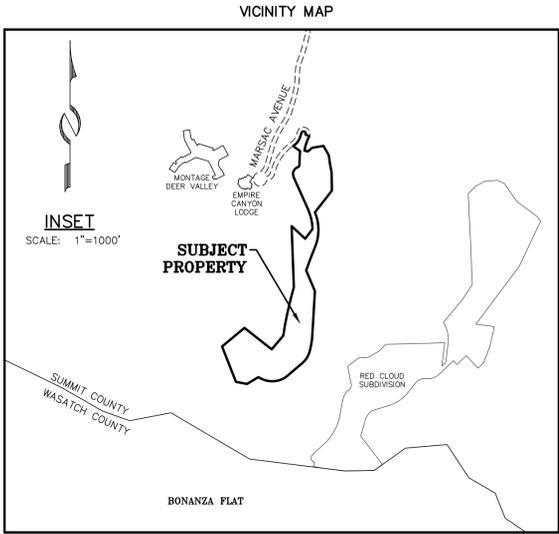
A parcel of land located in the west half of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 00°30'49" West 97.51 feet along Section Line and East 568.20 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly line of the Marsac Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded June 28, 2002, #623451; and running thence South 55°36'17" East 44.90 feet to a point on a 525.00 foot radius curve to the left; thence southerly along the arc of said curve 59.04 feet (chord bears South 16°01'45" West 59.01 feet); thence North 55°36'17" West 64.83 feet to a point on the easterly line of the Marsac Avenue Right of Way and on a 190.00 foot radius curve to the left; thence northeasterly along the easterly line of the Marsac Avenue Right of Way and the arc of said curve 56.22 feet (chord bears North 35°45'50" East 56.02 feet) to the Point of Beginning.

The Basis of Bearing for the above description is North 00°30'49" West 2646.88 feet between the southwest corner and the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

TWISTED BRANCH SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33, THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land into lots and streets, together with easements, hereafter to be known as TWISTED BRANCH SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that REDUS Park City LLC, a Delaware limited liability company, as to Parcel 1, the undersigned owner of the herein described tract of land to be known hereafter as TWISTED BRANCH SUBDIVISION, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____ 2019.

REDUS Park City LLC, a Delaware limited liability company By: REDUS Properties, Inc. a Delaware corporation, its Manager

By: David Ash, Sr. Vice President

ACKNOWLEDGMENT

State of _____: _____: ss. County of Summit: _____

On this _____ day of _____ 2019, David Ash personally appeared before me, whose identity is personally known to me or proven to the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say the he is the Sr. Vice President of Redus Properties, Inc., a Delaware corporation, and that said document was signed by him on behalf of said corporation by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the Subdivision Plat.

Notary Public

Printed Name

Residing in: _____

My commission expires: _____

Commission No. _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Municipal Corporation, a Utah municipal corporation, as to Parcels 2 and 3, to be known hereafter as TWISTED BRANCH SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____ 2019.

PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation

By: Andy Beerman, Mayor

ACKNOWLEDGMENT

State of Utah: _____: ss. County of Summit: _____

On this _____ day of _____ 2019, Andy Beerman personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Andy Beerman acknowledged to me that he is the authorized representative of Park City Municipal Corporation and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public

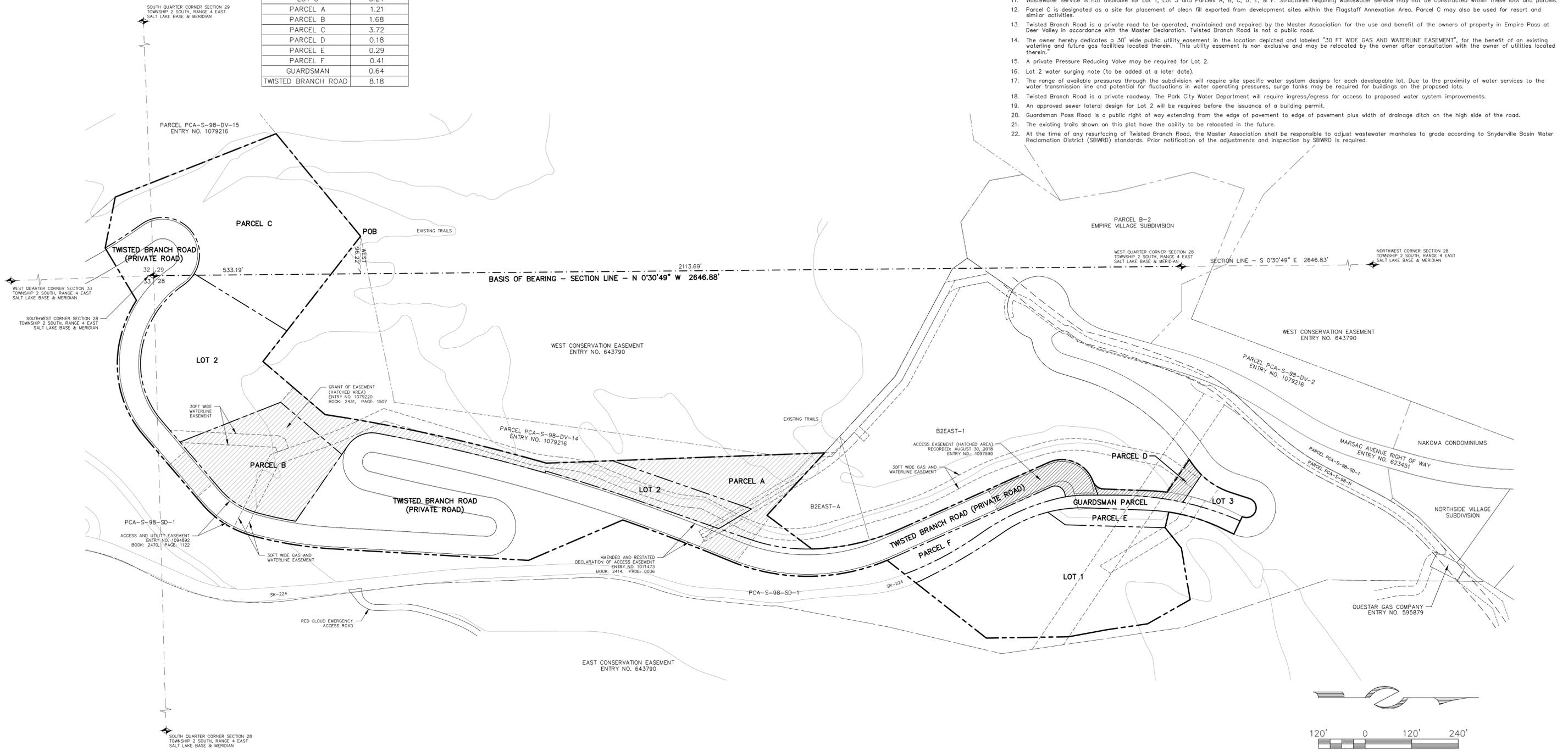
Printed Name

Residing in: _____

My commission expires: _____

Table with 7 columns: Snyderville Basin Water Reclamation District, Planning Commission, Engineer's Certificate, Approval as to Form, Council Approval and Acceptance, Certificate of Attest, and Recorded. Includes logos for Alliance Engineering Inc. and various signature lines.

| LOT/PARCEL | AREA (ACRES) |
|---------------------|--------------|
| LOT 1 | 3.61 |
| LOT 2 | 3.86 |
| LOT 3 | 0.24 |
| PARCEL A | 1.21 |
| PARCEL B | 1.68 |
| PARCEL C | 3.72 |
| PARCEL D | 0.18 |
| PARCEL E | 0.29 |
| PARCEL F | 0.41 |
| GUARDSMAN | 0.64 |
| TWISTED BRANCH ROAD | 8.18 |



NOTES:

- This plot is subject to the Conditions of Approval in Ordinance 2019-_____.
- The lots and parcels described on this plot are subject to the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flat, Richardson Flat, The 20-Acre Quinn's Junction Parcel and Iron Mountain dated March 2, 2007, and recorded on March 2, 2007, as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement").
- Owners and potential buyers of any parcel, unit or land within the lots or parcels depicted on this plot are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by errant skiers, snowboarders, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.
- Conditional use permit approval will be required prior to issuance of a building permit on Lot 2.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- Wastewater service to Lot 2 shall be provided by a sewer lateral that connects to the main line, owned and operated by The Snyderville Basin Water Reclamation District ("District").
- Fire sprinklers will be required within all buildings constructed on the two lots depicted hereon.
- Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
- Lot 2 is designated as the site for the Private Restaurant permitted under Section 2.6 of the Amended Flagstaff Development Agreement. Lot 2 is also designated as a site for placement of clean fill exported from development sites within the Flagstaff Annexation Area. Since Lot 2 is a site for placement of fill, Building Height for the Private Restaurant shall be measured from Finished Grade, not Natural Grade. No Unit Equivalents are allocated to Lot 2.
- Wastewater service is not available for Lot 1, Lot 3 and Parcels A, B, C, D, E, & F. Structures requiring wastewater service may not be constructed within these lots and parcels.
- Parcel C is designated as a site for placement of clean fill exported from development sites within the Flagstaff Annexation Area. Parcel C may also be used for resort and similar activities.
- Twisted Branch Road is a private road to be operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Twisted Branch Road is not a public road.
- The owner hereby dedicates a 30' wide public utility easement in the location depicted and labeled "30 FT WIDE GAS AND WATERLINE EASEMENT", for the benefit of an existing waterline and future gas facilities located therein. This utility easement is non exclusive and may be relocated by the owner after consultation with the owner of utilities located therein.
- A private Pressure Reducing Valve may be required for Lot 2.
- Lot 2 water surging note (to be added at a later date).
- The range of available pressures through the subdivision will require site specific water system designs for each developable lot. Due to the proximity of water services to the water transmission line and potential for fluctuations in water operating pressures, surge tanks may be required for buildings on the proposed lots.
- Twisted Branch Road is a private roadway. The Park City Water Department will require ingress/egress for access to proposed water system improvements.
- An approved sewer lateral design for Lot 2 will be required before the issuance of a building permit.
- Guardsman Pass Road is a public right of way extending from the edge of pavement to edge of pavement plus width of drainage ditch on the high side of the road.
- The existing trails shown on this plot have the ability to be relocated in the future.
- At the time of any resurfacing of Twisted Branch Road, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required.

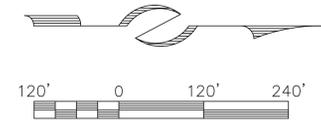
(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

TWISTED BRANCH SUBDIVISION

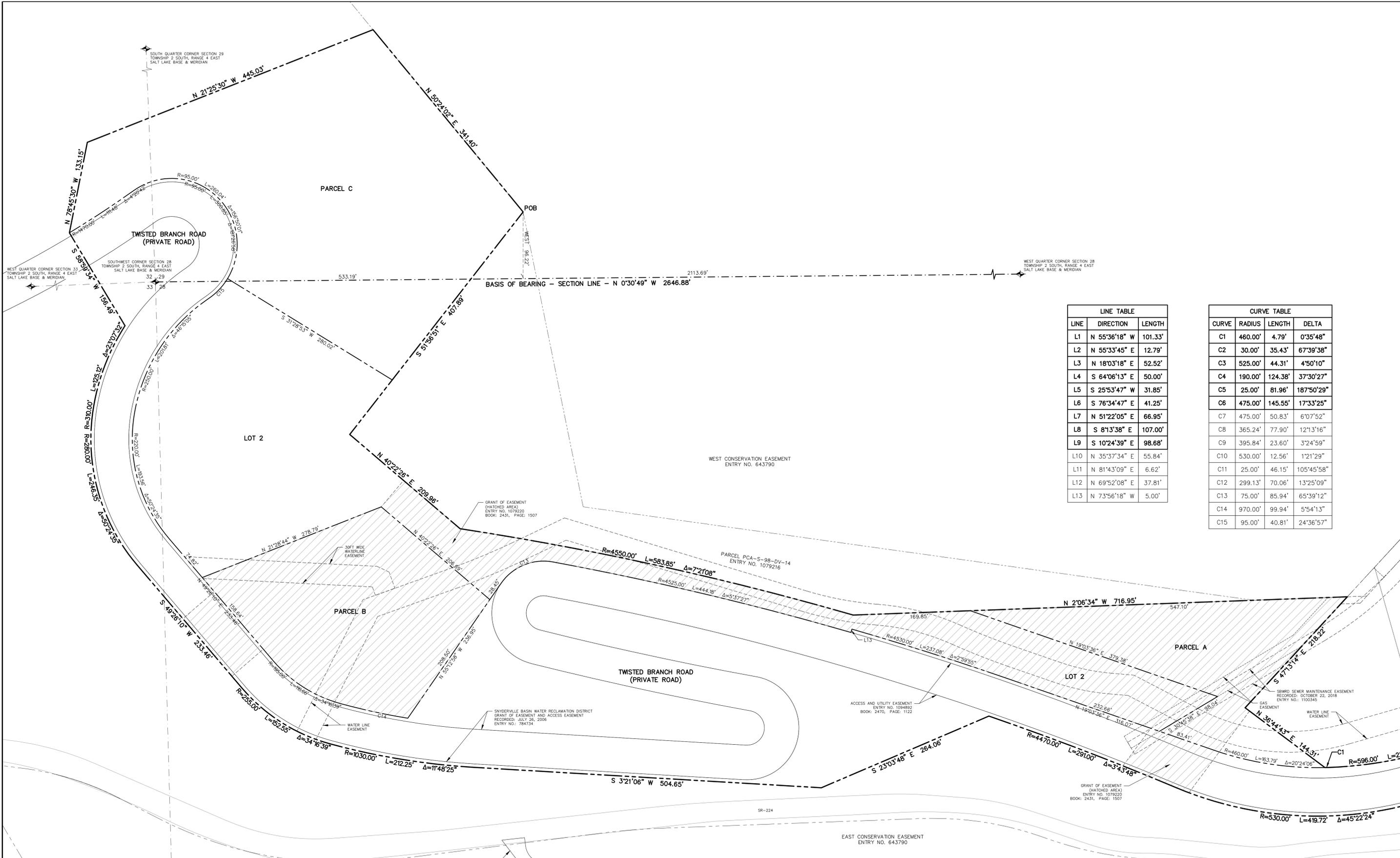
LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33, THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

12/14/18 JOB NO.: 3-7-17 FILE: X:\Empire\dwg\sr\plat2017\030717.dwg



SHEET 2 OF 4

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

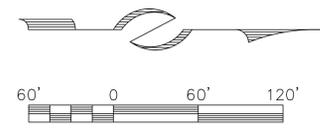


| LINE | DIRECTION | LENGTH |
|------|---------------|---------|
| L1 | N 55°36'18" W | 101.33' |
| L2 | N 55°33'45" E | 12.79' |
| L3 | N 18°03'18" E | 52.52' |
| L4 | S 64°06'13" E | 50.00' |
| L5 | S 25°53'47" W | 31.85' |
| L6 | S 78°34'47" E | 41.25' |
| L7 | N 51°22'05" E | 66.95' |
| L8 | S 81°3'38" E | 107.00' |
| L9 | S 10°24'39" E | 98.68' |
| L10 | N 35°37'34" E | 55.84' |
| L11 | N 81°43'09" E | 6.62' |
| L12 | N 69°52'08" E | 37.81' |
| L13 | N 73°56'18" W | 5.00' |

| CURVE | RADIUS | LENGTH | DELTA |
|-------|---------|---------|------------|
| C1 | 460.00' | 4.79' | 0°35'48" |
| C2 | 30.00' | 35.43' | 67°39'38" |
| C3 | 525.00' | 44.31' | 4°50'10" |
| C4 | 190.00' | 124.38' | 37°30'27" |
| C5 | 25.00' | 81.96' | 187°50'29" |
| C6 | 475.00' | 145.55' | 17°33'25" |
| C7 | 475.00' | 50.83' | 6°07'52" |
| C8 | 365.24' | 77.90' | 12°13'16" |
| C9 | 395.84' | 23.60' | 3°24'59" |
| C10 | 530.00' | 12.56' | 1°21'29" |
| C11 | 25.00' | 46.15' | 105°45'58" |
| C12 | 299.13' | 70.06' | 13°25'09" |
| C13 | 75.00' | 85.94' | 65°39'12" |
| C14 | 970.00' | 99.94' | 5°54'13" |
| C15 | 95.00' | 40.81' | 24°36'57" |

TWISTED BRANCH SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33, THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



12/14/18 JOB NO.: 3-7-17 FILE: X:\Empire\dwg\sr\plat2017\030717.dwg

SHEET 3 OF 4

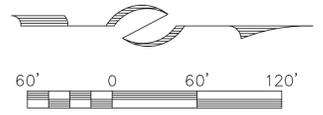
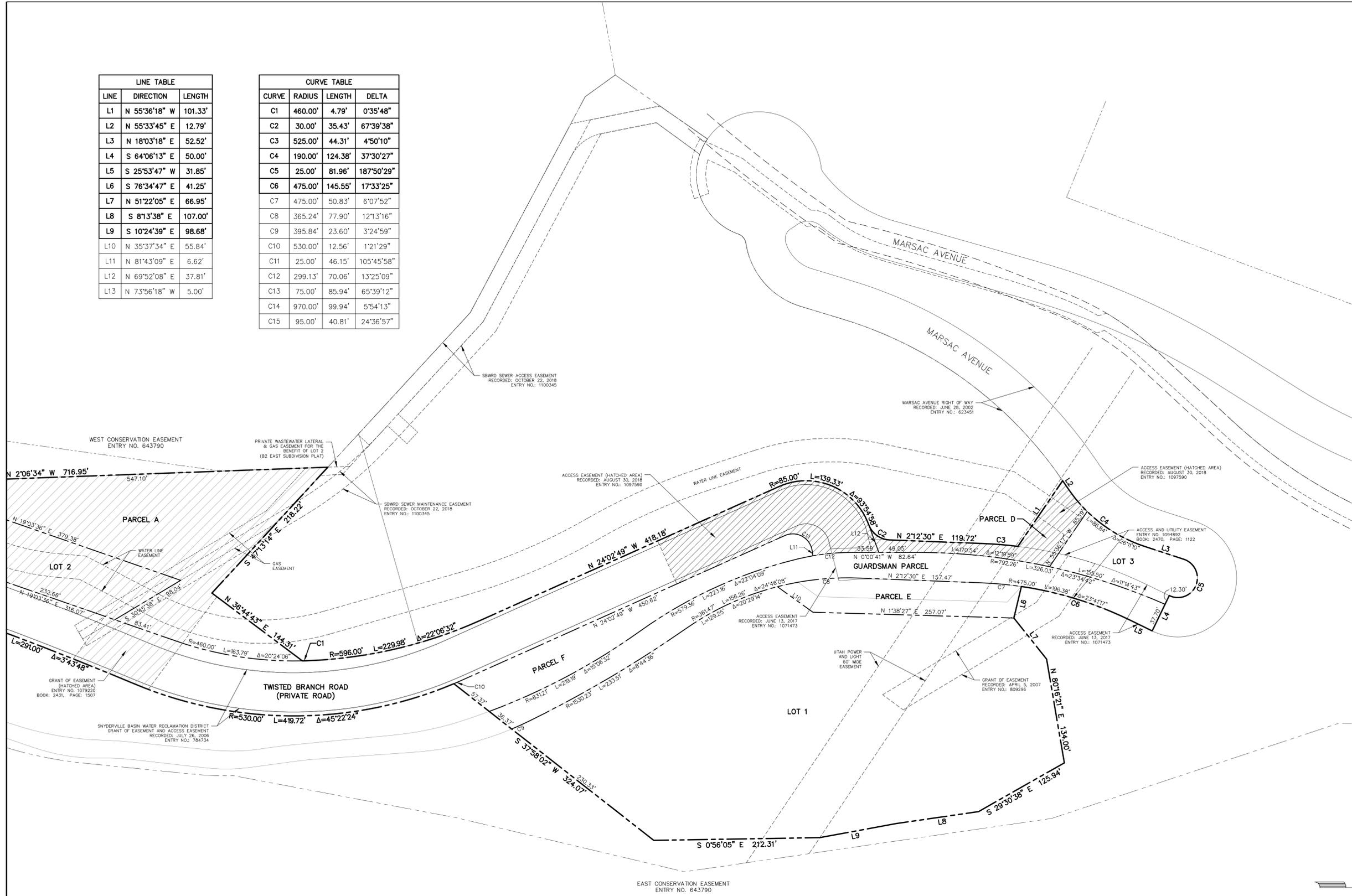
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

(435) 649-9467

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

| LINE TABLE | | |
|------------|---------------|---------|
| LINE | DIRECTION | LENGTH |
| L1 | N 55°36'18" W | 101.33' |
| L2 | N 55°33'45" E | 12.79' |
| L3 | N 18°03'18" E | 52.52' |
| L4 | S 64°06'13" E | 50.00' |
| L5 | S 25°53'47" W | 31.85' |
| L6 | S 76°34'47" E | 41.25' |
| L7 | N 51°22'05" E | 66.95' |
| L8 | S 8°13'38" E | 107.00' |
| L9 | S 10°24'39" E | 98.68' |
| L10 | N 35°37'34" E | 55.84' |
| L11 | N 81°43'09" E | 6.62' |
| L12 | N 69°52'08" E | 37.81' |
| L13 | N 73°56'18" W | 5.00' |

| CURVE TABLE | | | |
|-------------|---------|---------|------------|
| CURVE | RADIUS | LENGTH | DELTA |
| C1 | 460.00' | 4.79' | 0°35'48" |
| C2 | 30.00' | 35.43' | 67°39'38" |
| C3 | 525.00' | 44.31' | 4°50'10" |
| C4 | 190.00' | 124.38' | 37°30'27" |
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TWISTED BRANCH SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33,
 THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

12/14/18 JOB NO.: 3-7-17 FILE: X:\Empire\dwg\srw\plat2017\030717.dwg

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 _____ FEE _____ RECORDER
 TIME _____ DATE _____ ENTRY NO. _____

(435) 649-9467

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

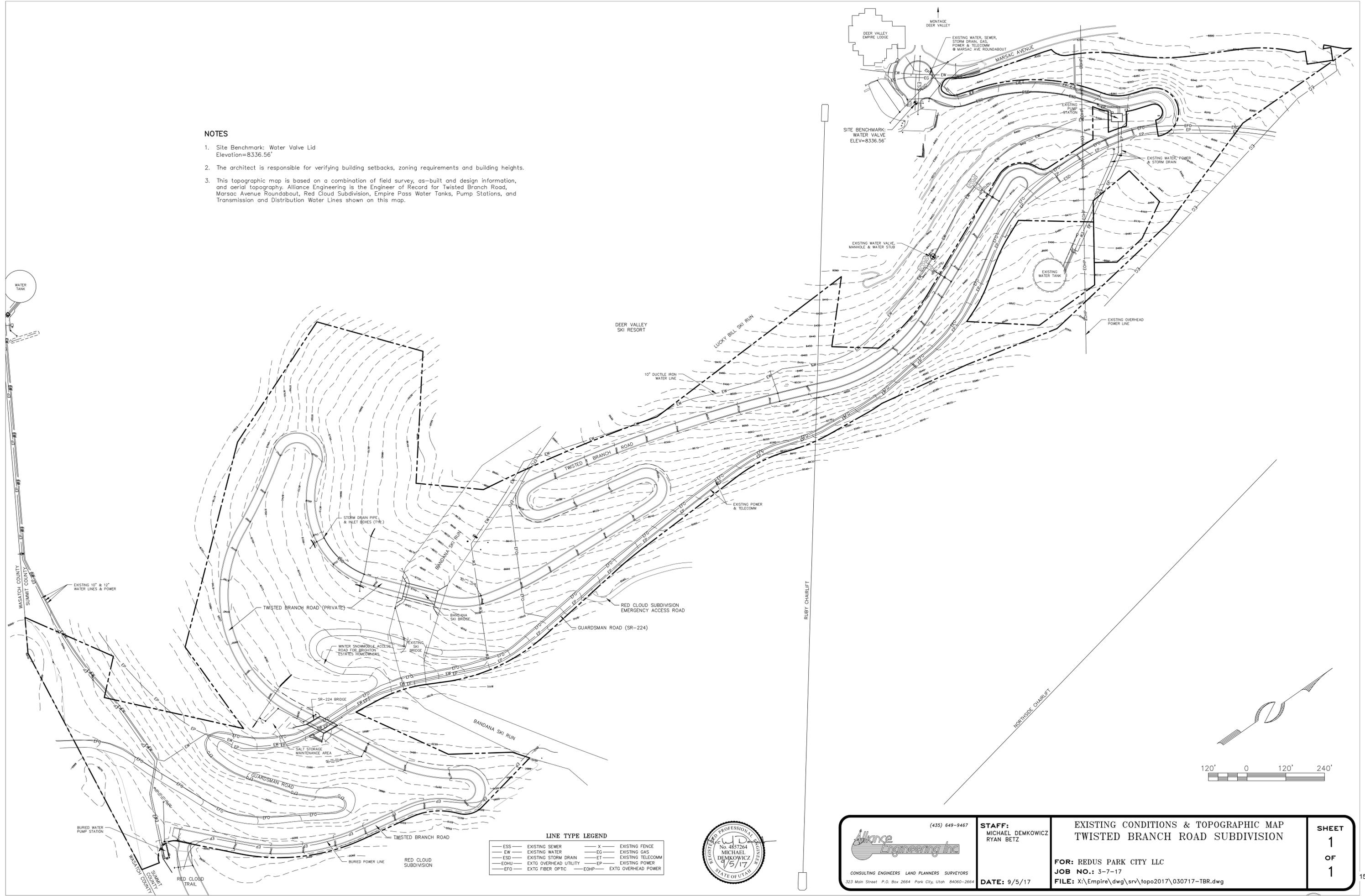
Twisted Branch Plat
Amended Project Narrative
November 30th, 2018

Properties within the proposed Twisted Branch plat (the “Property”) are owned by REDUS Park City LLC (“REDUS”) and Park City Municipal Corp (“PCMC”). The Property and adjacent lands are part of the Flagstaff Annexation Area with development governed by the Amended Flagstaff Development Agreement (“Flagstaff DA”). The Property is north of the Red Cloud Subdivision and unplatted properties owned by REDUS and Deer Valley. The Property is south and east of the B2 East Plat and additional properties owned by Deer Valley. The proposed plat is intended to address various outstanding issues related to the Flagstaff DA.

- The lower section of Twisted Branch Road is established as a gated private road to be operated, maintained and repaired by the Empire Pass Master Association consistent with requirements in the Flagstaff DA.
- No changes are proposed for that portion of SR 224 located within the plat boundary. SR 224 is a public right-of-way maintained by UDOT on land owned in fee by REDUS.
- A Lot 1 is created combining the City water tank parcel by the start of Twisted Branch Road and additional adjacent lands owned by the City and REDUS. No sewer service is available for this lot at this time.
- A Lot 2 is created adjacent the Bandana ski trail and is designated as the site for the private restaurant permitted under Section 2.6 of the Amended Flagstaff Development Agreement.
- A Lot 3 is created combining existing City water pump station parcel and adjacent land to the north owned by REDUS. No sewer service is available for this lot at this time.
- Two sites (Lot 2 and Parcel C) have been approved under the Flagstaff Amended Construction Mitigation Plan for placement of clean fill exported from development sites within the Flagstaff Annexation Area. A height variance is requested for Lot 2 such that Building Height for the private restaurant shall be measured from grade following placement of fill during mass grading permitted under the Amended Construction Mitigation Plan.
- Easements are established for the current PCMC water main serving the Red Cloud Subdivision.
- Plat shows the existing easement on Twisted Branch Road in favor of PCMC Bonanza Flat property for maintenance and emergency access use.

NOTES

1. Site Benchmark: Water Valve Lid
Elevation=8336.56'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a combination of field survey, as-built and design information, and aerial topography. Alliance Engineering is the Engineer of Record for Twisted Branch Road, Marsac Avenue Roundabout, Red Cloud Subdivision, Empire Pass Water Tanks, Pump Stations, and Transmission and Distribution Water Lines shown on this map.



LINE TYPE LEGEND

| | | | |
|----------|-----------------------|----------|---------------------|
| — ESS — | EXISTING SEWER | — X — | EXISTING FENCE |
| — EW — | EXISTING WATER | — EG — | EXISTING GAS |
| — ESD — | EXISTING STORM DRAIN | — ET — | EXISTING TELECOMM |
| — EQUH — | EXTG OVERHEAD UTILITY | — EP — | EXISTING POWER |
| — EFO — | EXTG FIBER OPTIC | — EOHP — | EXTG OVERHEAD POWER |

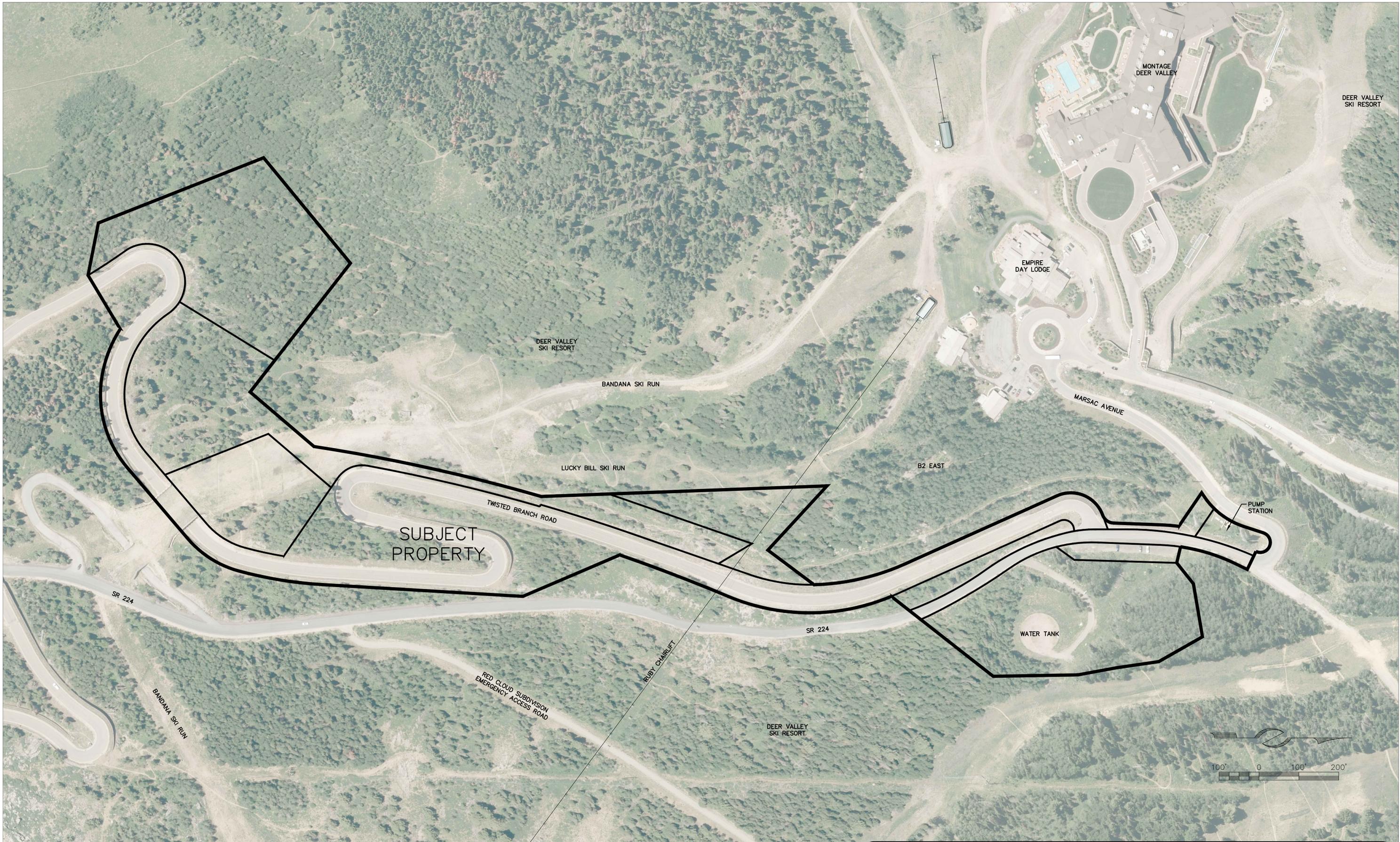


(435) 649-9467
Alliance Engineering Inc
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
 MICHAEL DEMKOWICZ
 RYAN BETZ
DATE: 9/5/17

EXISTING CONDITIONS & TOPOGRAPHIC MAP
TWISTED BRANCH ROAD SUBDIVISION
FOR: REDUS PARK CITY LLC
JOB NO.: 3-7-17
FILE: X:\Empire\dwg\sr\topo2017\030717-TBR.dwg

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|---|--|---|---|
|  <p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p> | STAFF: MICHAEL DEMKOWICZ RYAN BETZ MARSHALL KING | AERIAL PHOTOGRAPH TWISTED BRANCH ROAD SUBDIVISION SECTIONS 28, 29, 32, 33, T2S, R4E, SLB&M | SHEET 1 OF 1 |
| | DATE: 5/8/19 | FOR: REDUS PARK CITY LLC JOB NO.: 3-7-17 FILE: X:\Empire\dwg\Exhibits\Twisted Branch Road-aerial.dwg | 160 |



Looking south from Guardsman Pass

Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision

Looking south from TBR to Guardsman Pass
near top switch backs



Twisted Branch Road Subdivision

Looking south near TBR access gates
Guardsman Road on left



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

December 13, 2018

Mr. David Ash
REDUS Park City LLC
333 Market St. 3rd Floor
San Francisco, CA 94150

RE: B2 East
Final Design Approval (Revised Design)

Dear Mr. Ash:

Final Design Approval for this project has been granted. Following approval of contractor submittals and a preconstruction meeting with Snyderville Basin Water Reclamation District, construction of the wastewater system may begin.

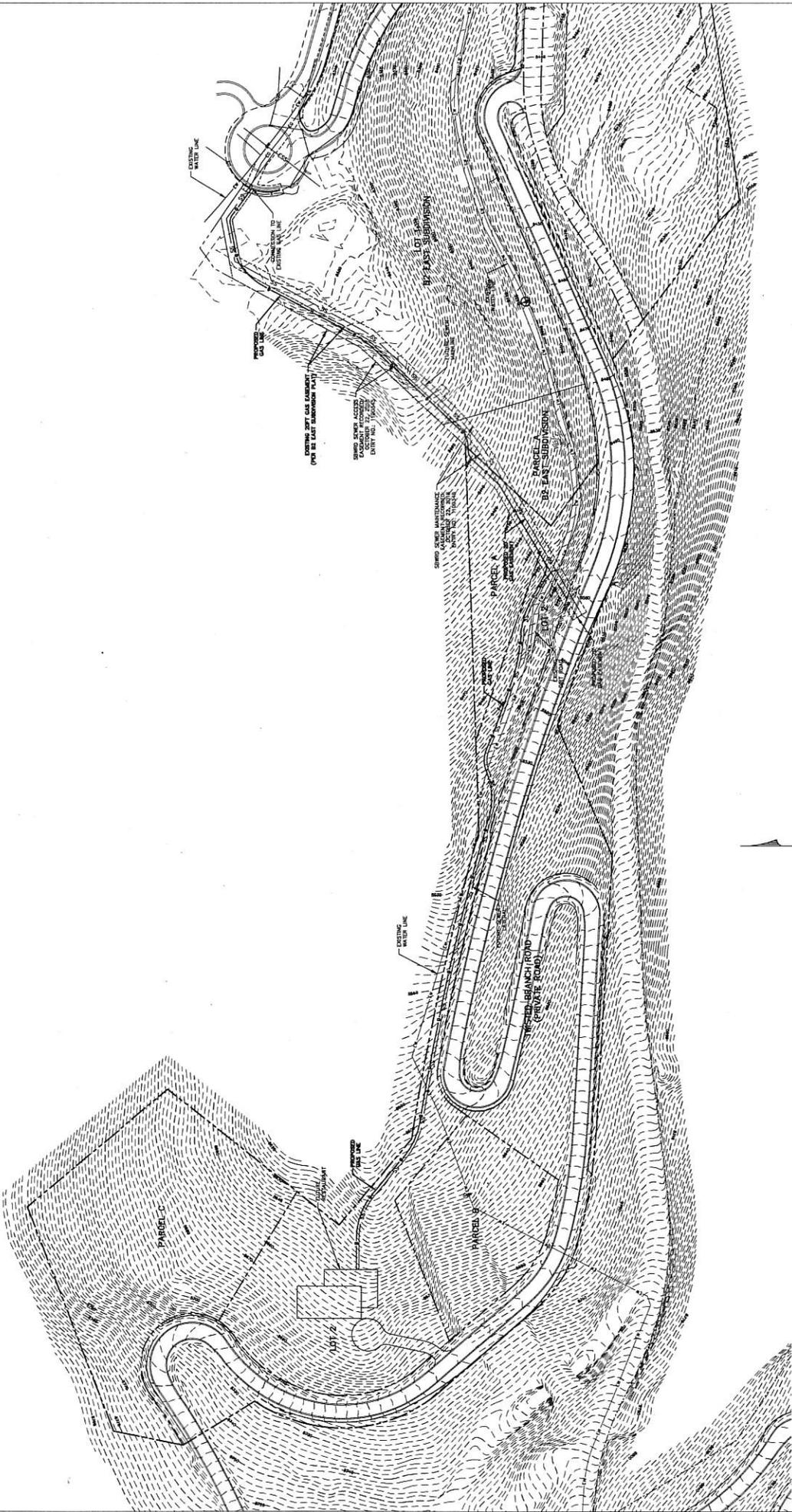
Please contact Kevin Berkley with any questions.

Sincerely,

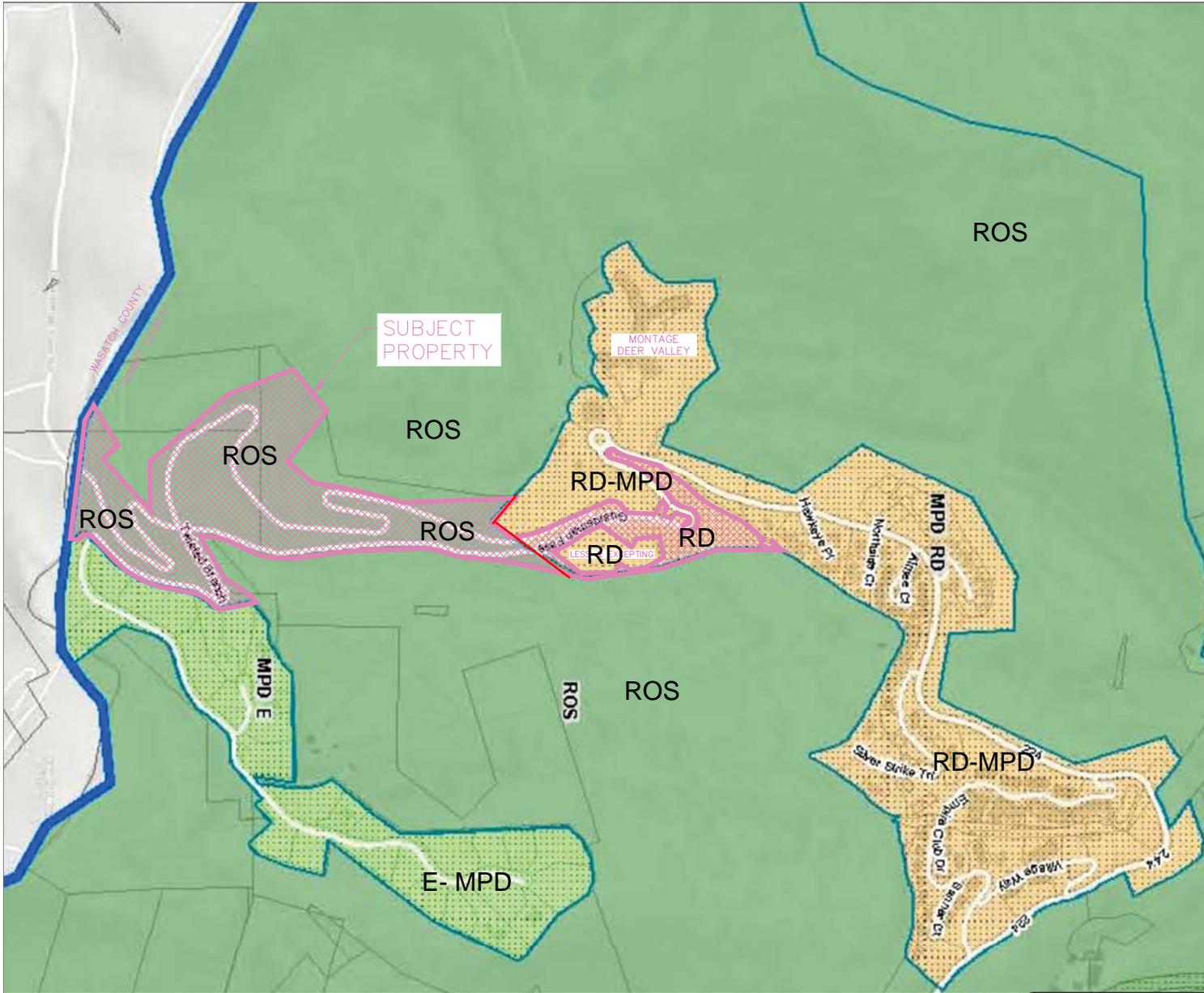
Bryan D. Atwood, P.E.
District Engineer

cc: Douglas Ogilvy, Clachan Development
Michael Demkowicz, Alliance Engineering
Project File

EXHIBIT I

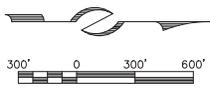


| | | |
|---|-------------------------------|--|
|  <p>(408) 464-4447 CONSULTING ENGINEERS LAND PLANNING SURVEYORS 222 1st Street, 1st. Fl., 2nd. Fl., 3rd. Fl., 4th. Fl., 5th. Fl., 6th. Fl., 7th. Fl., 8th. Fl., 9th. Fl., 10th. Fl., 11th. Fl., 12th. Fl., 13th. Fl., 14th. Fl., 15th. Fl., 16th. Fl., 17th. Fl., 18th. Fl., 19th. Fl., 20th. Fl., 21st. Fl., 22nd. Fl., 23rd. Fl., 24th. Fl., 25th. Fl., 26th. Fl., 27th. Fl., 28th. Fl., 29th. Fl., 30th. Fl., 31st. Fl., 32nd. Fl., 33rd. Fl., 34th. Fl., 35th. Fl., 36th. Fl., 37th. Fl., 38th. Fl., 39th. Fl., 40th. Fl., 41st. Fl., 42nd. Fl., 43rd. Fl., 44th. Fl., 45th. Fl., 46th. Fl., 47th. Fl., 48th. Fl., 49th. Fl., 50th. Fl., 51st. Fl., 52nd. Fl., 53rd. Fl., 54th. Fl., 55th. Fl., 56th. Fl., 57th. Fl., 58th. Fl., 59th. Fl., 60th. Fl., 61st. Fl., 62nd. Fl., 63rd. Fl., 64th. Fl., 65th. Fl., 66th. Fl., 67th. Fl., 68th. Fl., 69th. Fl., 70th. Fl., 71st. Fl., 72nd. Fl., 73rd. Fl., 74th. Fl., 75th. Fl., 76th. Fl., 77th. Fl., 78th. Fl., 79th. Fl., 80th. Fl., 81st. Fl., 82nd. Fl., 83rd. Fl., 84th. Fl., 85th. Fl., 86th. Fl., 87th. Fl., 88th. Fl., 89th. Fl., 90th. Fl., 91st. Fl., 92nd. Fl., 93rd. Fl., 94th. Fl., 95th. Fl., 96th. Fl., 97th. Fl., 98th. Fl., 99th. Fl., 100th. Fl.</p> | STAFF: DEMONWICZ RYAN BELT | SHEET 1 OF 1 |
| | DATE: 11/30/18 | FOR: REDDUS JOB NO.: 3-7-17 FILE: N:\Empire\Reg\Redus\BIR & BEE utility conceptual.dwg |



Legend

- Park City Limits
- County Boundaries
- Sending Zones
- Receiving Zones
- Sensitive Lands (SLO)
- Frontage Protection Zone (FPZ)
- Entry Corridor Protection (ECP)
- Master Planned Development (MPD)
- Regional Commercial (RCO)
- Community Transition (CT)
- Estate (E)
- General Commercial (GC)
- Historic Commercial Business (HCB)
- Historic Residential (HR-1)
- Historic Residential (HR-2A)
- Historic Residential (HR-2B)
- Historic Recreation Commercial (HRC)
- Historic Residential - Low Density (HRL)
- Historic Res. - Medium Density (HRM)
- Light Industrial (LI)
- Protected Open Space (POS)
- Public Use Transition (PUT)
- Residential (R-1)
- Recreation Commercial (RC)
- Residential Development (RD)
- Residential Dev. - Medium Density (RD-M)
- Residential - Medium Density (RM)
- Recreational Open Space (ROS)
- Single Family (SF)
- Parcels



Allonge (435) 648-2487
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street, P.O. Box 2664, Park City, Utah 84060-2664

STAFF:
 MICHAEL DEMKOWICZ
 RYAN BEZ
 MARSHALL KING

ZONING EXHIBIT
 TWISTED BRANCH ROAD SUBDIVISION
 SECTIONS 28, 29, 32, 33, T2S, R4E, SLB&M
 FOR: REDUS PARK CITY LLC
 JOB NO.: 3-7-17
 FILE: X:\Empire\dwg\Exhibits\Twisted Branch Road-zoning exhibit.dwg

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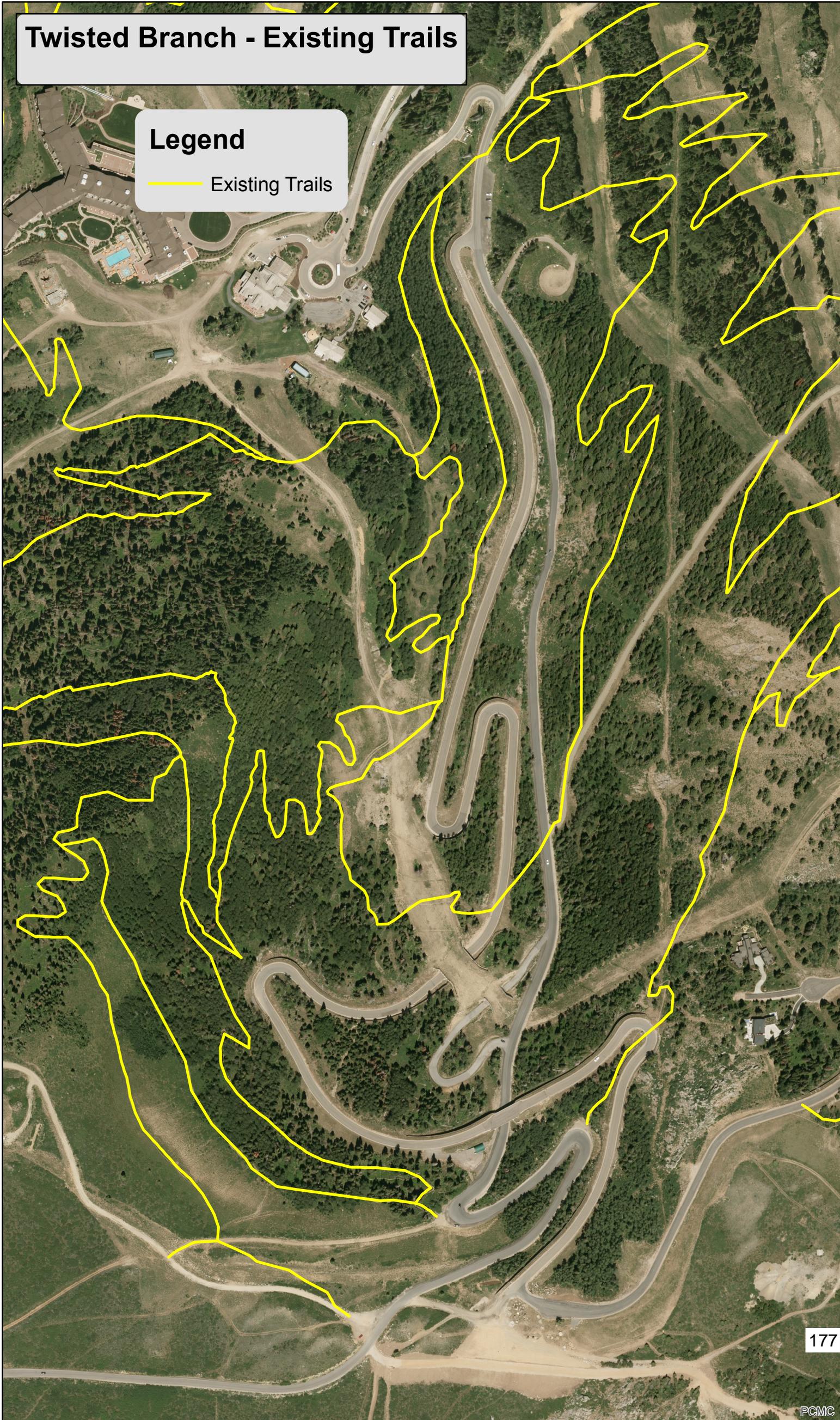
Exhibit K

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Twisted Branch - Existing Trails

Legend

— Existing Trails



PROPOSED PARCEL C TWISTED
BRANCH ROAD SUBDIVSIION
FOR FUTURE SKI RUN

FUTURE SKI RUN GRADING PLAN
SHOWN WILL REQUIRE 34,100
CUBIC YARDS OF FILL MATERIAL

3:1± GRADING
31% SLOPE

2.5:1± GRADING
40% SLOPE

PROPOSED LOT 2
TWISTED BRANCH
ROAD SUBDIVSIION
FOR FUTURE
RESTAURANT

GRADING PLAN SHOWN
WILL REQUIRE 27,000
C.Y. OF FILL MATERIAL

SAVE & PROTECT
TREES BETWEEN FUTURE
RESTAURANT AND SKI RUN

PROPOSED
LOT 2 TBR
SUBDIVSIION
FOR FUTURE
RESTAURANT

PROPOSED
HOT CREEK
RESTAURANT

20' FILL
3:1 & 4:1
GRADING

BLEND GRADING W
EXISTING SKI RUN

RANDONA SKI RUN

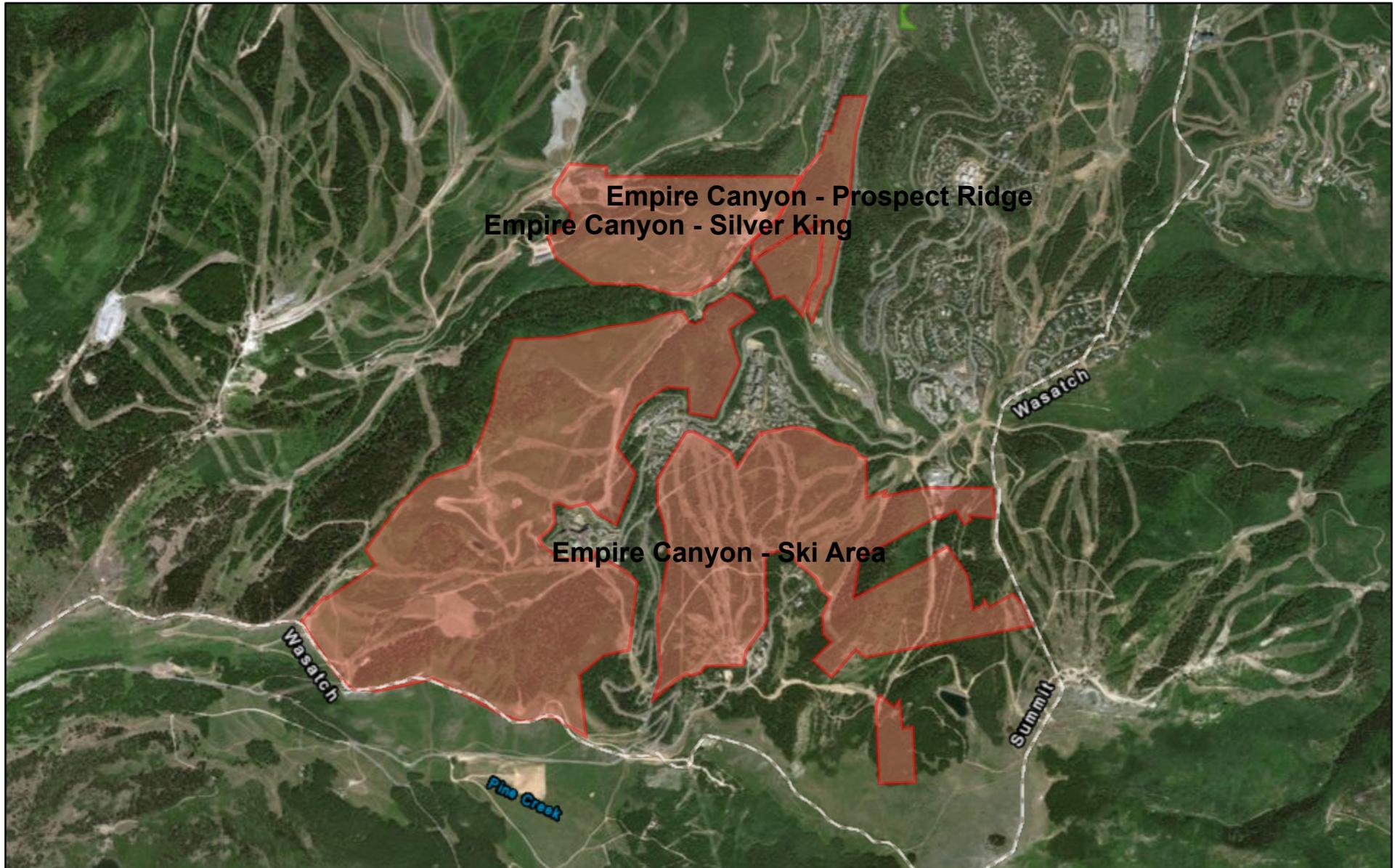


(435) 649-9487+PHONE
(435) 649-9475+FAX

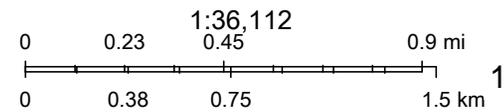
Alliance Engineering Inc

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Existing Conservation Easements Empire Canyon



May 4, 2018



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,

VOTE: The motion passed unanimously. Commissioner Kenworthy was recused.

Commissioner Kenworthy returned to the meeting.

2. **Twisted Branch Subdivision Plat – A Subdivision Plat for 4 lots of record for an on-mountain private restaurant, a City water tank, a City pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space; and existing SR 244, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area and Flagstaff Mountain and Empire Pass Development Construction Mitigation Plan amendments regarding clean excavation materials stockpiling and depositing and construction traffic routing. (Application PL-18-03664)**

Planner Kirsten Whetstone reviewed the request for Planning Commission discussion on a final subdivision plat for four lots and eight open space parcels; as well a private Twisted Branch, which already exists, and State Road 224 that traverses this property. Planner Whetstone noted that the property is located from the Montage where Marsac Avenue ends as platted to the Summit County/Wasatch line, which is adjacent to the Red Cloud subdivision at Pod D. Planner Whetstone noted that the property is entirely within and subject to the Flagstaff Annexation and Amended Development Agreement. It is located in the RD, the lower portion, and the ROS zones. All of the property is within the City boundary.

Planner Whetstone reiterated that the plat would create four lots. She provided a color-coded version of the site. The blue indicated the lots that were being created. Lot 1 would be a private warming shelter as an accessory use to the Empire Club. Lot 2, which is accessed off of Twisted Branch Road is the proposed location of the private on-mountain beano style restaurant, which is specific to the Development Agreement. The existing City water tank is located on Lot 3. Lot 4 is the existing City pump station.

Planner Whetstone noted that the parcel identified as 5 would actually be Parcel H and identified in green on the revised plan. The green color identified the parcels. She indicated the open space parcels. Parcel C is the location proposed for the excavated soil in the construction mitigation plan.

Planner Whetstone stated that Twisted Branch Road and SR224 were identified in pink. Twisted Branch is private and provides access from the different pods of the Village up to Pod D, which is also part of the Flagstaff Development Agreement. State Road 224 is described as existing pavement. It is edge oil to the center line of the ditch on the uphill side.

Planner Whetstone reported that there were no lots for residential or commercial density. No Unit Equivalents are assigned by the Development Agreement or by this plat. Density was not allocated to any of these lots or parcels, except for the private on-mountain restaurant that is fully described in the Development Agreement.

Planner Whetstone reported that the intent of the Subdivision is to plat these lots and parcels in compliance with the Land Management Code and the Development Agreement, and address cleaning up the remnant parcels that resulted from the foreclosure. She stated that the plat maintains its status quo in terms of access from Twisted Branch Road as a private road, as well as the State Route 224. It is consistent with the Flagstaff Development Agreement and the LMC.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the application, and provide direction to the Staff and the applicant regarding the five items outlined on page 93 of the Staff report. Planner Whetstone noted that the construction mitigation plan was primarily for the infrastructure.

Doug Ogilvy, representing the applicant, stated that everything west of this is in the conservation easement parcel formerly conveyed to Deer Valley. Two small portions that were recently conveyed to Deer Valley were not in the conservation easement. Everything to the east is the east conservation parcel plus the Red Cloud plat. They are required to keep their export on site. The original Daly West site is down and they were taking this opportunity to identify where they can place fill in manner that is suitable and compatible with the surroundings. The restaurant site sites 25' lower than the adjacent ski run. Thought has been given to bring that site up to grade with the ski run and build a restaurant on finished grade. The restaurant was identified in the Development Agreement but it did not identify the restaurant location. With this application they were identifying Lot 2 as the restaurant site. The entrance to Red Cloud Talisker Club is historically staged. Under the sale of that land from REDUS to the City, Talisker Club retained a lease hold in Bonanza Flat as a place that club members can stage to. Last fall a small yurt was constructed as a staging place where members can suit up to go into the back country. This plat creates a lot for that purpose and it will be formalized as a conditional use permit rather a short-term administrative CUP. The City parcels were self-explanatory and the City asked that they be included on the plat.

Mr. Ogilvy noted that Twisted Branch Road is an odd configuration and has very tight switchbacks. At the end of the hairpins there are opportunities for stockpiling snow. Rather than tightly platting it, they recognized that it would not be used except for

stockpiling snow so they made it the entire parcel. That was the reason why the parcel was oddly shaped.

Mr. Ogilvy clarified that the intent of this application was to clean up the last piece of Empire Pass under the Flagstaff Development Agreement. Because it was a confusing plat, the applicant thought it was better to bring it forward as a discussion this evening, as opposed to the requesting a vote the first time the Commissioners had the opportunity to see it.

Chair Band opened the public hearing.

Mark Fischer stated that he was the President of the Brighton Estates Property Owners Association. He has been going up there long enough to remember that in the 1997-1998 timeframe, the senior management of Deer Valley worked with their lead at that time, Rodney Powell. Deer Valley agreed to allow the expansion into Empire Pass because they recognized their rights. In return, once Twisted Branch Road was built they were to be placed on this road. Mr. Fischer stated that based on documentation on UDOT letterhead, they were supposed to be on the road when it opened, which was in the early 2000s. It got complicated when Talisker came in and there were financial problems. It is now with REDUS. Mr. Fischer empathized with Wells Fargo and REDUS because they were not there during the time these agreements were made. Mr. Fischer stated that he was here this evening because he would like to look at this project holistically. He pointed out that they were not asking for anything more than what they were promised. They were only trying to get what they were promised. Mr. Fischer stated that he is a member of the Talisker Club and these were all his friends and he was not trying to upset anyone. His intent was to have this issue either included in this agenda item or as a new agenda item that specifically addresses what was supposed to happen. Mr. Fischer had his real estate attorney review the Staff report and he read a few of his comments into the record. "We've carefully reviewed the Staff report and have a few questions that we hope you can help us with. Condition of Approval #8 requires an irrevocable offer from the applicant to dedicate Twisted Branch Road for public use as a roadway. But nothing in the proposed conditions or in the Staff report says anything about when the City will accept that dedication and make Twisted Branch a public road. The Brighton Estates Property Owners Association started an effort to enforce what it believes to be a binding agreement to allow its members to use Twisted Branch instead of SR224 for year-round and specifically winter access to Brighton Estates, dating back to when it was supposed to occur, which was about 2003". Mr. Fischer noted that Tom Daly has all the letters and information. "If this application is approved, the City will be in a position to help solve the problem of winter access to Brighton Estates. What can you tell us about when Twisted Branch will become public? How do we move forward with this discussion in a productive

manner, recognizing that we're hoping for a win/win for all parties involved? We have a related question regarding the connection of Twisted Branch and Guardsman Pass Road. Condition of Approval 9U refers to the language in the Amended Flagstaff Development Agreement, which states that Twisted Branch may be converted to a public road from the point of departure of SR224 to the Summit/Wasatch County Line. But there is nothing specific about how going to or coming from the Wasatch County will get to Twisted Branch and Guardsman Pass". Mr. Fischer remarked that it was a 200-foot area that was put in the Flagstaff Agreement that would require both Park City Municipal and Wasatch County to come together in a document and agree before these two roads could be connected. He stated that this is important because the 200-foot connection then allows access down into Wasatch County, past the Girl Scout Camp Y, and into Brighton Estates. "Planning Director Erickson mentioned on the radio the other day that there is a connection near the top of the pass, but currently there is no physical connection. It seems we need something in the conditions of approval requiring the applicant to ensure there is a connection between Twisted Branch and Guardsman Pass Road; otherwise turning Twisted Branch into a public road does not make because it is a dead-end". Mr. Fischer reiterated that his intent this evening was to give Brighton Estates a voice by either becoming part of this agenda item or to create a new agenda item that is very specific to resolving this problem. Mr. Fischer thought it was a reasonable request because in the past SR224 went way above the bottom of the north side chair lift. That road was abandoned and the developer built a new road below the north side chair lift and below the Grand Lodge. At that time, they were parking snowmobiles at the horse corral below the Stein Eriksen Lodge. It added two miles of travel to their journey to reach their property. The second inconvenience occurred in the location of the Bandana Ski Run. They were put through a substandard hut type tunnel that was since replaced with a small concrete tunnel because it was only meant to be use three to five years. Twenty years later they are still using this tunnel which is avalanche prone and the grades are not safe. Mr. Fischer remarked that the third inconvenience was a fly-over bridge over the State Highway above the Bandana Ski Run. He stated that in return for these give and take things they were to be put on the new road free of charge because they enabled, without public dispute, the whole expansion of the Deer Valley Ski Resort to occur, as well as hundreds of millions of dollars of development and entitlements that the developers received. For that reason, they were supposed to pay for the road.

Mr. Fischer remarked that it was a long and complicated story and he would like to find a way to engage with the City in a professional manner in an effort to move this agenda item forward. He had no intention of trying to harm this applicant or do anything to delay their activity. He only requested that the City take a serious look at the situation he was bringing forth on behalf of the Brighton Estates Property Owners.

Chair Band closed the public hearing.

City Attorney Harrington offered to work on providing answers to Mr. Fischer's questions in the next Staff report.

Chair Band addressed some of the issues for discussion on page 93 of the Staff report. Planner Whetstone explained that it started as a two-lot plat that goes straight to a final plat. However, because the City had property surrounding their property those lots were added and it became a four-lot plat. Other than platting the City property, nothing else had changed. The Staff was recommending that the final plat was a sufficient step. Chair Band was comfortable with the waiver of the preliminary plat process and the analysis. She thought the mitigation was satisfactory. She had no issues with the draft Findings. Commissioner Thimm

MOTION: Commissioner Hall moved to CONTINUE the Twisted Branch Subdivision to July 11, 2018. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. **Park City Heights Subdivision – Amendment to subdivision phasing plan. (Application PL-17-03552)**

Planner Whetstone reported that the Staff was recommending that the Planning Commission conduct a public hearing and Continue this item to July 11th, to allow the Staff time to review a few of the items internally.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the Park City Heights Subdivision Amendment to the subdivision phasing plan to July 11, 2018. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

4. **Daly Delight Plat Amendment at 180 & 182 Daly Avenue - The applicant intends to create a two (2) lot subdivision two platted lots and vacated Anchor Avenue. In addition, a portion of the property will be dedicated to**

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (“Agreement”) is made and entered into effective as of the ___ day of _____, 2019, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and body politic (“City”), and EMPIRE PASS MASTER OWNERS ASSOCIATION, INC., a Utah nonprofit corporation (“Association”), each a “Party” and collectively the “Parties” herein.

Recitals

A. The area known as Empire Pass (“Empire Pass”) is a residential mountain development located in Park City, Summit County, Utah, a portion of which is located within the boundaries and jurisdiction of the City.

B. Empire Pass is governed by the covenants, conditions, and easements set forth in that certain *Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass* recorded on December 14, 2004 as Entry No. 719855 in Book 1666 at Page 1054 in the records of the Summit County Recorder, as amended and supplemented from time to time (collectively, “Declaration”). The Association is a Utah nonprofit corporation organized to administer and enforce the terms of the Declaration and to exercise the rights, powers, and duties set forth in the Declaration.

C. Development within Empire Pass is governed by that certain *Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn’s Junction Parcel, and Iron Mountain* entered into by and between United Park City Mines Company, Deer Valley Resort Company, and Park City Municipal Corporation, a third class city of the State of Utah, and recorded on March 2, 2007, as Entry No. 806100 in Book 1850 at Page 1897 in the records of the Summit County Recorder, as amended or supplemented from time to time (“Development Agreement”).

D. The Development Agreement required the Developer, as such term is defined in the Development Agreement, to develop a Historic Preservation Plan, which said 127 page Historic Preservation Plan was prepared by SWCA, Inc., on August 2000 and is entitled, *Historic Preservation Plan for Flagstaff Mountain Association, Park City, Summit County, Utah*, as amended or supplemented from time to time including by that certain *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)(collectively, the “Historic Preservation Plan”). The *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)(“Exhibit 6”) identified historic preservation work needed at 21 historic mining sites within the Flagstaff Mountain Annexation Boundary and specified that the master homeowner association was responsible for maintaining any site that was not part of an ongoing operation.

E. The Parties desire to enter into this Agreement to set forth a plan for the Association to address the Maintenance, as defined herein, needs of certain historic mining sites thereby satisfying the requirements of the Historic Preservation Plan for the time periods set forth herein.

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual covenants set forth herein, the Parties agree as follows:

1. Recitals. The Recitals A through E are incorporated herein and made a part hereof.

2. Definition. As used herein, the term “Maintenance” or “Maintain” shall mean the maintenance work required to stabilize a structure to arrest decay but not to stop a structure’s decay completely. The term “Maintenance” or “Maintain” does not require that any work be performed to make a structure habitable or compliant with any code, regulation, statute, or law. The term “Maintenance” or “Maintain” refers to recommended repairs, stabilization and public protection options in Exhibit 6, and does not require that a structure be restored to habitability.

3. Payments. Association agrees to cause the following payments to be made, within 30 days of execution of this Agreement as follows:

(a) To Park City Museum & Historical Society, the amount of Sixty-Five Thousand Dollars (\$65,000), to reimburse the society for amounts expended in preserving the Little Belle Mine Ore Bin facilities in summer 2018.

(b) To City, from Storied Deer Valley LLC, a Delaware limited liability company (“Storied”), and Redus Park City, LLC, a Delaware limited liability company (“Redus”), the amount of Forty Thousand Dollars (\$40,000.00) each, for a total of Eighty Thousand Dollars (\$80,000.00), to be held by City in escrow for costs incurred by the Association in completing the roof stabilization and related structure protection work at the Judge M + S building during the summer of 2019, and other priorities identified by the Director and agreed to by the Association.

(c) The escrow described in Subsection 3(c) shall be distributed to Association, by City, within 14 days of Association supplying City with evidence of paid invoices for work performed on the Judge M + S building, and other priorities identified by the Director and agreed to by the Association.

4. Process for Determining Maintenance Work to Be Done on Sites. From 2019 through 2029, the Association agrees to meet with the City’s staff (“Staff”), at a minimum, once a year, on or before each March 1st (the “Annual Meeting”) to discuss prior construction season’s Maintenance work and project prioritization and scope of any Maintenance work (“Scope of Work”) to be done during the upcoming construction season on any historic mining sites identified on Exhibit 6, with a priority being those projects identified on Exhibit “A” hereto (“Sites”). The Parties acknowledge that the Sites upon which it was mutually agreed that Maintenance work would take place are not located on land owned by or under long term lease to the Association. Notwithstanding any other provision of this Agreement to the contrary, the Parties agree that this Agreement shall be applicable to those Sites to the extent that legal access is provided to the Association, and as may be required to permit the Association to satisfy its obligations hereunder.

(a) At each Annual Meeting, the Parties shall discuss, at a minimum, the following:

- (i) Review of the process, timeline and costs associated with the most recent construction season’s project(s);
- (ii) Determination of Scope of Work, process, responsibility and timeline for documenting and recording the project’s work;
- (iii) Determination if additional work is needed for the following year for the recently maintained, stabilized or completed Site(s);
- (iv) Review of potential need to secure any Sites to which no Maintenance work has been done in order to deter vandalism, damage or destruction, or to stabilize such Sites;

- (v) Assessment of remaining funds and identification of funding strategies for the next year's budget;
- (vi) Review and update of projects and Sites;
- (vii) Preparation by the Staff, after consultation with the Association, of an annual report to the Community Development Director;
- (viii) The results of City inspection of the Sites to evaluate their condition and potential work to be performed;
- (ix) Selection of projects for upcoming construction season;
- (x) Communication and coordination, as necessary, with the Friends of Ski Mountain Mining History ("FSMMH"); and
- (xi) Determination of the necessary permitting process, including timelines and responsible parties.

(b) After the completion of the meeting, the Parties shall agree on the Scope of Work to be done during the upcoming construction season.

5. Performance of Work on Sites.

(a) Upon the agreement by the Parties of the Scope of Work to be undertaken during each construction season, Association shall be responsible for project management, oversight and payment of contractors. Association shall provide City with project accounting at end of each construction season.

(b) Unless otherwise agreed in writing, the Association shall be the contracting party on the mutually agreed Maintenance work on the Sites. The Association may apply its customary policies, procedures and requirements, including without limitation, insurance and workmen's compensation requirements, to all contractors, subcontractors and materialmen working at a Site or accessing a Site through Empire Pass.

(c) In connection with, or prior to, any work being performed, the Association shall submit work plans and cost estimates to a City-employed individual designated by the Staff. Association shall be responsible for processing and payment of invoices for approved Scope of Work. In the event that any work is performed directly by Association, Staff shall review and approve any payments to Association from Maintenance Funds. At its option, the Association may also require lien/payment bond waivers from contractors paid from previous draw requests or disbursements (*e.g.*, lien waivers provided "in arrears"), in accordance with ordinary and customary construction practices.

6. Inspection, Maintenance, and Securing of Sites. The obligation to inspect the Sites for the purposes of this Agreement shall be upon the City, and the Association shall have no obligation to inspect or to monitor the Sites. Each construction season, Association shall diligently pursue the completion of Scope of Work agreed to in the Annual Meeting with Staff. To the extent funds on hand are not sufficient to pay for contemplated annual Scope of Work, the Association and City will agree on a revised "Scope of Work" and estimated cost budget for such Maintenance work for the upcoming year based on funds available, subject to the following terms and conditions:

(a) On an annual basis for ten (10) years, on or before May 1st each year, the Association shall contribute half of the annual amount required to establish a maintenance fund in the amount of Forty Thousand Dollars (\$40,000.00) (“Maintenance Fund”). In consideration of the Association entering into this Agreement, the City agrees to forego, annually, Twenty Thousand Dollars (\$20,000.00) of “Open Space/Transit Management Fee” (“OSTM Fee”) income owed to the City each year from transactions according to Section 7.15 of the Declaration. OSTM Fee income foregone by City shall be added to the Maintenance Fund and City shall allow the Association to utilize such OSTM Fee money for purposes of discharging the obligations described in this Agreement. The Association shall have the option, in its sole discretion, to pay all or a portion of its annual maintenance contribution in advance, and to credit the amount of prepaid maintenance contributions against the next year’s or years’ maintenance contributions that would otherwise be payable by the Association.

(b) The Association’s initial obligation to contribute towards the Maintenance Fund shall be ten (10) years from the first maintenance contribution by the Association. On or before the ninth (9th) anniversary of the first maintenance contribution by the Association, the Parties agree to meet to discuss future ongoing funding levels appropriate to continue to satisfy Association’s obligations under Exhibit 6 to the Development Agreement, and a possible extension of this Agreement in furtherance thereof. Unless otherwise agreed, the Association and City contribution shall automatically renew for an additional ten (10) years, provided that the total annual Maintenance Fund amount shall be reduced to \$20,000.00 (\$10,000 each) unless otherwise agreed by the Parties.

(c) The Association shall have the right, but not the duty, to spend monies out of the Maintenance Fund on other historical mining projects other than the Sites so long as such historical mining projects are located within the Flagstaff Annexation Boundary or Empire Canyon watershed and such expenditure is approved in advance by both the Association and the City. After the first ten (10) years, the Association shall have the right, but not the duty, to spend monies out of the Maintenance Fund for open space responsibilities, including funding for the Conservation Easement grantees [City and Summit Land Conservancy] consistent with express purposes of the OSTM pursuant to the Development Agreement, and Open Space Technical Report. The agreement of the Association to spend Maintenance Fund monies on projects beyond those required under the Development Agreement and Historical Preservation Plan shall in no way create any ongoing responsibility for ongoing involvement with such projects.

(d) Maintenance contributions made by the Association for these purposes during this ten (10) year period which are not spent for such purposes within the calendar year in which they are contributed will be carried over and combined with the maintenance contribution for the following year, to be applied toward the mutually agreed Scope of Work for the following year, so that yearly maintenance contributions can accumulate to fund larger Maintenance projects, if necessary. Maintenance contributions will be held by the Association in the Maintenance Fund, and disbursed to pay for work upon mutual agreement of the Association and Staff.

(e) Unless otherwise agreed in writing between the Parties, the Association shall be the contracting party for all required Maintenance work to be performed for the agreed ten (10) year period on Sites, and the Association may require such licenses, bonding, insurance and other conditions and requirements for third parties performing such work on behalf of the Parties as the Association customarily imposes on third party contractors working at Empire Pass. The City shall waive any permit, inspection and other fees applicable to work contracted for by the Association or the City pursuant to this Agreement. Nothing in the Association’s status as the “contracting party” shall impose any payment obligations or other financial liability on the Association, except as otherwise expressly set forth herein with respect to the maintenance contribution described above. The Association will use reasonable efforts to solicit three (3) quotes for any third party work and will inform the City Implementation Department of the status of any solicitation for work.

(f) Nothing herein shall be deemed to impose any obligation or legal liability on the Association for Maintenance of Sites, except as expressly provided in the Development Agreement/ Historic Preservation Plan and as mutually agreed between the Association and the City, and no ongoing obligations beyond those exist.

7. Obligations of the Parties. The Parties agree that no later than six (6) months after execution of this Agreement by the Parties, the Parties shall have worked in good faith to prepare and shall have executed an updated historic preservation plan identifying outstanding work requirements on the Sites (the "New Exhibit"). The update will take the form of an amendment to Exhibit 6, and require Planning Commission public hearing and approval, and a written acknowledgment of acceptance from both Parties.

8. Long Term Maintenance License(s) and Access Rights. Association and City shall make best efforts to secure long term maintenance and access rights required for Association to perform maintenance work on third party Sites as prescribed in Section 4 of this Agreement. Association will be the initial point of contact with applicable property owners.

9. Open Space Obligations. To clarify management responsibilities assigned under Section 4.4 of *Flagstaff Mountain Resort Open Space Management Plan, Exhibit 5* dated May 2001 (and subsequently Revised and Approved December 2001)("Exhibit 5"), the Parties hereby agree and acknowledge that the Association is only responsible for managing any open space areas owned by the Association.

10. No Assumption of Environmental Liability. Nothing in this Agreement or in the Association's acting as contracting party for any of the work contemplated by this Agreement, shall be deemed an assumption of, or impose any liability on the Association, financial or otherwise, for any environmental remediation or clean-up related to the Sites, or the pre-existing conditions thereon.

11. Due Authorization and Execution. Each Party hereto represents and warrants to the other Party that execution and delivery of this Agreement has been duly authorized by all necessary action.

12. Successors and Assigns. The terms, covenants and conditions of this Agreement shall be binding on and inure to the benefit of the successors and assigns of the Parties.

13. Notices. All notices under this Agreement must be in writing and delivered to the notice address below (i) by registered, express, or certified mail, (ii) by courier or messenger service, or (iii) by electronic mail with acknowledgement of receipt. Notice is deemed given on the date delivered or attempted but delivery is refused.

If to the Association:

Empire Pass Master Owners Association, Inc.
Attn: President
4188 SR 248
P.O. Box 99 Kamas, Utah 84036

With a copy to:

Douglas C. Shumway, Esq.
Miller Harrison Lawyers
50 W. Broadway, Ste 450
Salt Lake City, UT 84101

If to the City:

Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060
Attention: Planning Department

With a copy to:

Park City Attorney's Office
PO Box 1480
Park City, Utah 84060

Either Party may change its addresses for notices pursuant to a written notice which is given in accordance with the terms hereof. The foregoing notice requirements are subject to the provisions below. As used herein, the term "business day" shall mean any day other than a Saturday, a Sunday, or a legal holiday for which U.S. mail service is not provided. Whenever any date or the expiration of any period specified under this Agreement falls on a day other than a business day, then such date or period shall be deemed extended to the next succeeding business day thereafter.

14. No Third Party Beneficiaries. Nothing in this Agreement is intended to create an enforceable right, claim or cause of action upon any third party that is not a Party to this Agreement, with the exception of the intended third party beneficiaries Redus Park City LLC and Storied.

15. Miscellaneous.

(a) Counterparts; Facsimile Transmission. This Agreement may be executed by facsimile and/or in any number of counterparts, any or all of which may contain the signatures of less than all the parties, and all of which shall be construed together as but a single instrument and shall be binding on the parties as though originally executed on one originally executed document. All facsimile counterparts shall be promptly followed with delivery of original executed counterparts.

(b) Due Authorization and Execution. Each Party represents and warrants to the other Party that execution and delivery of this Agreement have been duly authorized by such Party, and that this Agreement is valid and binding upon such Party. This Agreement is subject to approval by the City Council within forty-five (45) days of execution.

(c) No Partnership. The parties do not by this Agreement, in any way or for any purpose, become partners or joint venturers of each other in conduct of their respective businesses or otherwise.

(d) Severability. If any clause or provision of this Agreement shall be held to be invalid in whole or in part, then the remaining clauses and provisions, or portions thereof, shall nevertheless be and remain in full force and effect.

(e) Waivers and Amendments. No provision of this Agreement may be waived to any extent unless and except to the extent the waiver is specifically set forth in a written instrument executed by the Party to be bound thereby. This Agreement may be amended or modified only by an instrument to that effect executed by the parties hereto, and only to the extent expressly set forth therein.

(f) Captions. The captions of each section are added as a matter of convenience only and shall be considered of no effect in the construction of any provision of this Agreement.

(g) Attorneys' Fees. If any Party hereto shall bring any suit or action against another for relief, declaratory or otherwise, arising out of this Agreement, the prevailing Party shall have and recover against the other Party, in addition to all court costs and disbursements, such sum as the applicable court may adjudge to be reasonable attorneys' fees.

(h) Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Utah.

(i) Time of the Essence. Time shall be of the essence with respect to the performance and observance of the covenants, agreements, terms, conditions and provisions set forth herein.

(j) No Default. Upon their execution of this Agreement, the Parties each acknowledge and agree that neither the Association, nor Redus, nor Storied are in Default under the Historic Preservation Plan. So long as the Parties perform the obligations set forth in this Agreement, including diligently pursuing any additional maintenance or preservation work identified in the New Exhibit with available funding from the Maintenance Fund, there shall be no default under the Historic Preservation Plan.

(k) Interpretation of this Agreement. The Parties agree that the purpose of this Agreement, with its New Exhibit, shall be to modify, clarify and implement the Historical Preservation Plan and to confirm the responsibilities for implementation of the preservation purposes described in the Development Agreement.

[Remainder of page intentionally left blank]

[Signatures on following pages]

EXECUTED AS OF THE DATE FIRST WRITTEN ABOVE.

“CITY”

Park City Municipal Corporation, a Utah
municipal corporation and body politic

By: _____
Mayor

“ASSOCIATION”

EMPIRE PASS MASTER OWNERS ASSOCIATION,
INC., a Utah non- profit corporation

By: _____

Attest:

By _____
City Recorder

Approved as to Form:

By _____
City Attorney’s Office

EXHIBIT "A"

SITES-

a) *Judge Mining & Smelting Company Office*. Because this structure is owned by a third party, any Maintenance required on this structure is contingent on the Association having secured easements from the third party owner to perform such Maintenance work. The Parties will work together to determine the scope of the required roof repair and other required Maintenance efforts.. The Parties agree that the Association's Maintenance efforts will be limited to the building structure, and that the Association shall not be required to restore the interior in any way or to pursue any adaptive reuse of this structure.

b) *Daly West Mine Fire Hydrant Shacks*. The Parties hereby agree that this structure is still in good condition. There is no apparent need for immediate work other than ongoing Maintenance. Because this structure is owned by a third party, any Maintenance required on this structure is contingent on the Association having secured easements from the third party owner of the structure to perform such repair work.

c) *Little Bell Mine Ore Bin*. The Parties hereby agree that this structure is still in good condition. There is no apparent need for immediate work other than ongoing Maintenance. Because this structure is owned by a third-party, any maintenance required on this structure is contingent on the Association having secured easements from the third-party owner of the structure to perform such repair work.

d) *Interpretive Signs*. The Parties hereby agree that the Association shall install, maintain, and replace those interpretive signs agreed to by the Parties in fulfilment of interpretive signage obligation in the Historic Preservation Plan.

LICENSE
[Bandana Tunnel]

THIS LICENSE (this "License"), is made this 30th day of October, 2018, (the "Effective Date"), by REDUS PARK CITY LLC, a Delaware limited liability company ("Licensor"), and provided to those permittees of the Utah Department of Transportation ("UDOT") allowed seasonal access south of SR 224 from the winter closure gate by written permit issued by UDOT (each a "Licensee").

RECITALS

A. Licensor owns certain real property in Summit County, Utah (the "Licensor Property") on which a seasonal bypass has been located to facilitate winter access closing on SR 224 and around Deer Valley Ski Resort ski run named Bandana.

B. Licensor desires to grant to Licensee a temporary nonexclusive license to use that portion of the Licensor Property depicted on Exhibit A attached hereto as the "Bypass Route" (the "License Area"), in accordance with the terms and conditions set forth herein.

LICENSE

NOW THEREFORE, in consideration of the foregoing recitals and the terms set forth herein, Licensor hereby declares and states as follows:

1. License. Licensor hereby grants to Licensee(s) a license (the "License") to use the License Area for the sole purpose of diverting from State Road 224 ("SR 224") and travelling around Deer Valley Resort's Bandana ski run, which crosses a portion of SR 224 as shown on Exhibit A, and to return to SR 224. Any use of the License Area is non exclusive and shall be done at the risk of Licensee and those travelling with Licensee. Only over the snow or other vehicles allowed by UDOT shall be allowed through the License Area.
2. Term. Unless earlier terminated in accordance with this License, the License shall commence on the Effective Date and shall continue for a period of one (1) year (the "License Term"). Upon expiration of the License Term, the License shall automatically renew for successive periods of one (1) year each (each an "Extension Term"), under the same terms and conditions set forth herein unless Licensor delivers written notice of termination to the Licensee not less than one (1) month prior to the expiration of the Term or Extension Term, as the case may be. Further, this License shall terminate upon an uncurd event of default or upon termination or revocation of UDOT's permit to any Licensee.
3. No Representations. Licensee accepts the License Area "AS IS, WHERE IS", including any and all defects, patent, latent or otherwise, with no representation or warranty whatsoever by Licensor as to the fitness, suitability, habitability, or usability of the License Area. Licensor intends to avail itself of the protections offered under Utah law for the use of recreational properties and other acts providing liability protection.
4. Maintenance: Damage. During the License Term, Licensee shall be solely responsible to maintain in good order and repair the License Area, to clean-up any debris resulting from its use thereof, and to pay for any damage caused by Licensee, and its guests, patrons, or invitees.
5. No Alterations or Liens. Licensee shall not make or allow any other person to make any alterations to the License Area or to any improvements on it without the advance written consent of Licensor. Licensee shall keep the License Area free and clear from liens, claims, and demands for work performed, material furnished, or operations conducted on the License Area.

6. No Assignment. Licensee may allow others who are travelling with Licensee to use the License Area consistent with this License, but Licensee may not encumber, assign, sublease, or otherwise transfer the License without Licensor's prior written approval, which may be granted, conditions, or withheld in Licensor's sole discretion.

7. Default. If Licensee fails to observe and perform its obligations under this License, then the Licensor may provide written notice of such failure, including a written description of the breach, and the Licensee shall have fourteen (14) days after receipt of written notice to cure such failure or breach. An uncured failure or breach shall constitute an event of default under this License.

8. Miscellaneous. This License together with Exhibit A attached hereto constitutes the entire License pertaining to the access through the License Area. Use shall constitute acceptance of the terms of the License. No subsequent addition, deletion, or other amendment to this License shall have any force or effect unless embodied in a written amendment or other agreement properly executed by the Licensor.

IN WITNESS WHEREOF, this License has been executed as of the Effective Date.

LICENSOR:

REDUS PARK CITY LLC,
a Delaware limited liability company

By: Redus Properties, Inc.,
a Delaware corporation

Its: Manager

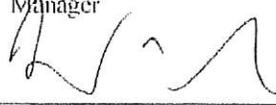
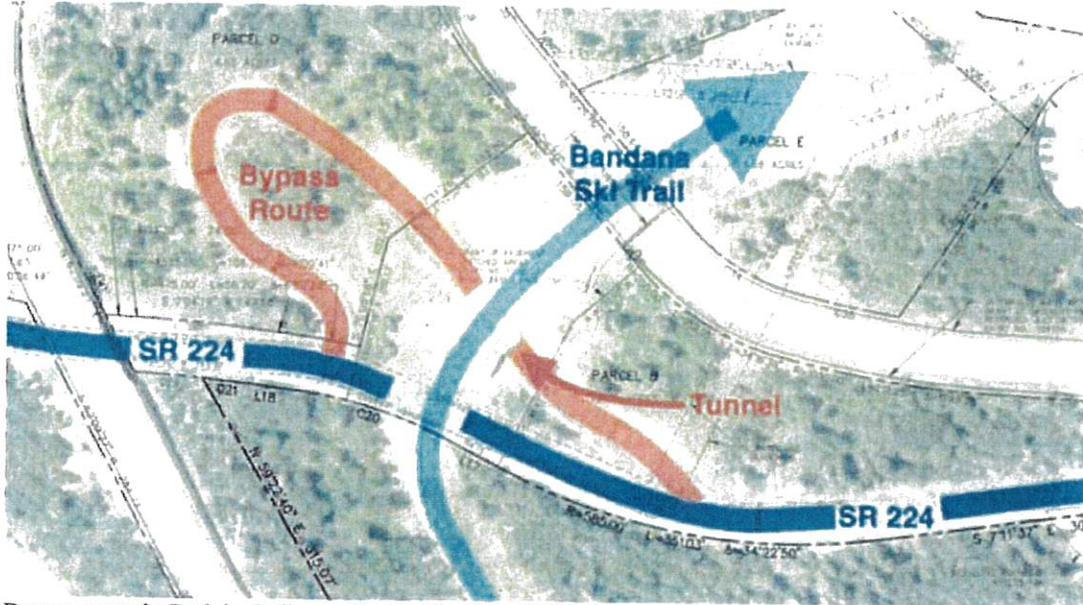
By: 
David L. Ash, Senior Vice President

EXHIBIT A
[Depiction of the Licensor Property and License Area]



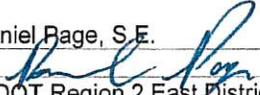
Bypass route in Red, including under the Bandana Ski Trail

CONSENT

Utah Department of Transportation, an agency of the state of Utah, hereby consents to the foregoing License and Licensee's use of the License Area as set forth in the above License, in accordance with permits to which Licensee(s), and not Licensor, is/are a party.

UDOT:

UTAH DEPARTMENT OF TRANSPORTATION,
a division of the state of Utah

By: Daniel Page, S.E.
Name: 
Its: UDOT Region 2 East District Engineer

Approved as to form:


Renee Spooner, Esq.
Assistant Attorney General – Counsel to Utah Dept. of Transportation

ENCROACHMENT PERMIT



PERMIT MUST BE AVAILABLE FOR REVIEW & INSPECTION AT ALL TIMES AT THE PERMITTED WORKSITE

| GENERAL PERMIT INFORMATION | | | | | | |
|--|--|---------------------------|------------------------|-------------------------------------|------------|---|
| Issuance Date | UDOT Region | Inspection Billing Number | | W.O. Number (applicant-provided) | | OLP Application ID |
| 8/7/2018 | Region 2 | C-19 | | | | 87065 |
| State Route | Milepost Start | Latitude | Longitude | City | County | Worksite Address |
| 0224 | 0 | | | OUTSIDE CITY LIMITS | SUMMIT | MP 0 to MP 1 of SR 224 Park City UT 84060 |
| Permittee Information | Permittee Name | | | Permittee Address | | |
| | Brighton Estates POA / Pine Canyon POA | | | PO Box 1021, Park City, Utah, 84060 | | |
| | Primary Contact Name | | Primary Phone | Email | | |
| Work Being Performed for | Matthew Meinhold | | (435) 640-3005 | m_meinhold@hotmail.com | | |
| | Company Name | | Primary Phone | Email | | |
| Brighton Estates POA / Pine Canyon POA | | (435) 640-6858 | mark@fischernet.com | | | |
| Emergency Field Contact | Contact Name | | Primary Phone | Email | | |
| Matt Meinhold | | (435) 640-3005 | m_meinhold@hotmail.com | | | |
| PROJECT DESCRIPTION (Applicant-Provided) | | | | | | PERMIT FEE PAID |
| Brighton Estates Property Owners Association, will be plowing State Highway 224 from mile point 0.9 on the Park City side, to mile point 0 and continuing over the summit of Empire Pass to Wasatch County to provide winter access for it's members and the members of the Pine Canyon Property Owners Association. | | | | | | |
| | | | | | | \$0.00 |
| | | | | | | SULA Confirmation Number |
| PERMIT AUTHORIZATION TIME-FRAMES | | | | | | |
| Start | 10/01/2018 | Expires | 05/31/2019 | Total Day Count | | 242 |
| Work Only Authorized On: | Mondays | Y | Tuesdays | Y | Wednesdays | Y |
| | Thursdays | Y | Fridays | Y | Saturdays | Y |
| | Sundays | Y | | | | |
| <input type="checkbox"/> | Applicant must refer to the TC&L table (p.2 of this permit) for specialized day and time authorization instructions. | | | Start Time: | | Completed By: |
| | | | | Start Time: | | Completed By: |
| PERMIT ACTIVATION REQUIREMENT | | | | | | |
| This permit MUST BE activated 24-hours before work is commenced within UDOT's right-of-way. Please email the following individual 24-hours before work will start. Please make the email subject line as follows: 'Permit Activation Notice (insert App ID No. below)' | | | | | | |
| Dan Wilding 801-910-2051 | | dwilding@utah.gov | | (801) 910-2051 | | 87065 |

An Encroachment Permit is hereby authorized subject to Utah Administrative Code R930-6, R930-7, and any other applicable laws or regulations. By performing the activities authorized by this permit, the permittee agrees to strictly comply with all permit terms, conditions, and limitations (TC&L's), including any attachments submitted with the application. Failure to abide by all permit TC&L's, or any term set forth by this permit, is grounds for immediate verbal stop work order, written stop work order, permit revocation, the restriction of future permits, or other legal or equitable remedies.

In the event work is commenced under this permit and the permittee fails or refuses to complete the work, including performing standard work, UDOT may, at its discretion, order the permittee to stop work and UDOT may correct any deficiencies or otherwise complete the permitted work at the expense of the permittee. Upon the receipt of an invoice for any costs, including all inspection costs, incurred by UDOT, the permittee shall immediately pay the amount due. If an action is required to be filed in court to collect the amount due, the permittee shall be liable for UDOT's costs and fees, including attorney fees. The permittee will strictly comply with the traffic control standards and warn the public of said work within UDOT's right-of-way to protect the traveling public and all personnel authorized within the permitted work zone. When traffic control is required, the permittee will not pre-stage any vehicles, equipment, personnel, or materials within any portion of UDOT's right-of-way until the required traffic control is in place. By accepting this permit, the permittee shall defend, indemnify, and hold harmless UDOT, its employees, consultants, contractors, agents, and the State of Utah, from all damages or claims, including attorney fees, arising out of the work performed under this permit by permittee, permittee's employees, agents, consultants, contractors, or subcontractors.

| | | |
|-----------------------------|---------------|----------------------------|
| Authorizing Name (printed): | Shane Safford | Authorizing Name (signed): |
|-----------------------------|---------------|----------------------------|

ENCROACHMENT PERMIT



Listed Subcontractors

PERMIT APPLICATION DETAILS (Applicant-Provided)

Application Step 3 of 5 Responses

Other

Application Step 4 of 5 Responses

| | | |
|-----------------------------|-------------------|-------------------------------|
| - NATURE OF FACILITY | — Other(Explain) | State Road |
| - UTILITY TRANSMISSION TYPE | — Other (Explain) | No Installation |
| - NATURE OF WORK | — Other (Explain) | Snow removal on existing road |
| - INSTALLATION METHOD | — Other (Explain) | No Installation |
| - SURFACE TYPE | — Asphalt | |

REQUIRED DOCUMENTS UPLOADED

The following document were electronically uploaded in the Online Permit System and are associated with this permit:

| Document Type: | Document Name: |
|----------------------|---------------------------------|
| Liability Insurance | - BEPOA LIABILITY - UDOT.pdf |
| Liability Insurance | - PCPOA Liability 2018-2019.pdf |
| Traffic Control Plan | - Traffic control plan.docx |
| Detail Plan of Work | - Detailed plan of work.docx |
| Bond | - PCPOA R930-7 2017-2018.pdf |
| Bond | - BEPOA R930.pdf |

SPECIAL LIMITATIONS

PERMIT TERMS, CONDITIONS, AND LIMITATIONS

- A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
- This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
- By the accepting this permit, the permittee acknowledges the hazardous nature of conducting activities within the right-of-way and assumes full responsibility in the event of an accident or other incident involving death, injury, or damages to any party resulting from the permittee's authorized use of the right-of-way.
- All work performed under this permit must be in accordance with UDOT approved plans and standard drawings unless otherwise stated in writing.
- The primary function of the highway is for transportation purposes. All other highway purposes are subordinate to this primary purpose. By conducting the activities authorized by this permit, the permittee agrees to timely prosecute the permitted activities in a manner that minimizes transportation-related impacts including but not limited to; ensuring overall site safety as an overarching priority, and by applying systematic efforts to minimize, or shorten, the project schedule.
- UDOT may cancel, suspend, or revoke this permit due to:
 - Non-compliance with the permit provisions including terms, conditions, and limitations
 - Deviating from the approved permit provisions without written authorization
 - Misrepresentation(s) discovered on the originating application, or associated documents
 - Adverse weather or traffic conditions
 - Concurrent transportation construction or maintenance operations in conflict with the permit
 - Any condition deemed unsafe for workers or for the traveling public
 - Any other condition that arises where work stoppage may be warranted for cause

In the event of a cancellation, suspension, or revocation the permittee shall promptly terminate occupancy of the right-of-way.
- At all times the permittee and all activities authorized under this permit will comply with all applicable federal and state constitutions, law, rules, codes, orders, and regulations, including applicable licensure and certification requirements.
- All subcontractors authorized to work under this permit must be identified on the application for permit within the Online Permit System (including emergency contact info.). All subcontractors must be covered by the permittee's bond and insurance, or they must place their own comparable bond and insurance information on file with the Department.
- Use current edition of UDOT standard drawings for traffic control. Use Utah MUTCD standards for traffic control elements not shown in UDOT standard drawings. Traffic control must be maintained at the encroachment site for the entire encroachment period.
- Arrow board is required for any lane closure.
- ANSI 107-2004 Class II clothing (or greater) is required of all workers within the right-of-way.
- Where traffic control is required, setting up a work zone staging area is prohibited until all traffic control devices are setup and in place.
- All workers within the right-of-way shall comply with their employer's safety and health policies/procedures and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910, Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.
- UDOT is committed to provide a roadside area that is as free as practical from nontraverseable hazards and fixed objects within the AASHTO Clear Zone. Where temporary clear zone hazards are introduced by the permitted activity, the permittee shall take all necessary steps to mitigate and minimize such hazards.



PERMIT TERMS, CONDITIONS, AND LIMITATIONS

15. The permittee shall remove all materials and equipment from the right-of-way at the close of daily operations. Any materials and equipment that are not removed must be shown on the TCP including protect-in-place measures that will be carried out in order to mitigate any such storage. Where temporary clear zone hazards are introduced by the permitted activity, the permittee shall take all necessary steps to mitigate and minimize such hazards.
16. UDOT may restrict activities within the right-of-way during adverse weather conditions or during periods of high traffic volume.
17. All disturbed portions of the right-of-way shall be cleaned up and restored to their original condition. This includes, but is not limited to; replacing damaged sidewalk, asphalt, concrete, fencing, pipe, culverts, or signs removed or damaged during construction. This also includes litter and debris removal. If damage to the right-of-way occurs as a result of the permitted activity, the permittee shall report the damage to UDOT then repair the damage as specified by the Department. Seeding, sodding, and planting shall be as specified, or otherwise approved by UDOT (see UDOT Standard Specifications Section 02922 Seed, Turf Sod, and Section 02911 Mulch). Where landscape restoration must be delayed due to seasonal requirements, such work may be authorized by separate permit.
18. Any asphalt damaged will require a mill and overlay of the entire affected area with UDOT approved HMA mix design asphalt, from an approved source.
19. Call 811, or contact Blue Stakes of Utah to check for other utilities in the area at least 48 hours prior to any excavation.
20. The permittee shall comply with all applicable provisions of the Americans with Disabilities Act (ADA), with respect to both permanent facilities installations and temporary work zones. Pedestrian-related facilities include sidewalk closures, crosswalk impacts, bike lane disturbances, designated UTA transit stops, or similar multimodal appurtenances. Any ADA facility impact must be in conformity with UDOT's Pedestrian Access Policy 06C-16.
21. All work must be completed by 12:00 PM prior to any state-recognized legal Holiday and shall not commence until 9:00 AM on the following work day unless otherwise restricted.
22. The permittee shall obtain all necessary authorizations from any appropriate environmental regulatory agency(s) prior to conducting any earth disturbing activities within the right-of-way. If suspected hazardous materials, underground tanks, threatened or endangered species, historic, archeological or paleontological (fossil) item, features or sites are encountered, the construction operation shall immediately stop and the permittee shall promptly notify the assigned UDOT Permit Inspector.

Below is an example list of minimum permittee responsibilities relating to environmental requirements. This list is not exhaustive. It is the permittee's sole obligation to comply with all environmental laws prior to conducting any activities authorized by this permit.

1. Cultural and Paleontological - Ensure no cultural or paleontological resources are affected by the activity.
2. Threatened or Endangered Species - Ensure no threatened or endangered or other sensitive species are affected by the activity.
3. Federal or State regulated waters - Ensure no WoUS and State of Utah waters are impacted by the activity without authorization by the appropriate agency(s).
4. FEMA Floodplains - Ensure no FEMA Special Flood Hazard Areas (SFHA) are impacted by the activity without authorization by the appropriate agency(s).
5. UCGP - Provide SWPPP for UCGP clearance through the Utah Department of Environmental Quality when disturbing more than one acre of soil.

