PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
February 12, 2025

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.
Zoom Link: https://us02web.zoom.us/j/86137534714

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

2.A. Consideration to Approve the Planning Commission Meeting Minutes from January 8, 2025

2.B. Consideration to Approve the Planning Commission Meeting Minutes from January 22, 2025

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4. PUBLIC COMMUNICATIONS

5. WORK SESSION

5.A. **General Plan** – Consultants Design Workshop Will Provide an Overview of Existing Conditions and Trends, Project Updates, and the Upcoming March 4, 2025 Community Meeting. PL-24-06358 (30 mins.)

6. REGULAR AGENDA

6.A. **Bonanza Park – Land Management Code Amendments** – Consultants Design Workshop Will Discuss Recommended Land Management Code Amendments to Incorporate the Bonanza Park Small Area Plan through a New Mixed-Use Zoning District. PL-24-06302 (120 mins.)
(A) Public Hearing; (B) Continuation to March 12, 2025

6.B. **3443 Meadows Drive – Conditional Use Permit** – The Applicant Proposes to Construct a 12-foot by 50-foot Swimming Pool in the Sensitive Land Overlay and Residential Development Zoning District. PL-24-06326 (15 mins.)
(A) Public Hearing; (B) Action

6.C. **Parcel PCA-S-79-C – Extension of Approval** – The Applicant Proposes to Extend the Sunset Clause and Amend Conditions of Approval 3,4,7, and 8 for Ordinance 2023-03 to Rezone a Six-Acre Pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C (Bransford Parcel). PL-24-06306 (15 mins.)
(A) Public Hearing; (B) Recommendation for City Council's Consideration on February 27, 2025

6.D. **Parcels PCA-S-79-C, PCA-S-79-B – Amendment to Flagstaff Technical Report #15** – The Applicant Proposes an Amendment to the Flagstaff Development Agreement Technical Report 15 Construction Mitigation Plan to allow an additional 4-acre Tipping Site on Parcels PCA-S-79-C and PCA-S-79-B in the Recreation and Open Space Zoning District. PL-25-06403 (15 mins.)
(A) Public Hearing; (B) Continuation to a Date Uncertain

6.E. **1120 Park Avenue – Conditional Use Permit** – The Applicant Requests Driveway Access off Sullivan Road for a Single-Family Dwelling in the Historic Residential - Medium Density Zoning District. PL-24-06309 (20 mins.)
(A) Public Hearing; (B) Continuation to Date Certain

7. ADJOURNMENT

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

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 8, 2025

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Laura Suesser (via Zoom), John Frontero, Henry Sigg, Rick Shand, Bill Johnson

EX OFFICIO: Rebecca Ward, Planning Director; Jacob Klopfenstein, Planner I; Mark Harrington, City Attorney; Ken Fisher, Recreation Director; Tate Shaw, Assistant Recreation Director; Lillian Zollinger, Planner III; Becky Gutknecht, Public Improvements Engineer

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1. ROLL CALL

Chair Sarah Hall called the Planning Commission Meeting to order at 5:30 p.m. She reported that Commissioner Laura Suesser is attending the meeting virtually via Zoom. Commissioner Christin Van Dine is excused from the Planning Commission Meeting.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from December 11, 2024.

Commissioner Suesser noted that she was not present at the December 11, 2024, or December 12, 2024, meetings. As a result, she will abstain from both of the votes.

MOTION: Commissioner Johnson moved to APPROVE the Meeting Minutes of December 11, 2024. Commissioner Sigg seconded the motion. The motion passed 4-0, with an abstention from Commissioner Suesser.

B. Consideration to Approve the Planning Commission Meeting Minutes from December 12, 2024.

MOTION: Commissioner Johnson moved to APPROVE the Meeting Minutes of December 12, 2024. Commissioner Shand seconded the motion. The motion passed 4-0, with an abstention from Commissioner Suesser.

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3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, shared updates with the Planning Commission. She reported that the Neighborhood General Plan Meetings will continue throughout the month. There was a meeting with the Upper Deer Valley Neighborhood last night. Next Tuesday, there will be a meeting with the Resort Center Neighborhood, and on Wednesday, there will be a meeting with the Old Town Neighborhood. Those meetings will take place in Council Chambers. It is an open house from 5:00 p.m. to 8:00 p.m. During the meetings, there will be a review of the recommendations in the 2014 General Plan. Residents will also be able to provide feedback about what is desired in the update.

Director Ward reminded those present to state their full name for the record before making a public comment during the meeting. Comments must be three minutes or less and be directed to the Commission. Additionally, civility is requested in all comments shared.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATION

A. 2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports – The Applicant Proposes to Update the Flagstaff Technical Reports #5 Open Space Management Plan and #13 Wildlife Management Plan Related to the Flagstaff Development Agreement, Master Planned Development, and the Conditional use Permit Approving the Installation of Lift 7. PL-24-06258.

Chair Hall opened the public hearing. There were no comments. The public hearing was continued to the January 22, 2025, Planning Commission Meeting.

MOTION: Commissioner Johnson moved to CONTINUE 2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports to January 22, 2025. Commissioner Frontero seconded the motion. The motion passed unanimously.

6. WORK SESSION

A. Land Management Code Amendments – The Planning Commission will Conduct a Work Session Regarding Potential Amendments to Land Management Code Chapters 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, 15-2.7, 15-2.9, 15-2.10, 15-2.12, 15-2.13, 15-2.14, 15-2.15, 15-2.16, 5.2-17, 15-2.18, 15-2.19, 15-2-23, and Sections 15-3-6 and 15-4-9 to Update and Revise Child Care Land Use Regulations. PL-24-06006.

Planner I, Jacob Klopfenstein, explained that the Work Session will focus on Land

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Management Code amendments related to Child Care Land Use Regulations. The purpose of the Work Session is to provide an update on this project and receive additional feedback from the Commission ahead of a draft ordinance for the code amendments.

Background information was shared with the Commission. Planner Klopfenstein reminded those present that in 2023, the City Council requested an evaluation of the current regulations related to Child Care Land Use. In March 2024, a Planning Commission Work Session was conducted and feedback was received. Most recently, in November 2024, the Planning Department convened a Focus Group that included some local childcare professionals as well as the Mayor and Council Member Ed Parigian.

The current definitions were reviewed. Planner Klopfenstein explained that In-Home Babysitting covers four or fewer children, Family Child Care covers up to eight children within the provider's primary residence, Family Group Child Care covers a range of nine to 16 children within the provider's primary residence, and Child Care Centers covers a childcare business outside the provider's primary residence for four or more children. The current regulations for the four types of childcare were reviewed and are as follows:

- In-Home Babysitting:
  - Allowed City-wide as an accessory use.
- Family Child Care:
  - Requires an Administrative Permit in single-family dwellings and duplexes.
- Family Group Child Care:
  - Conditional Use Permit.
- Child Care Centers:
  - Allowed in non-residential zones but would need a Conditional Use Permit or be approved as part of an MPD in residential zones.

Planner Klopfenstein added that childcare in multi-unit dwellings requires a Conditional Use Permit as well. Childcare centers haves some specific location criteria when part of a Conditional Use Permit, which encourages them to be located near peripheries of neighborhoods, schools, libraries, and houses of worship. Staff recommendations are:

- Shifting all reviews to Staff-level reviews;
- Updating the definitions to align with changes to State Code; and
- Updating and consolidating the criteria reviewed for Child Care Facilities.

Outlined in the Staff Report is a side-by-side comparison between the current regulations outlined for Child Care Facilities in the code and the recommended changes. The end result is a consolidated set of criteria that includes regulations for the following:

- Parking;
- Drop-Off/Pick-Up Area;
- Arterial Street;
- Proximity to Public Transit;

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- Setbacks;
- Signs;
- Play Area Size and Location;
- Screening;
- Structure Inspection;
- Public Notice;
- One-Year Review;
- Exceptions.

These facilities would also be reviewed through the Conditional Use Permit criteria that are outlined in the code. Staff is proposing a review specific to Child Care Facilities, but most of the proposals would also go through the Administrative Conditional Use Permit Process. Planner Klopfenstein posed the following questions to Commissioners:

- Does the Commission support Staff review for Child Care Facilities rather than Planning Commission review?
- Is the Commission supportive of consolidating the criteria, as outlined?
- Does the Commission suggest any changes to Staff's proposed review requirements and criteria for Child Care Facilities, as outlined?

Planner Klopfenstein noted that there are additional questions for Commissioner consideration, but he asked that these questions be answered first. Chair Hall asked for feedback on the first question from Staff. She personally supports administrative review rather than Planning Commission review. Commissioner John Frontero agreed. He finds the Staff Report rationale for moving this to a Staff level review to be logical. Commissioner Bill Johnson agreed. As long as other tools are continuing to be used, such as public noticing, it makes sense for this to be a Staff level review in the future. Planner Klopfenstein reported that during the previous Work Session, a 300-foot radius noticing requirement was discussed, which is what has been incorporated in the draft so far.

Commissioner Rick Shand discussed the idea of allowing Staff level approval for Family Group Child Care, as that has to do with nine to 16 children within a primary residence. He has confidence that Staff can review that appropriately. It seems there are a lot of factors that need to be considered when there are 16 children inside of a primary residence. For instance, the Child Care Center category has other factors, such as parking and access. Chair Hall asked Staff to review the administrative process.

Planner Klopfenstein explained that the Administrative Conditional Use Permit process essentially has the same criteria as the Conditional Use Permit process. The criteria are used to address issues such as noise, building mass, and so on. He explained that 16 criteria are evaluated by Staff and are considered by the Planning Director. There is also a public notice period and applications are reviewed during an Administrative Public Hearing Meeting. There is public noticing and there is a public hearing held as well. It is the same type of review process but would not be approved by the Planning Commission.

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Commissioner Shand is in favor of making childcare more available. If streamlining the process makes that possible, then this is something that he is willing to support. Commissioner Henry Sigg is generally in favor of streamlining the process and having it be reviewed at a Staff level. His question is whether there will be a public hearing involved as part of that process. He wants to ensure the public has the right to share comments. As for multi-unit dwellings, he can foresee a development that has common area that is suddenly used for child care. The other residents living nearby should be able to weigh in on that. Additionally, he wants to ensure that fire and egress requirements are met.

Planner Klopfenstein addressed the questions and comments shared by Commissioner Sigg. All proposals that trigger an Administrative Conditional Use Permit will receive a public hearing. That would be built into the process ell. As for the question about common area in multi-unit dwellings, the Conditional Use Permit criteria will evaluate ownership and management. As part of that process, there would need to be Homeowners Association ("HOA") approval or approval from the management. Fire considerations and ingress/egress would be covered through the proposed criteria. Planner Klopfenstein pointed out that the recommended criteria would require a structure inspection. In some cases, proposals may not require a Building Permit, so a requirement for a structure inspection has been included. That inspection would look into ingress/egress and so on.

Commissioner Suesser was curious about whether or not a Child Care Facility has State licensing requirements as well. Planner Klopfenstein reported that the State Division of Licensing has certain requirements. For instance, there is a requirement to have specific square feet per child in the facility. That pertains to indoor areas and outdoor play areas. He believes it is 35 square feet for indoor and 40 square feet for outdoor play areas. When it comes to licenses, the Staff Report includes information about House Bill ("H.B.") 153. It changed the State licensing requirements, so a license is not needed if the facility is providing care for eight or fewer children. This is a recent change to the State licensing requirements. Commissioner Suesser asked if a license is required for more than eight children, which was confirmed. Planner Klopfenstein added that those providing care for up to eight children can request a certificate from the Division of Licensing. Providers are still required to obtain background checks, no matter how many children are provided for.

Chair Hall noted that there is consensus about the first question. Commissioners have expressed support for Staff review of Child Care Facilities rather than Planning Commission review. The second question was discussed, which relates to a consolidation of the criteria. Commissioner Johnson supports the consolidated version that has been presented by Staff. The rest of the Planning Commission echoed that support. Commissioner Frontero asked whether the consolidation will move from four definitions to three. Planner Klopfenstein clarified that there is consideration of eliminating the Family Child Care definition and including that in the In-Home Babysitting definition. Moving forward, it is recommended by Staff that all Child Care Facility types be reviewed against the set of criteria that has been presented to the Commission.

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Commissioner Frontero asked about the one-year review and whether there will be a review on an annual basis. Planner Klopfenstein explained that if there are complaints within the first year of operation, the Planning Director will have the option to review them. If the Commission would like to change that to an annual review, then that can be considered. Commissioner Frontero wanted to know what would happen if there were complaints during the second year. Planner Klopfenstein noted that it would be a Code Enforcement matter at that point. Director Ward reported that the one-year review is to check in and track the new use. The Conditional Use Permit runs with the land, so if there are compliance issues in the future, work would be done to bring the property back into compliance. There are different ways to address non-compliance issues.

The Commission was asked to discuss the third question posed by Staff, which relates to suggested changes. Chair Hall suggested building in some flexibility in case there are complaints about a particular issue. Commissioner Suesser supported that idea. She is particularly concerned about parking and traffic in the neighborhoods. The new use might create nuisances that are not anticipated. As a result, it makes sense to have a mechanism in place for enforcement. Commissioner Suesser also suggested that there be clarity about how residents can submit complaints about the use of a property.

Commissioner Johnson asked how the City will handle compliance issues. Director Ward explained that if it is not related to a pending application and there has been final action taken, issues would be addressed through Community Code Compliance. There is a website where residents can post a complaint. This can be done anonymously or personal information can be shared. That information goes to the Community Code Compliance Team. The first step in the process is providing notice followed by creating a plan and timeline to bring the property into compliance. Depending on the outcome, it might shift the matter to an administrative compliance review. Commissioner Shand noted that a parking or traffic violation would bring law enforcement into the matter.

Commissioner Sigg pointed out that the Planning Commission is addressing land use issues rather than operational issues. This was confirmed. Commissioner Johnson noted that the State regulates most of the operations and qualifications of the providers.

Planner Klopfenstein reported that the next topic of discussion relates to parking for Child Care Facilities. He shared the current requirements with the Commission. In-Home Babysitting does not have a parking requirement, but Family Child Care and Family Group Child Care require one parking space for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. For Child Care Centers, the requirement is one parking space for each on-duty staff member per shift and one space for every six children cared for. The recommendations are:

- Retain requirement for Family Child Care, Family Group Child Care, and Child Care Centers to provide one parking space per each non-resident or non-family member employee on-shift;

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- Eliminate the requirement for Child Care Centers to provide one parking space per every six children cared for because Child Care Facilities already must provide drop-off/pick-up areas for parents;
- Implement flexibility for parking, such that providers could qualify for reductions or exemptions for parking if they submit a Parking Plan that meets certain criteria.

Planner Klopfenstein shared some possible criteria for parking reductions or exemptions:

- To qualify for a parking reduction or exemption, applicants could submit a Parking Plan that demonstrates the following:
    - There is adequate on-street parking in the area that employees could use;
    - The facility could share parking with a nearby business;
    - The facility includes an on-site drop-off/pick-up area;
    - A significant number of employees do not use single-occupancy vehicles;
    - Parking in the right-of-way adjacent to the Child Care Facility is available;
    - An agreement authorizes facility employees/patrons to park in an off-site parking area or parking structure that is located within 1,000 feet of the Child Care Facility perimeter boundary;
    - The Child Care Facility is within 1/4 mile of a bus stop that includes a waiting shelter consistent with City standards;
    - On-site parking is provided for motorcycles and/or scooters;
    - Bicycle parking exceeds the requirements of the Land Management Code.

The following questions were posed to the Planning Commission:

- Does the Commission support allowing childcare providers to qualify for parking reductions or exemptions, as outlined?
- What other criteria would the Commission like to see included in a Parking Plan if an applicant seeks a parking reduction or exemption for a Child Care Facility?

Commissioner Suesser suggested that a Shared Parking Arrangement be included. If one of the residents leaves for work each day, there could be a parking space. Commissioner Shand expressed his support for allowing Child Care Centers to qualify for parking reductions. If it is located on a street where there is available parking, it makes sense for there to be an exception granted. Chair Hall also supports parking reductions or exemptions and likes the suggestion that was made by Commissioner Suesser. Commissioner Frontero is also supportive of what is proposed and noted that reductions and exemptions could be handled on a case-by-case basis by the Planning Director.

Commissioner Johnson asked whether an increased drop-off area could result in a parking reduction. Planner Klopfenstein noted that there is language related to drop-off/pick-up areas. Commissioner Johnson believed that having a larger drop-off area could be a valid rationale for a parking reduction. Chair Hall believes that adding flexibility is important, as this kind of use differs from a lot of other use types in the community.

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Planner Klopfenstein shared information about Master Planned Developments ("MPD") and Affordable Master Planned Developments ("AMPD"). There is a provision in the code that allows the Planning Commission to require a developer of an MPD or AMPD to create a Child Care Facility on-site if the Commission determines there is increased demand for childcare. Staff recommends eliminating this for the following reasons:

- Lack of clear criteria;
- Impracticality for developers;
- Enforceability;
- Incentives as accessory uses.

Planner Klopfenstein posed the following question to the Planning Commission:

- Does the Commission support removing the childcare mandate from the MPD and AMPD codes?

Commissioner Sigg supports removing the childcare mandate from those codes, as there is no clear data that supports a mandate. Commissioner Shand agrees. Commissioner Frontero asked what the State regulations have to say about an MPD and AMPD. Planner Klopfenstein explained that the way the State requirements are crafted for Child Care Facilities is that there is a requirement for a certain amount of square footage per child.

Commissioner Frontero asked Director Ward whether the Planning Commission has ever mandated an MPD or AMPD to have childcare. Director Ward is not aware of this taking place but noted that it has been discussed with a few projects. To her knowledge, it has never been a Condition of Approval for either an MPD or AMPD in the City. Based on that information, Commissioner Frontero supported the removal of the mandate. Chair Hall noted that while she supports removing the mandate for an AMPD, she still would like to see it be an evaluation criterion for an MPD. It could be appropriate with a large-scale MPD. Commissioner Frontero wondered whether the suggestion is for the developer to carve out space for an operator to come in and run a Child Care Facility. Chair Hall would like to see there be an evaluation within the criteria, so it is considered.

Commissioner Johnson and Commissioner Suesser agreed with the suggestion from Chair Hall about an evaluation. Commissioner Suesser pointed out that the Commission intentionally left childcare in as an exception under an MPD. That would be bonus space and would not be counted in the square footage, which is a way to incentivize the use. She feels it makes sense to leave this review in the MPD process. Commissioner Shand clarified that the Commission is being asked to remove the mandate, not the evaluation. Chair Hall noted that it is mandated that they evaluate the use. The Planning Commission has never required an MPD or AMPD to add a Child Care Facility. She reiterated that there is no mandate that a developer must put in a Child Care Facility, but there is a mandate that there be an evaluation to determine whether or not it is feasible. Commissioner Shand likes it being part of the review process. Commissioner Frontero agrees with comments shared about including the review in the MPD but not AMPD.

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Director Ward explained that the way that the review is worded, the Planning Commission has discretion to require the developer to designate a site for a Child Care Center if the Commission determines the project will create additional demands for childcare. If this is going to remain as a review criterion, there is an opportunity to add some clarification. This will make it easier for the applicant to understand the information that needs to be provided. If this does remain, work could be done to add some more clarity.

Commissioner Frontero asked if there is clarity that childcare is bonus density if it were to be provided within an MPD. Director Ward confirmed that there is clarity about that, because of the amendments that were adopted with the accessory uses in MPDs. As for how the Commission would decide that there should be a Child Care Facility on the site, those criteria can be clarified and updated. City Attorney, Mark Harrington, explained that if there is a desire to leave this review in for MPDs, there would need to be some work done on the language. Further refinement of the criteria is necessary.

Planner Klopfenstein reported that another recent change in the State regulations has to do with allowing providers to operate a second location outside of their primary residence. The State now allows a second location, but the Land Management Code does not since there is a requirement for a Family Child Care and Family Group Child Care facility to be within the provider's primary residence. As for H.B. 153 from the 2024 Legislative Session, the State now allows in-home childcare for up to eight children without a license.

Planner Klopfenstein asked the Commission the following questions:

- Does the Planning Commission continue to support a change to the LMC allowing for a second Family Child Care location?
- Does the Planning Commission continue to support eliminating Family Child Care as a category under the LMC?

With the second question, Planner Klopfenstein explained that the Family Child Care definition would be eliminated. In-Home Babysitting, which currently allows up to four children, would be increased to eight to match the State change. Commissioner Sigg asked if the second Family Child Care location means two or more than two. Planner Klopfenstein clarified that there would be a maximum of two. Commissioner Shand supports the elimination of Family Child Care as a category under the Land Management Code. As for the first question, he does not know enough about what a second location would entail. Chair Hall asked Staff to provide some examples of a secondary location.

Planner Klopfenstein clarified that with the second location, all of the State licensing requirements, background checks, and ratios of providers to children would still apply. Commissioner Shand asked if it is a logical jump for someone who watches children in their own home to open a second location. Planner Klopfenstein explained that the definitions, as currently crafted, were intended to match the State regulations. The State now allows for the second location, which is the primary reason the change is being

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recommended. There was additional discussion about a second location. Planner Klopfenstein informed the Commission that the intention is to incentivize more childcare. Allowing for a second location speaks to that intention. As far as whether this is something that is commonly occurring, he offered to research that further. During the Focus Group discussions, the providers supported the change to allow for a second location, but many were skeptical that it would actually be utilized by providers.

Commissioner Suesser noted that there is a proposal to shift from four types of facilities in the code to three types of facilities. The recommendation is to eliminate the definition of Family Child Care. Commissioner Suesser wants to understand whether the second location that was previously discussed relates to a Child Care Center. Planner Klopfenstein explained this would apply to each of the definitions, including In-Home Babysitting and Family Group Child Care. Family Child Care is proposed to be eliminated. The new definition of In-Home Babysitting would cover up to eight children.

Chair Hall asked that additional information about the second location be shared during the next discussion. Commissioner Johnson also wanted to hear more about the background checks. Planner Klopfenstein offered to come back with that information.

7. REGULAR AGENDA

A. 4001 Kearns Boulevard Film Studio – Conditional Use Permit – The Applicant Proposes to Use a 15,000-Square-Foot Film Studio Bay for an Indoor Public Pickleball Recreation Facility in the Community Transition Zoning District, Regional Commercial Overlay, Sensitive Land Overlay, and Entry Corridor Protection Overlay. PL-24-06369.

Recreation Director, Ken Fisher, Assistant Recreation Director, Tate Shaw, and applicant representative, Justin Keys, introduced themselves. Planner III, Lillian Zollinger, presented the Staff Report and explained that the application relates to a Conditional Use Permit for 4001 Kearns Boulevard. The site is also known as the film studio and is located in several Zoning Districts, including Community Transition, Regional Commercial Overlay, Entry Corridor Protection Overlay, and Sensitive Land Overlay Zoning District.

Planner Zollinger shared an image of the property and noted that the entire structure has three bays for production. The first bay will be the focus of the Commission discussion. Last month, the City Council approved the Recreation Department to negotiate a lease at 4001 Kearns Boulevard for an Indoor Public Pickleball Recreation Facility. The applicant is proposing six indoor temporary pickleball courts in the first bay and an exterior temporary bathroom trailer. The proposal is to operate from February 1 through April 30, 2025, as well as the next two winters in 2026 and 2027. Staff finds the proposal, as conditioned, complies with the zoning requirements. The following details were noted:

- Community Transition Zoning District:
    - Conditional Use complies with purpose, setbacks, and height.

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- Regional Commercial Overlay Zoning District:
  - Conditional Use complies with additional regulations.
- Entry Corridor Protection Overlay Zoning District:
  - No changes proposed will impact requirements.
- Sensitive Land Overlay Zoning District:
  - No changes proposed will impact requirements.

Staff finds that the proposal, as conditioned, complies with the following:

- Settlement Agreement, Annexation, and MPD:
  - Use complies with regulations.
- Parking:
  - 30 existing spaces proposed, with Conditions of Approval proposed.
- Conditional Use Permit Requirements:
  - Conditions of Approval are proposed.

Planner Zollinger reviewed the proposed Conditions of Approval with the Commission. Commissioner Shand believes this is a good idea and noted that there is appropriate parking. He understands the lease situation for this year but wonders why the facility would not be in operation year-round. Director Fisher explained that the demand is in the winter because, in the summer, there are sufficient courts available for public use.

Commissioner Shand asked about the surface inside of the film studio. Director Fisher noted that the surface is the main challenge and that is currently being worked through. There are some dead spots on the floor, so attempts have been made to mitigate that issue. Assuming there is approval, the plan is to order a Har-Tru court that fits together, similar to a puzzle. The playing surface should then provide the true bounce needed.

Chair Hall had a question about the hours of operation. She wanted to know why the Condition of Approval shows the hours as less than the Noise Ordinance allows. Director Ward explained that this came from the original film studio MPD Conditions of Approval. These conditions were crafted to align and comply with the existing Conditions of Approval. Chair Hall believes Noise Ordinance requirements are sufficient for the use.

Commissioner Shand would rather approve the extended hours now than have the item come back in the future. Those hours would be 7:00 a.m. to 10:00 p.m. Commissioner Johnson thought it made sense to leave the hours, as originally proposed. Commissioner Frontero suggested that there be a provision added to state that if an extension is desired, it can be handled through an administrative review. Commissioner Suesser asked if the balance of the film studio will be used for film making. Mr. Keys confirmed this. He reported that the other studios are actively licensed for use. This has been structured so the remainder of the building can still be used. Commissioner Suesser wondered whether the portable restroom would ensure that pickleball users remain separate from the film studio activities. This was confirmed. Mr. Keys explained that productions tend to be strict about access. For example, Yellowstone required all security camera systems to

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be removed from the building because there were concerns about leaks. Given those security concerns related to the other bays, portable restrooms have been proposed.

Chair Hall opened the public hearing.

Victoria Tran Sood expressed her appreciation for the Recreation Department, which has worked creatively and diligently to find a solution for tennis players and pickleball players. She supports the proposal and asked that the Commission approve the application.

Patricia Kype stated that she is in support of what is proposed. She appreciates that the needs of the tennis community and pickleball community are being considered. There has been a lot of discord over the last several months and this will be a healthy solution.

There were no further comments. The public hearing was closed.

MOTION: Commissioner Shand moved to APPROVE the Conditional Use Permit for an Indoor Public Pickleball Recreation Facility at 4001 Kearns Boulevard, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact

1. 4001 Kearns Boulevard is the 8.62-acre Lot 1A of Park City Film Studios First Amended Subdivision and part of the Quinn's Junction Master Planned Development (MPD), in the Community Transition (CT) Zoning District and Regional Commercial Overlay (RCO), both of which require a Conditional Use Permit (CUP) for Public Recreation Facilities.

2. The property is also within the Sensitive Land Overlay (SLO) and Entry Corridor Protection Overlay (ECPO), although no exterior structural changes are proposed.

3. The Film Studio at 4001 Kearns Boulevard is located between SR-248 and US 40 in the Quinn's Junction neighborhood.

4. On January 18, 2012, Summit County and Quinn's Junction Partnership agreed to a Settlement Agreement that resolved pending legal disputes regarding the land that would become the Quinn's Junction MPD.

5. On May 12, 2012, the City Council passed Ordinance No. 12-12 approving the Quinn's Junction Partnership Annexation Petition and establishing the Quinn's Junction MPD.

6. On May 24, 2012, the City entered into a Development Agreement with Quinn's Junction Partnership. The Development Agreement was recorded with Summit County on July 20, 2012.

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7. On April 17, 2014, the City Council passed Ordinance No. 14-16 approving the Park City Film Studios Subdivision.

8. On April 30, 2014, the Planning Director approved an Administrative Conditional Use Permit (ACUP) for part of Phase 1-A of the Quinn's Junction MPD. The ACUP allowed the creation of soundstages, a workshop and support offices, a small guardhouse, 279 standard parking spaces, and 52 oversized parking spaces. Collectively, these developments comprise the Film Studio.

9. On February 3, 2022, the City Council passed Ordinance 2022-06 approving the Park City Film Studios First Amended Subdivision, which was recorded on September 20, 2022, and is the current Plat for 4001 Kearns Boulevard.

10. On December 12, 2024, the City Council approved efforts for the Recreation Department to negotiate a lease for a temporary Indoor Public Pickleball Recreation Facility at 4001 Kearns Boulevard.

11. On December 16, 2024, the Applicant applied for a CUP.

    a. The Applicant proposes six indoor pickleball courts within Bay 1 of the Film Studio and a temporary exterior 72-square-foot restroom providing two stalls to be located at the rear of the Film Studio from February 1, 2025, to April 30, 2025.
    b. The Applicant requests the CUP to be ongoing for the following two winters: November 1, 2025, to April 30, 2026, and November 1, 2026, to April 30, 2027, pending lease approval.
    c. The proposal is an internal reconfiguration (flooring and court build-out) and changes in use of the existing Bay 1 only; no new construction nor change to the existing Film Studio building footprint is proposed.

12. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Community Transition Zoning District regulations outlined in Land Management Code Chapter 15-2.23.

    a. The relevant purposes of the Community Transition (CT) District are:
        i. Encouraging low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health.

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ii. Enhancing and expanding public open space and recreation Uses Compatible with the adjacent public deed-restricted open space.

iii. Encouraging the Development of high-quality public places such as parks, trails, and recreation facilities.

b. LMC § 15-2.23-2(C)(12) outlines Public Recreation Facilities as a Conditional Use in the CT Zoning District.

c. LMC § 15-15-1 defines a Public Recreation Facility as, "Recreation facilities operated by a public agency and open to the general public with or without a fee."

d. The Indoor Public Pickleball Recreation Facility is proposed to be within Bay 1 of the Film Studio and no external changes to the Structure are proposed.

e. The Applicant proposes to install a 72-square-foot temporary portable restroom adjacent to Bay 1 for public use. The temporary restroom trailer will be located on the rear of the Film Studio, flush with the building and next to the door that will be used by the pickleball players to access Bay 1.

f. Pursuant to LMC § 15-2.23-3(B), the minimum Front, Side, and Rear Setbacks for all Structures is twenty-five feet, with Ancillary Structures allowed as exceptions to the Setbacks.

i. The temporary portable 72-square-foot restrooms will be approximately 218 feet from the Front, 158 feet from the Side, and approximately 158 feet from the Rear Setback and compliant with Setback regulations.

g. Pursuant to LMC § 15-2.23-5, the maximum Building Height is 28 feet.

i. The temporary portable restrooms will primarily be eight feet in height, with a maximum of 11 feet for the mechanical rooftop equipment, and compliant with Height regulations.

13. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Regional Commercial Overlay District regulations outlined in Land Management Code Chapter 15-2.17.

a. LMC § 15-2.17-2(B)(40) outlines Public Recreation Facilities as a Conditional Use in the RCO, subject to MPD approval. 4001 Kearns Boulevard is part of a Settlement Agreement, Quinn's Junction Partnership Annexation, and the Quinn's Junction MPD. Recreation Uses are contemplated in the Settlement Agreement governing the MPD. See Finding of Fact 16 below for additional analysis.

14. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Entry Corridor Protection Overlay regulations outlined in Land Management Code § 15-2.20-5.

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a. The purpose of the ECPO is to maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City must comply with a 150- to 200-foot Setback from SR-248.
b. No exterior changes are proposed within the ECPO.

15. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Sensitive Land Overlay regulations outlined in Land Management Code Chapter 15-2.21.

a. The existing parking Lot and Structures on site are within the SLO and no changes are proposed.
b. The Applicant proposes to install 72-square-foot temporary portable restrooms for public use at the rear of the Film Studio on an existing concrete pad, and no impacts to vegetation or other Sensitive Lands are proposed.

16. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Film Studio Settlement Agreement, Quinn's Junction Partnership Annexation, and the Quinn's Junction Master Planned Development.

a. Recreation is listed as a permitted Use in the Film Studio Settlement Agreement.
b. The proposed Indoor Public Pickleball Recreation Facility is a Minor Administrative Modification allowed under the Film Studio Development Agreement.
c. Condition of Approval 4 ensures compliance with MPD Conditions of Approval 11 & 29 by setting hours of operation for the Indoor Public Pickleball Recreation Facility from 8 AM to 8 PM. MPD Condition of Approval 11 limited outdoor activities and noise to 7 AM to 10 PM while MPD Condition of Approval 29 requires specific hours of operation to be set for inside areas of the Studio Campus.

17. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with parking requirements outlined in Land Management Code § 15-3-6.

a. 4001 Kearns Boulevard has 320 Parking Spaces and twelve 53-foot truck/trailer Parking Spaces for the Film Studio. The Studio Crossing MPD is under construction to the south of the Film Studio and the Studio Crossing Construction Mitigation Plan allocates 24 parking spaces south of the Film Studio for construction parking. As a result, the Film Studio has 296 available Parking Spaces.

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b. The Applicant proposes using Bay 1 of the Film Studio for the temporary installation of six indoor pickleball courts, and each court accommodates four pickleball players, for a total of 24 players. Additionally, the Applicant proposes at most six employees (including pickleball pros to teach lessons and clinics).

c. LMC § 15-3-6(B) requires either five spaces per 1,000 square feet of floor area or one space per three persons rated capacity, depending on the type of facility, for a Public Recreation Facility. If the Applicant were required to provide five Parking Spaces per 1,000 square feet, a total of 75 Parking Spaces would be required for the 15,000-square-foot Bay 1. If the Applicant were required to provide one space per three persons rated capacity, the Applicant would be required to provide eight Parking Spaces. The pickleball courts can accommodate 24 players at any one time and six employees.

d. As a result, Condition of Approval 6 requires that the Applicant negotiate at least 30 parking spaces to allocate to pickleball players and employees as part of the lease agreement or shared parking agreement.

18. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

a. Size and location of the site:

i. No unmitigated impacts: The proposed Indoor Public Pickleball Recreation Facility will be installed within Bay 1 of the Film Studio, an existing Structure. The Film Studio is located across SR-248 from the Ian Weinman dog park and the Quinn's Recreation Facilities. There is a pedestrian signal and crosswalk at the intersection that grants access off SR-248 to the Film Studio.

b. Traffic considerations including capacity of the existing Streets in the Area:

i. No unmitigated impacts:

1. Objective 9B of the General Plan is to locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled. The Film Studio is near the Park City Heights neighborhood and is accessible by the Rail Trail. Additionally, City transit stops along Richardson Flat Road, and transit riders may walk to the Film Studio along a separated paved multi-use pathway.

2. The Engineering Department Traffic Impact Study (TIS) Guidelines require a TIS when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or

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PM peak hour. The Applicant does not propose development or redevelopment, but rather, a change in Use of Film Studio Bay 1. No increase in existing parking is proposed, and the shift in Use from the Film Studio to indoor pickleball with a maximum capacity of 24 pickleball players at any one time does not generate the need for a TIS or traffic mitigation.

3. Additionally, the proposed pickleball use of Film Studio Bay 1 is proposed to end after the winter of 2026-2027. The Studio Crossing MPD construction is ongoing and will not be built out during the temporary pickleball court use.

c. Utility capacity, including Storm Water run-off:
   i. No unmitigated impacts: On December 17, 2024, the Development Review Committee considered the proposal and found the Use conforms with their requirements.

d. Emergency vehicle access:
   i. Condition of Approval: The Park City Fire District requires the following Condition of Approval 5: “Prior to Building Permit issuance, the Applicant shall provide an exiting plan that shows life safety system components at the Site, and shall provide information demonstrating how the change of occupancy group will fit within the existing building at the Site, which shall be reviewed for approval by the Park City Fire District.”

e. Location and amount of off-Street parking:
   i. No unmitigated impacts: See Finding of Fact 17.

f. Internal vehicular and pedestrian circulation system:
   i. Condition of Approval: The lot is accessed from SR-248 along Round Valley Drive. The Applicant indicated that gates restricting access to the Film Studio parking lot raise automatically when a driver approaches. Condition of Approval 3 requires that the gates shall remain raised or unlocked during the hours of operation of the Indoor Public Pickleball Recreation Facility to maintain access for patrons.
   ii. Patrons will use the existing Film Studio Bay 1 entrance to access the Pickleball Courts. The exterior door leads to a short connector vestibule which then connects to the bay.

g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses:
   i. No unmitigated impacts: There is no proposed permanent fencing or landscaping and the temporary restrooms at the rear of the Film Studio will be screened from the road by an existing berm.

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h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:
   i. No unmitigated impacts: No changes to the exterior of the Film Studio are proposed. No permanent structures are proposed. The temporary restrooms will be installed on existing asphalt, parallel to the existing structure, and will be screened from the road by an existing berm.

i. Usable Open Space:
   i. No unmitigated impacts: No open space will be impacted by the project. The temporary restrooms will be installed on existing asphalt adjacent to Bay 1 of the Film Studio.

j. Signs and Lighting:
   i. Complies: Pursuant to the Municipal Code of Park City (MCPC) § 12-8-1, signs erected by or at the direction of Park City Municipal Corporation are exempt from sign regulations and do not require a Sign Permit.

k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:
   i. No unmitigated impacts: No changes are proposed to the existing Structure. The temporary restrooms will be screened from the road by an existing berm.

l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site:
   i. No unmitigated impacts:
      1. No changes are proposed to the existing Structure. The temporary restrooms will be installed on the rear of the Structure and be serviced once per week, but the schedule may be adjusted if additional service becomes necessary.
      2. The Film Studio Bay 1 is soundproof and Use for indoor pickleball is not anticipated to generate noise that exceeds the Noise ordinance.
      3. However, the Public Pickleball Recreation Facility must comply with the requirements of MCPC Chapter 6-3, Noise, and the door to Bay 1 must remain closed during pickleball play.

m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas:
   i. No unmitigated impacts: There are no intended loading and unloading zones. Trash and recycling facilities will be monitored by Park City Recreation Staff and serviced according to the lease agreement.

n. Expected ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental,

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or commercial tenancies, how the form of Ownership affects taxing entities:

i. Conditions of Approval:

1. The proposed Indoor Public Pickleball Recreation Facility will be leased to the Applicant by the Owner. The Applicant indicated that the Recreation Department plans to staff a front desk to manage reservations and perform other administrative tasks for the Indoor Public Pickleball Recreation Facility. The desk will be located on the interior when facility users enter. It will be a pre-paid reservation system, already in use by the Recreation Department. The maximum number of users of the pickleball courts will be 24, assuming four players on each of the six courts.
2. The Public Recreation Facility is proposed to be used from February 1, 2025, to April 30, 2025; November 1, 2025, to April 30, 2026; and November 1, 2026, to April 30, 2027 (Conditions of Approval 1). If the lease extends beyond these dates, the Applicant will be required to apply for a Modification to the CUP.

o. Within and adjoining the site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site:

i. No unmitigated impacts: The proposed Indoor Public Pickleball Recreation Facility will not modify existing structures.

p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding:

i. The General Plan supports Recreation Uses in the Quinn's Junction neighborhood, and the Ice Arena, Quinn's Sports Fields, and trails and Open Space are integrated throughout the neighborhood. Goal 10.1 of the Quinn's Junction Neighborhood Plan (p. 262) notes that recreation should be the predominant land use and Goal 10.2 (p. 268) encourages recreation uses.

ii. Goal 9 of the General Plan states Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9A is to maintain local recreation opportunities with high-quality of service, exceptional facilities, and a variety of options.

iii. City Implementation Strategy 9.4 is to create a custom level of service based on unique user feedback. Park City will monitor the needs of the community through demand surveys

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and citizen satisfaction surveys and adapt facilities and service levels in the most cost-effective ways.

iv. The Applicant proposes the limited use of Film Studio Bay 1 to address increased demands for pickleball and tennis courts while a permanent solution is explored.

19. The Development Review Committee reviewed the proposal on December 17, 2024, and the Park City Fire District requires Condition of Approval 5.

20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 23, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 23, 2024. The Park Record published courtesy notice on December 23, 2024.

Conclusions of Law

1. The proposed CUP, as conditioned, complies with the requirements of the Land Management Code.

2. The proposed CUP for an Indoor Public Pickleball Recreation Facility is compatible with surrounding structures in use, scale, mass, and circulation.

3. The proposed CUP for an Indoor Public Pickleball Recreation Facility is consistent with the Park City General Plan.

4. The proposed CUP an Indoor Public Pickleball Recreation Facility is compatible with the Settlement Agreement and Development Agreement for the Quinn's Junction MPD.

5. The effects of the difference in use or scale of the CUP for an Indoor Public Pickleball Recreation Facility have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. This approval is only valid for an Indoor Public Pickleball Recreation Facility operated as a public Municipal Use from February 1, 2025 – April 30, 2025, November 1, 2025 - April 30, 2026, and November 1, 2026 – April 30, 2027.

2. If the Applicant proposes to extend the Indoor Public Pickleball Recreation Facility Use past April 30, 2027, the Applicant shall return to the Planning Commission for a re-review of the CUP.

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3. The Film Studio gates shall remain raised or unlocked during the hours of operation of the Indoor Public Pickleball Recreation Facility to maintain access for patrons.

4. The Public Pickleball Recreation Facility shall only operate from 8 AM to 8 PM with no other use of the restroom trailer allowed outside those hours except for essential use by Recreation Department staff. If additional hours are requested, the applicant shall request the Planning Director review of proposed extended hours for review and compliance with MPD Conditions of Approval #11 and #29.

5. Prior to Building Permit issuance, the Applicant shall provide an exiting plan that shows life safety system components at the Site and shall provide information demonstrating how the change of occupancy group will fit within the existing building at the Site, which shall be reviewed for approval by the Park City Fire District.

6. The Applicant and Property Owner shall include in the final lease or shared parking agreement that 30 Parking Spaces shall be set aside for exclusive use of the pickleball players and Recreation Department employees during times that the Public Pickleball Recreation Facility is in use.

The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

B. 7185 Little Belle Court – Condominium Plat Amendment – The Applicant Proposes the Eighth Amended Little Belle Condominium Plat to Reflect As-Built Conditions for Unit 4 in the Residential Development Zoning District and Sensitive Land Overlay. PL-24-06299.

Planner II, Virgil Lund, presented the Staff Report and explained that this is a Condominium Plat Amendment application for 7185 Little Belle Court. He shared some background information and reported that it is located in the Silver Lake area of Deer Valley. The Little Belle Condominiums were built circa 1981 and the Condominium Plat has been amended seven times. Many past amendments were to increase the private area's square footage. Planner Lund shared example images of existing condominiums.

The proposal is for a 252-square-foot increase to reflect existing conditions. According to the applicant, before the prior owner purchased the unit, the Open to Below section was expanded. The proposed plat was shown, which reflects the addition. The proposal complies with Residential Development Zoning District requirements, off-street parking, Deer Valley Large Scale MPD, Sensitive Land Overlay, and 15-7.1-3. No additional parking demand is created and the existing garage accommodates two vehicles. Staff finds Good Cause for the amendment, as existing non-conformities will be corrected. Staff recommends the Commission open a public hearing and consider approval.

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Commissioner Shand referenced the photographs in the first pages of Staff Report. He wants to better understand what is being shown. Planner Lund reported that the image shows the existing condominium. It is not possible to see the area that has been filled in from the exterior. He provided clarification about the Open to Below that was mentioned.

Chair Hall opened the public hearing. There were no comments. The hearing was closed.

Commissioner Johnson agrees with Staff that there is Good Cause for this application, as it will address an existing non-conformity. As a result, he is prepared to make a motion.

MOTION: Commissioner Johnson moved to APPROVE the Eighth Amended Little Belle Condominium Plat for 7185 Little Belle Court, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Little Belle Condominiums is a 20-Unit Condominium. The Condominium Plat was recorded with Summit County on December 21, 1981 (Entry No.186813).

2. The Condominium Plat includes six buildings between Royal Street, Service Road, and Guardsman's Connection Road in the Silver Lake Village of Deer Valley.

3. The Applicant requests a Plat Amendment (Attachment 1) to reflect the existing conditions of the private area square footage of Unit 4.

4. The Applicant states: "Sometime before the current owners purchased Unit 4 of Little Belle Condominiums in 2004, an area of vaulted ceilings, labeled 'Open to Below' on the original plat was closed in to create an additional 252 square footage on the Upper Level of Unit 4. That area currently serves as a large closet for the master bedroom. It has existed that way for at least 20 years. The purpose of this plat amendment is to update the square footage and private ownership areas to reflect what currently exists."

5. The existing Unit is 2,684 square feet and the Applicant proposes a 252-square-foot increase for a 2,936-square-foot Unit. The Plat Amendment addresses a built-out 'Open to Below' area and does not change the exterior features, windows, or exterior walls of the Unit.

6. The Little Belle Condominiums Plat has been amended seven times; many of those amendments were to increase the private area square footage.

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7. Utah Code Chapter 57-8 requires a minimum 66.6% approval vote by the Homeowner's Association (HOA) for a Plat Amendment.

8. On August 13, 2024, 90% of the Little Belle Condominiums HOA voted to approve the proposed Plat Amendment.

9. The 12th Amended and Restated Deer Valley Master Planned Development approved 20 Units for the Little Belle Condominiums with no square footage limitations for any individual Unit.

10. The Little Belle Condominiums Plat does not limit the square footage of any Unit.

11. The Little Belle Condominiums Plat has been amended seven times:

    a. First Amendment, recorded August 2, 2000 (Entry No. 570172).
        i. Increased the private area square footage for Units 5 (an increase of 178.4 square feet), 6 (an increase of 544.3 square feet), 7 (an increase of 653.9 square feet), and 8 (an increase of 178.4 square feet).
    b. Second Amendment, recorded August 8, 2001 (Entry No. 595276).
        i. Increased the private area square footage for Units 2 (an increase of 168.8 square feet), 9 (an increase of 496 square feet), and 10 (an increase of 784 square feet).
    c. Third Amendment, recorded April 19, 2004 (Entry No. 695554).
        i. Increased the private area square footage for Unit 20 (an increase of 63.86 square feet). This Plat Amendment was retired after the recordation of the Fourth Amendment, which amended Unit 20 a second time and subsequently made the third amended Plat inaccurate.
    d. Fourth Amendment, recorded June 7, 2006 (Entry No. 780095).
        i. Converted decks and balconies labeled as limited common area to private area for 13 of the 20 Units.
    e. Fifth Amendment, recorded June 2, 2011 (Entry No. 923784).
        i. Created a 208-square-foot private area addition for Unit 3.
    f. Sixth Amendment, recorded May 23, 2018 (Entry No. 1092170).
        i. Converted 14 square feet of private area to limited common ownership for Unit 5.
    g. Seventh Amendment, recorded February 9, 2022 (Entry No. 1183122).
        i. Created a 150-square-foot private area addition for Unit 2.

12. The proposed Eighth Amended Little Belle Condominiums Plat Amending Unit 4 complies with LMC Chapter 15-2.13 *Residential Development Zoning District Requirements*:

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a. The purposes of the RD Zoning District include:
   i. Allowing a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
   ii. Encouraging the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
   iii. Allowing commercial and recreational activities that are in harmony with residential neighborhoods,
   iv. Minimizing the impacts of the automobile on architectural design,
   v. Promoting pedestrian connections within Developments and between adjacent Areas; and
   vi. Providing opportunities for variation in architectural design and housing types.

b. Setbacks:
   i. The existing Structure maintains a Setback greater than 70 feet to all property lines. No exterior alterations or additions are proposed.

c. Maximum Building Height: 28 feet from Existing Grade:
   i. The proposed Plat Amendment will not increase the Building Height of the Structure. The existing Structure is 28 feet from Existing Grade.

d. Density: The maximum Density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development. Development must be clustered to preserve common Open Space and shall protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.
   i. The Lot for the Little Belle Condominiums is approximately 3.7 acres. The Little Belle Condominiums were platted in 1981 for 20 Units. The Land Management Code in effect in 1981 did not have a Density limitation. The proposed Plat Amendment complies with LMC § 15-9-6(A) in that it does not create an additional Unit or enlargement of the non-compliance and complies with the original Condominium and MPD approval for 20 Units.

e. The proposal complies with LMC Chapter 15-3, Off-Street Parking.
   i. Condominiums greater than 2,000 square feet require two Parking Spaces per Dwelling Unit. The square footage shown on the recorded plat for Unit 4 will increase from 2,684 square feet to 2,936 square feet and requires two Parking Spaces. Double-car garages must have a minimum interior dimension of 20 feet in width by 20 feet in depth. Unit 4 has a two-car

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garage that is approximately 20 feet wide by 20 feet deep. Therefore, Unit 4 complies with the parking and garage requirements of the LMC.

13. The proposal complies with the Deer Valley Resort 12th Amended and Restated Large Scale Master Plan Development.

    a. The 12th Amended Large Scale Deer Valley MPD allowed 20 Units for the Little Belle Condominium Project, and 20 Units have been constructed. No additional Units are proposed as part of this Plat Amendment.

14. The proposal complies with the Sensitive Land Overlay requirements.

    a. The proposed square footage has been constructed within the footprint of the existing Structure and does not impact any undeveloped land.

15. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.

    a. Changes to platted elements within a condominium require a Plat Amendment. The Planning Commission reviews Plat Amendments according to the requirements of LMC § 15-7-1.6 and is required to make a finding of Good Cause.
    b. LMC § 15-15-1 defines Good Cause as "[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community."
    c. Staff finds Good Cause for this Plat Amendment because it does not propose any exterior expansion or changes to the existing Unit. The 252-square-foot addition does not increase the number of bedrooms or bathrooms and does not increase the parking requirements. The proposed Plat Amendment corrects existing non-conformities with the recorded Plat. The original plat for the Deer Valley Large Scale MPD, approved in 1981, does not include plat notes that impose limitations on the size of the condominium Units. The Little Belle Condominiums were platted in 1981 for 20 Units. The LMC in effect in 1981 did not have a Density limitation. The proposed Plat Amendment does not create an additional Unit and complies with the original Condominium approval and the 12th Amended Deer Valley

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Large Scale MPD. No Public Street, Right of Way, or easement will be vacated or amended.

16. The Development Review Committee reviewed the proposal on December 3, 2024, and confirmed the proposed Plat conforms with their requirements.

17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 20, 2024. The Park Record published courtesy notice on December 21, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 *Off-Street Parking*, and Chapter 15-2.13 *Residential Development District*.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended Declaration of Condominium of The Little Belle Condominiums prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made to the Planning Department in writing prior to the expiration date and an extension is granted by the Planning Director.

The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission.

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C. 2366 Good Trump Court – Condominium Plat Amendment – The Applicant Proposes to Convert 269 Square Feet of Common Ownership and Limited Common Ownership Area to Private Ownership Area for Unit 1 of the Queen Esther Village No. 1 Condominium Plat in the Residential Development Zoning District. PL-24-06314.

Planner Klopfenstein presented the Staff Report and noted that the applicant representative, Marshall King, is at the Planning Commission Meeting. This is a Condominium Plat Amendment for 2366 Good Trump Court. The request is to convert 269 square feet of common and limited common area to private area in two areas:

- To reflect an interior/enclosed 218 square foot area at the southeast corner of the ground level that has been used as a private bedroom, but is common ownership on the recorded plat;
- To enclose an exterior 51 square foot front porch that is limited common ownership on the recorded plat to provide additional space in the entrance hall of the unit.

Planner Klopfenstein shared an image of the front view of 2366 Good Trump Court. The front porch area was highlighted in red, which indicates the area that will be enclosed with the Condominium Plat Amendment. He reiterated that this is intended to provide additional space in the entrance hall. Another image of the unit was shared. The ground level that is being used as a bedroom was highlighted in red. The amendment will not impact the visual appearance from the rear. Building height information was shared:

- The building is approximately 35 feet, 7 inches from the existing grade and exceeds maximum building height of 33 feet for the RD Zone;
- The proposed Plat Amendment is regarding the ground floor and does not affect building height;
- Condition of Approval #1 prohibits any modifications to building height as part of the approval and requires a plat note: any new construction must comply with the Residential Development Zoning District building height regulations.

As for zoning and parking, the property complies with other lot and site requirements of the RD Zone. Two parking spaces are required and 2366 Good Trump Court meets the requirement. Staff finds that there is Good Cause for this amendment because it resolves an existing issue by recording common and limited common areas that are under private use. This reflects the existing conditions at the site. Planner Klopfenstein reviewed some of the Conditions of Approval, including Condition of Approval #2, which requires the applicant to obtain letters prior to plat recordation from public utility providers to indicate there are no public utilities located under the 218 square foot area that is the back bedroom. Other Conditions of Approval are outlined in the Draft Final Action Letter. Staff recommends that the Commission conduct a public hearing and approve the proposal.

Commissioner Sigg noted that common area is being considered in this case, which belongs to the entire association. There is no implied use for that particular owner. He

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asked whether the HOA has agreed to what is proposed. The applicant representative, Marshall King, clarified what is being enclosed. Commissioner Johnson noted that there is an HOA letter in the Meeting Materials Packet that indicates there was approval.

Commissioner Frontero stated that it appears 218 square feet of common area was converted to private space back in 2017, which was likely done without a permit since there was no permit found on file. Mr. King suspected that was an accurate statement. Commissioner Frontero believes the intention is to enclose the 51 square feet and convert the common area to private. Mr. King explained that a new buyer recently purchased the unit. Some remodeling was being done on the inside and there was a realization about the common area. The request is to shift from common to private. As for the portion outside by the porch, the request is to shift from limited common to private. The front porch area image was further reviewed. The entire area shown is not included in the request. On the proposed plat, what is circled in red will remain limited common area.

Commissioner Suesser asked to review Slide #5, which shows the rear view with the lower-level private bedroom highlighted. She asked if there will be an enclosure below the deck. This was denied. Mr. King explained that where it is converted into private ownership is below. It is not visible from the outside. Commissioner Suesser referenced Page 6 of the Staff Report. For the Ground Level image with the red scalloped area, she asked if that is below the deck in the previous image. Mr. King denied this and pointed out the location of the deck on the example image. Commissioner Shand mentioned Exhibit B – Applicant's Narrative and Supplemental Materials. On Page 5, there is a photograph that shows more clearly what is being discussed. The area that the applicant is referring to for the bedroom is the area to the right of the air conditioner condenser. It is possible to see the entryway the applicant wants to enclose as well.

There was additional discussion about the areas proposed to become private. Commissioner Frontero asked what the originally intended common use was for the space indicated. Mr. King was not certain and noted that the original plat does not show that space. Before the current owner purchased the unit, it had been used as a bedroom.

Chair Hall opened the public hearing. There were no comments. The hearing was closed.

MOTION: Commissioner Frontero moved to APPROVE the Condominium Plat Amendment for 2366 Good Trump Court, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. 2366 Good Trump Court is an attached single-family condominium unit.

2. 2366 Good Trump Court is Unit 1 of the Queen Esther Village No. 1 Condominium Plat, recorded on August 26, 1981.

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3. On March 15, 2018, the City Council approved a Plat Amendment to amend Queen Esther Village No. 1 Subdivision Unit 6 (2346 Good Trump Court). The plat converted 108 square feet of Common Area underneath a deck adjacent to Unit 6 to Private Area.

4. 2366 Good Trump Court is a mirror image of the adjacent 2380 Good Trump Court, which is Unit 2 of the Queen Esther Village No. 1 Plat. The plat only shows the floor plan and layout for 2380 Good Trump Court. The floor plan and layout for 2366 Good Trump Court is the same as the floor plan and layout of 2380 Good Trump Court in reverse.

5. Building Permit records indicate a deck was added to the rear of 2366 Good Trump Court in 2016, and the unit underwent an interior remodel in 2017.

6. The applicant proposes converting a 218-square-foot area at the southeast corner of the ground level of 2366 Good Trump that has been used in the past as an additional bedroom but is shown as common ownership area on the current recorded plat to private ownership area.

7. The applicant also proposes converting a 51-square-foot area that is currently used as part of the front porch of 2366 Good Trump Court and is shown as limited common ownership on the current recorded plat to private ownership area.

8. The Applicant proposes the Plat Amendment to update the record of survey to reflect existing conditions, to continue using the 218-square-foot area as an additional bedroom, and to enclose the 51-square-foot area to provide additional space in the entrance hall of the unit. The Applicant proposes to enclose the front porch area in spring 2025, concurrently with remodels the owner's association plans for other units in the Queen Esther Village No. 1 Subdivision.

9. Pursuant to Utah Code § 57-8-7(3), common areas in Utah condominium projects may not be altered without the consent of two-thirds of the unit owners. The applicant provided proof that at least two-thirds of Unit Owners voted in the affirmative on October 11, 2024, to authorize the conversion of Common Area and Limited Common Area to Private Ownership Area.

10. The Plat Amendment proposal, as conditioned, complies with the requirements of the Residential Development (RD) Zoning District.

    a. A 20-foot Front Setback is required, and a 25-foot Front Setback is required for front-facing garages for Single-Family and Duplex Dwellings.

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i. 2366 Good Trump Court maintains a minimum 180-foot Front Setback to the west.

b. A 12-foot Side Setback is required.
   i. 2366 Good Trump Court maintains a minimum 167-foot Side Setback to the south and a minimum 39-foot Side Setback to the north.

c. A 15-foot Rear Setback is required.
   i. 2366 Good Trump Court maintains a minimum 52-foot Rear Setback to the east.

d. The maximum allowable Building Height is 28 feet maximum from Existing Grade, or 33 feet maximum from Existing Grade with a roof pitch of 4:12 or greater.
   i. The existing structure is approximately 35 feet, 7 inches from Existing Grade, and has a roof pitch of 6:12.
   ii. The structure exceeds the allowed height by approximately 2 feet, 7 inches. Building Permit records do not indicate if or when this noncompliant structure was approved.
   iii. The March 18, 1980 edition of the LMC that was in effect when the Queen Esther PUD was approved and the June 15, 1981 edition of the LMC that was in effect at the time the Queen Esther Village No. 1 Condominium Plat was recorded established a maximum Building Height of 28 feet from Natural Grade for the Residential Development Zoning District.
   iv. The 1981 LMC allows ridges of gable, hip, gambrel, and similarly pitched roofs to extend up to 5 feet beyond the zoning district height. Since the roof of 2366 Good Trump Court extends beyond 33 feet in height, it does not comply with this provision of the 1980 LMC.
   v. The proposed Plat Amendment impacts the ground level of 2366 Good Trump Court and does not pertain to portions of the unit that exceed the Residential Development Zone height limit.
   vi. Condition of Approval 1 requires a plat note that states that any new construction shall comply with the Residential Development Zoning District regulations.

11. The proposed Plat Amendment complies, as conditioned, with Land Management Code Chapter 15-3 Off-Street Parking.

a. Land Management Code Section 15-3-6 requires two parking spaces per Dwelling Unit for an apartment or condominium with 2,000 square feet or more of floor Area.

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i. The existing unit includes approximately 2,740 square feet of floor Area, and the proposed Plat Amendment will increase the floor Area to approximately 2,958 square feet.

b. Land Management Code Section 15-3-3(F) states the minimum required parking space dimensions are 9 feet wide and 18 feet deep.

i. The unit includes a two-car garage that is approximately 18 feet, ¾ inches wide, and 27 feet, 4 inches deep, which meets the minimum dimensions for two parking spaces and meets the parking requirements outlined in Land Management Code Section 15-3-6.

12. The property includes easements that will not be impacted by the proposed Plat Amendment.

a. The Queen Esther Village No. 1 Condominium Plat notes that all common areas are dedicated as public utility easements.

i. Condition of Approval 2 requires the applicant to obtain letters prior to plat recordation from public utility providers (including, but not limited to, Enbridge, Rocky Mountain Power, and communications providers) indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court that is proposed to be converted from Common Ownership to Private Ownership, or that approval is granted to relocate any such public utilities at the Unit owner's expense. Condition of Approval 2 requires the Applicant to provide these letters to the Planning Department prior to recordation.

b. An easement for a buried telephone cable runs along the west and south sides of 2366 Good Trump Court. This easement will not be affected by the proposed Plat Amendment, which affects areas only within the existing building footprint of the condo unit.

13. Land Management Code Section 15-7.1-6(C) requires the Planning Commission to find Good Cause to approve a Plat Amendment.

a. Land Management Code Section 15-15-1 defines Good Cause as "Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community."

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b. No public street, Right-of-Way, or easement is vacated or amended with the proposed Condominium Plat Amendment.

c. Per the Applicant, the 218-square-foot area on the ground floor has been finished as an additional bedroom in the past. The 51-square-foot area on the ground floor is currently used as a portion of the front porch. Since these two areas are currently being used for private uses, staff finds Good Cause to approve the Condominium Plat Amendment, as conditioned, to convert these areas from common ownership and limited common ownership to private ownership to reflect existing conditions at the Site.

14. The Development Review Committee reviewed the proposal on November 19, 2024, and required Conditions of Approval.

15. The Summit County Recorder's Office requires Condition of Approval 3 to require the Plat to be named "Queen Esther Village No. 1 Unit 1 Amended," Condition of Approval 4 requires the applicant to include the certificate of attest note on the final Plat, and Condition of Approval 5 requiring the applicant to submit the "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project." Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 19, 2024. The Park Record published courtesy notice on December 19, 2024.

Conclusions of Law

1. There is Good Cause for this Condominium Plat Amendment because it amends the Record of Survey to reflect existing conditions.

2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.13 Residential Development (RD) District.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. Modifications to the Building Height of 2366 Good Trump Court are prohibited as part of this Plat Amendment approval. The applicant shall

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implement a plat note that states that any new construction shall comply with the Residential Development Zoning District requirements.

2. Prior to plat recordation, the Applicant shall obtain letters from public utility providers (including, but not limited to, Enbridge, Rocky Mountain Power, and communications providers) indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court that is proposed to be converted from Common Ownership to Private Ownership, or that approval is granted to relocate any such public utilities at the Unit owner's expense. The Applicant shall provide these letters to the Planning Department prior to plat recordation.

3. The Plat shall be named "Queen Esther Village No. 1 Unit 1 Amended."

4. The applicant shall implement a Certificate of Attest approval and signature box.

5. The applicant shall submit the "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" for review to the Summit County Recorder's Office. The "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" shall include:

    a. A Statement of Purpose for Amendment,
    b. A statement and date of the vote of two-thirds of Unit Owners in the affirmative to authorize the conversion of Common Area and Limited Common Area to Private Ownership Area,
    c. An exhibit describing the boundary of the condominium project,
    d. Parcel numbers for Units 1-26 of the Queen Esther condominiums,
    e. Updated ownership percentages.

6. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval, prior to recordation of the plat.

7. The Applicant shall record this Plat Amendment at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission.

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The Planning Commission took a short break before continuing with the agenda items.

D. 201 Heber Avenue – Condominium Plat Amendment – The Applicant Proposes to Convert Limited Common Area on the First Level of the Union Square Condominiums for Unit LB-1 in the Historic Recreation Commercial Zoning District. PL-24-06315.

Planner Lund presented the Staff Report and explained that this is a request for a Condominium Plat Amendment at 201 Heber Avenue. The proposal is to convert 200 square feet of limited common area to common area and to convert 300 square feet of common area to limited common area. Additionally, the proposal is to reassign 1,555 square feet of limited common area from Unit COM-3 to Unit LB-1, as reflected in the Memorandum of License that was recorded previously. The proposal complies with the Historic Recreation Commercial Zoning District requirements, off-street parking, the MPD and Conditional Use Permit for Union Square, and with 15-7.1-3. No additional parking demand is created because of the amendment and Staff finds Good Cause because existing non-conformities with the recorded Memorandum of License will be corrected. Staff recommends the Commission open a public hearing and consider approval.

Chair Hall opened the public hearing. There were no comments. The hearing was closed.

MOTION: Commissioner Frontero moved to APPROVE the Third Amended Union Square Condominium Plat at 201 Heber Avenue, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Applicant proposes to convert limited common area and common area and to reassign 1,555 square feet of commercial limited common area on the first level of the Union Square Condominiums from Unit COM-3 to Unit LB-1 in the Historic Recreation Commercial (HRC) Zoning District.

2. On October 19, 2023, 80 percent of the Property Owners Association for Union Square voted to approve this Plat Amendment.

3. The purpose of the conversion of limited common area to common area is to maintain consistency of common area across the entire plaza. The limited common area is no longer being used as originally intended.

4. On November 10, 2004, the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) for Union Square/Sky Lodge at 201 Heber Avenue.

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5. On February 9, 2006, the City Council approved Ordinance No. 06-1, a subdivision and condominium plat for Union Square/Sky Lodge.

6. On December 4, 2008, the City Council approved Ordinance No. 08-47, creating the First Amended Union Square Condominium Plat and retiring the original Plat (Summit County Recorder Entry No. 879382).

7. On January 24, 2024, the Planning Commission approved the Second Amended Union Square Condominium Plat. The Second Amended Plat re-assigned 4,832 square feet of limited common area from Unit LB-1 to Unit COM-3. 1,186 square feet of limited common area remained appurtenant to Unit LB-1. According to the Applicant: "the limited common area amended in the Union Square Second Amended matched the configuration of the limited common area shown in the Union Square First Amended Condominium Plat. This was a mistake, as the owner's intent was for the limited common area to match the configuration of the licensed space and the revised commercial limited common area appurtenant to Unit LB-1 shown in the Memorandum of License."

8. The proposed Third Amended Union Square Condominium Plat shifts 200 square feet of limited common area to common area, 308 square feet of common area to limited common area, and 1,555 square feet of commercial limited common area from Unit LB-1 to COM-3 to correct the Second Amended Union Square Condominium Plat error to accurately reflect what is shown in the Memorandum of License.

9. The Units within Union Square are residential and commercial. The 1,500-square-foot interior and exterior commercial limited common area labeled "Appurtenant to Unit LB-1" on Sheet 4 of 12 of the Union Square First Amended Condominium Plat is used for a commercial kitchen and conference rooms located in the historic lumber building (Unit LB-1) at 201 Heber Avenue. No change in Use is proposed.

10. The First Amended Union Square Condominium Plat shows this commercial limited common area appurtenant to Unit LB-1. On January 30, 2019, a Memorandum of License was recorded with Summit County (Entry No. 1105359) that gave Unit COM-3, a commercial kitchen and conference room and the right to use 1,555 square feet of this commercial limited common area. The Third Amended Union Square Condominium Plat Amendment assigns the 1,555 square feet of commercial limited common area for Unit LB-1 to accurately reflect the Memorandum of License.

11. The Third Amended Union Square Condo Plat complies with LMC Chapter 15-2.5, the Historic Recreation Commercial Zoning District Requirements.

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a. 201 Heber Avenue is in the HRC Zoning District and purposes include:
   i. Maintaining and enhancing characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches.
   ii. Encouraging pedestrian oriented, pedestrian-scale Development.
   iii. Minimizing visual impacts of automobiles and parking.
   iv. Preserving and enhancing landscaping and public spaces adjacent to Streets and thoroughfares.
   v. Providing a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings and/or Structures in the Area.
   vi. Providing a moderate Density bed base at the Town Lift.
   vii. Allowing for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community.
   viii. Encouraging preservation and rehabilitation of Historic Buildings and/or Structures and resources; and
   ix. Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

b. Setbacks:
   i. Not Applicable: there are no proposed expansions or additions to the Structure as part of this Plat Amendment.

c. Floor Area Ratio:
   i. Not Applicable: There are no proposed expansions or additions to the Structure. 201 Heber Avenue is in the Heber Avenue Sub Zone. The Floor Area Ratio limitation of the HRC District does not apply to properties located within this Sub-Zone.

12. The proposal complies with LMC § 15-3-6, Parking Ratio Requirements.

   a. The Plat Amendment does not increase private area, commercial area, or living space. No change in Use is proposed with this Plat Amendment. Additional parking demand is not created from this Plat Amendment.

13. The proposal complies with the MPD and CUP for 201 Heber Avenue/Union Square.

   a. The Third Amended Union Square Plat Amendment complies with all Conditions of Approval outlined in the Final Action Letter for the MPD

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and CUP for Union Square approved by the Planning Commission on November 10, 2004. Condition of Approval 4 from the MPD Final Action Letter states the following: “Any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.”

b. The proposed Plat Amendment complies with this Condition of Approval because there is no change in concept, Use, density, or unit type.

14. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.

a. Changes to platted elements including conversion of common area/limited common area within a condominium requires a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC § 15-7-1.6 and approval shall require a finding of Good Cause.

b. LMC § 15-15-1 defines Good Cause as “[Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

c. Staff finds Good Cause for this Plat Amendment because this amendment does not change the mass of the existing structure or the parking requirements, will remain compliant with the MPD and CUP approved on November 10, 2004, and does not create non-conformities. No Public Street, Right of Way, or easement will be vacated or amended.

15. The Development Review Committee reviewed this proposal on January 16, 2024, and does not require any conditions of approval.

Conclusions of Law

1. There is Good Cause for this plat amendment.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 Off-Street Parking, and Chapter 15-2.5 Historic Recreation Commercial District.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

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4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended Declaration of Condominium of The Union Square Condominiums prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

The motion was seconded by Commissioner Suesser. The motion passed with the unanimous consent of the Commission.

E. 1120 Park Avenue – Conditional Use Permit – The Applicant Requests Driveway Access off Sullivan Road for a Single-Family Dwelling in the Historic Residential – Medium Density Zoning District. PL-24-06309.

Planner Zollinger explained that the application is for a Conditional Use Permit at 1120 Park Avenue. The homeowner, Terrance McGrath, is present at the Planning Commission Meeting and the applicant representative is available virtually to answer questions. Planner Zollinger reported that the Conditional Use Permit request relates to access off of Sullivan Road. 1120 Park Avenue is a vacant lot in the Historic Residential – Medium Density Zoning District. The applicant is requesting driving access off of Sullivan Road, which is not a public right-of-way, but a road on City-owned property. The proposal requires a Conditional Use Permit and review by the Planning Commission.

Images were shared with the Commission for reference. Planner Zollinger noted that the orange outline shown is the 1120 Park Avenue lot. She pointed out Sullivan Road and explained that it is not a paved road but is gravel. It is not a right-of-way that is maintained by the City in the same way that a public right-of-way would be maintained.

The General Plan encourages pedestrian-oriented development to minimize the visual impacts of vehicles and parking on historic buildings and streetscapes. The applicant has the burden of showing the proposal proves the project has positive elements, such as:

- Increased Front Setbacks;

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- Preservation of Mature Landscaping;
- Reduced Density.

The proposal was originally noticed for public hearing and final action, but the applicant has requested that there be a Work Session on some of these items. As a result, there will not be final action taken during the current meeting. The proposal must comply with:

- Historic Residential – Medium Density Zoning District:
  - Site Regulations;
  - Conditional Use Permit Criteria;
  - Sullivan Road Access Criteria.
- Conditional Use Permit Criteria;
- Parking.

Planner Zollinger shared the plan provided by the applicant. This better illustrates what other residential structures on the street look like in relation to Park Avenue. The proposal must comply with the Historic Residential – Medium Density Zoning District requirements, which include site regulations. There are also Conditional Use Permit criteria:

- (A) Consistent with the design regulations for Historic Districts and Historic Sites;
- (D) New building and additions must be in scale and compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing historic buildings and/or structures in the neighborhood. Larger building masses should be located to the rear of the structure to minimize the perceived mass from the street;
- (E) Parking requirements shall be met;
- (F) All yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The use of native plants and trees is strongly encouraged;
- (H) All utility equipment and service areas must be fully screened to prevent visual and noise impacts on adjacent properties and pedestrians.

Most of the criteria are met or Staff has proposed Conditions of Approval to address them. Planner Zollinger noted that Staff is requesting that the Commission review Criteria F: Existing mature landscaping shall be preserved wherever possible. There is an existing significant tree on the site. Staff and the applicant are requesting input from the Commission on whether or not retaining the landscaping is needed. The applicant is proposing to remove the tree regardless of whether the Conditional Use Permit is approved. There are additional Sullivan Road access criteria outlined in the Historic Residential – Medium Density Zoning District, which were reviewed by Planner Zollinger:

- Limited access is allowed only when an applicant proves the project has positive elements furthering reasonable planning objectives;
- Neighborhood mandatory elements criteria:
  - Utility considerations - required to be accessed off Park;

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  - Enhanced Site Plan Considerations:
    - Variation in front yard and building setbacks to orient porches and windows onto street fronts, increased front setbacks, increased Transferred Development Right ("TDR") Open Space, and/or preservation of significant landscape elements, minimized access to Sullivan Road, decreased density.
  - Incorporation of pedestrian and landscape improvements along Park Avenue, Sullivan Road, and Eastern Avenue;
  - Parking mitigation.
- Affordable housing applicability.

The applicant is proposing two parking spaces, which are required in the code. Both of the spaces are proposed to be at the rear and will not be visible from Park Avenue. One of the Conditional Use Permit requirements is that the utilities must be accessed off of Park Avenue and that the final design shall comply with Historic District Design Review ("HDDR") regulations. Several proposed conditions were reviewed with the Commission.

Limited access is allowed only when an applicant proves the project has positive elements furthering reasonable planning objectives. Planner Zollinger reviewed some of the enhanced Site Plan considerations or possible conditions:

- Variation in front yard and building setbacks to orient porches and windows onto street fronts;
- Increased front setbacks;
- Preservation of significant landscape elements;
- Decreased density;
- Incorporation of pedestrian and landscape improvements.

Planner Zollinger shared additional images from Park Avenue to illustrate what the streetscape currently looks like. The Commission is being asked to provide input on conditions to allow access on Sullivan Road and for some feedback regarding the significant vegetation. She noted that the applicant will soon obtain an Arborist Report, which will be ready for the January 22, 2025, Planning Commission Meeting.

Commissioner Johnson asked how the Commission should approach looking at the Sullivan Road criteria. He noted that it is hard to make a determination without any sort of visual representation. Planner Zollinger noted that conditions can be set on the density or massing of the structure in order to enhance the pedestrian experience along Park Avenue. The finalized details of the design are regulated under the HDDR. The applicant wants to find out if the Commission believes the proposal complies and if it would be better to keep parking at the rear of the property to increase the pedestrian experience.

Commissioner Johnson mentioned a larger tree in the front of the property. Planner Zollinger reported that it is within the proposed front setback and at this point is proposed to be removed. Commissioner Shand referenced Page 6 of the Staff Report, which

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includes a drawing of Park Avenue and the existing homes. Every home north of 1120 Park Avenue has access off of Park Avenue, yet there is an indication that a lot of people use Sullivan Road. He loves the idea of access to the homes being from Sullivan Road and asked whether the City has considered improving that section of Sullivan Road. It appears that some residents are using the back area. Park Avenue has changed a lot over the years. It seems having fewer vehicles backing out of garages onto Park Avenue would be beneficial, which is why he likes the idea of the access off of Sullivan Road.

Public Improvements Engineer, Becky Gutknecht, shared additional context about improvements to Sullivan Road. Approximately two or three years ago, the City looked into improving Sullivan Road and making it an official road. Public feedback was sought out from residents who utilize that road. If Sullivan Road were to be made into a formal road, it would need to be expanded to match Code. The improvements would make the road much wider and would allow for public travel. The feedback from the residents who use Sullivan Road was that they would not prefer those improvements to take place and would prefer that Sullivan Road remain an unofficial road that has no maintenance.

Commissioner Frontero reported that he walked the property earlier in the day. There is a lot of snow on Sullivan Road and this is not maintained. He likes the idea of the garage in the back because that will make Park Avenue a little more pedestrian-friendly. However, he is concerned that Sullivan Road is not plowed in the winter, as that has the potential to be a safety hazard. Director Ward explained if there was access allowed for the site, a Condition of Approval would prohibit any parking within the City property. The owner would also be limited to two vehicles on the lot and there would be no parking allowed along Park Avenue. There was additional discussion about the parking needs.

Chair Hall likes the idea of enhancing Park Avenue. Commissioner Frontero shared additional observations from his walk in the area. He wants to discourage trailers and vehicles being parked on Sullivan Road while at the same time, encouraging parking to occur in the back. He wants to condition this application in a way that will clean up the back area where possible. Planner Zollinger explained that conditions would be limited to this property and access, but it can be conditioned to address the site parking.

Commissioner Frontero noted that the applicant wants to remove the large tree out front. He wanted to know why the applicant felt that was necessary. The property owner, Terrence McGrath, introduced himself to the Commission. He is the owner of 1120 Park Avenue and 1124 Park Avenue. Mr. McGrath purchased the properties in 2021 and met with City Staff early last year to discuss Sullivan Road. He shared an image of the area and pointed to the location of the tree that was mentioned. There is no opposition to keeping the tree where it is, but it impacts visibility for the historical structure parking pad at 1124 Park Avenue. Additionally, the tree leans over and across the historical property. Mr. McGrath is not committed to removing or keeping the tree at this point but wants to make sure that whatever decision is made, the parking on the historical structure is not impacted. He shared an image with the Commission to better illustrate current conditions.

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Commissioner Frontero asked if there is a willingness to move the parking pad on the historical house to Sullivan Road as well. Mr. McGrath confirmed this but noted that there are unintended consequences to consider. There were originally two Conditional Use Permit requests, one for 1120 Park Avenue and one for 1124 Park Avenue, but there were issues that the Conditional Use Permit was generating on the historical site.

Director Ward reported that historic structures are exempt from parking unless a Conditional Use Permit is triggered. It is possible to have the parking at the rear, but right now, it is exempt. Going through the Conditional Use Permit for the Sullivan Road access will require two parking spaces at the rear. That shrinks the developable area available to add to the historical structure. Mr. McGrath explained that a year ago, he went through different iterations with Staff. That is the reason he wants to have a discussion with the Commission about the access and the tree, as this is a complicated area of the City.

Chair Hall wants to process the application, as presented but appreciates all of the different factors that impact the area. There was discussion about the way Sullivan Road is currently being used. Commissioner Shand asked for clarification about why a parking pad for two vehicles behind the historic structure would be problematic. Mr. McGrath reiterated that it would shrink the footprint. Karen Backstrom from Stoker Architecture introduced herself to the Commission. Requiring two 9x18 parking spaces on the lot would consume a significant portion of the building pad. If that approach is taken, there would not be a viable building pad on the historic lot. Mr. McGrath noted that there is a plan to expand the historic structure, similar to what was done next door.

Commissioner Suesser asked for information about the five lots along Park Avenue that were expanded toward Sullivan Road. She wanted to understand how that happened and if that is likely to occur with the subject parcel. Planner Zollinger noted that some of the properties have property lines that now go into the City-owned property. Attorney Harrington clarified that those could have been partitioned off before the City acquired the property. It should be possible to obtain that information by looking at the platting history.

Director Ward reported that the most recent change to this area was a rezone. The property line to what would be the east of the City parcel is now zoned Urban Park. Planner Zollinger noted that some of the properties with additional garages or sheds in the back have been there for a long time. It is not the intention of the City to allow any further encroachments onto the City property. Engineer Gutknecht confirmed that most look like they were built a long time ago. As time has passed, the City has tried to obtain Encroachment Agreements and work through matters with the various property owners. That being said, the City will not allow any more encroachments onto that City property.

Chair Hall opened the public hearing. There were no comments. The public hearing was continued to the January 22, 2025, Planning Commission Meeting.

Commissioner Johnson asked what the plan is with Park Avenue and whether it will be regraded. Engineer Gutknecht explained that when a project is planned, such as a

PENDING APPROVAL

revamp of Park Avenue, the limits of disturbance are from the back of sidewalk to back of sidewalk. As a result, the tree that was mentioned earlier would not be impacted. Commissioner Johnson asked if the road would be backfilled to level it out. Engineer Gutknecht is not sure what is being considered for Park Avenue as far as the grading.

Commissioner Johnson looks forward to an Arborist Report at the next Planning Commission discussion on the subject property. Planner Zollinger wanted to know if the Commission would consider a Condition of Approval to state that the tree must remain on the site if the Arborist Report determines it is still in good condition with low impacts to the site. Commissioner Suesser believes if the tree needed to be removed, it would make sense to have a condition that there be a replacement of significant vegetation.

Commissioner Sigg agrees with other Commissioners that access to the rear would be preferable. However, if that is going to occur, it would be nice for there to be a paved road that is defined. What he sees now on Sullivan Road is more of a free-for-all. He anticipates that a lot of other houses there will want an easement across City property for access at the back. He wants to know what enforcement will look like in the future. Commissioner Shand asked if this was an opportunity to establish some regulations there. If rear access is approved for 1120 Park Avenue, there will be Conditions of Approval. It might create opportunities to establish something similar in the rest of the area.

Commissioner Sigg is curious about the species of the tree in front as well as whether or not there has been maintenance done on the tree. The Commission reviewed an image of the tree and the curb cut in front of the house. Planner Zollinger reported that Sullivan Road is not a designated public right-of-way but is a gravel road on City property. Attorney Harrington added that the City has typically dealt with encroachments through Encroachment Agreements. If the Conditional Use Permit application moves forward, the City Engineers will likely weigh in on a preferred alternative.

Commissioner Johnson looks forward to reading the Arborist Report and receiving additional feedback from engineers. If the engineers are not on board with access off of Sullivan Road, then he will not be supportive of the request. Chair Hall noted that there are challenges because there are conflicting provisions. There is not an easy solution here, so there will need to be additional discussions about the application. It was determined that more information is needed before a decision is made.

Mr. McGrath explained that this was going to be a family home. He is trying to do what is best for the area. He loves what the City has done with the Historic District over the years. Sullivan Road does not necessarily need to be a paved road in order to meet the needs. As for the tree, the main issue has to do with the impacts on the historic site. He pointed out that it can create difficulties in terms of visibility, but it is also leaning towards the historic structure. He thanked the Planning Commission for discussing the application.

PENDING APPROVAL

Chair Hall asked whether shared parking in the back would work for the lots owned by Mr. McGrath. There might be a creative solution. Director Ward explained that because these are Conditional Use Permits, under the parking code, the applicant could request a reduction in the required parking. The applicant would need to demonstrate that the demand would be mitigated on the property. That could be considered as part of the Conditional Use Permit review as could a shared parking agreement. There could be additional parking on the non-historic site to satisfy parking on the historic site. Director Ward noted that there is some flexibility through the Conditional Use Permit process that the Planning Commission can evaluate at the next meeting. Having the Arborist Report review will make it possible to fully understand and evaluate the subject property.

This item is scheduled to be continued until January 22, 2025, but Director Ward noted that the Staff Report will be published on January 17, 2025. She asked if the Arborist Report will be ready by that date. If not, the item could be continued to a later meeting to ensure that all of the information is available for Commission review. Mr. McGrath was unable to confirm whether or not the report would be ready by January 17, 2025. Skylar Sanders stated that he works with Mr. McGrath. The arborist is scheduled to visit the property tomorrow. He is not certain how long it will take to generate the report.

Mr. Sanders asked if City Engineering is opposed to access from the rear of the property to Sullivan Road. Engineer Gutknecht confirmed that the City Engineering Department is opposed to access from Sullivan Road. Commissioner Suesser asked for elaboration on this position. Engineer Gutknecht explained that access to sites is preferred off of owned and maintained rights-of-way. Since Sullivan Road is unmaintained, is on City property, and is not intended to be a road, access there is not preferred.

There was discussion about what meeting to continue the discussion too. Director Ward suggested that it be continued to the February 12, 2025, Planning Commission Meeting. Mr. McGath asked to sit with Staff ahead of that date to better determine the priorities. Commissioner Sigg is in favor of a shared driveway between the two properties. Commissioner Suesser asked for more context as to why the City has not improved the road. She understands that the residents weren't all in favor due to the widening, but it might be in the best interest of the community if Sullivan Road was formally improved.

MOTION: Commissioner Johnson moved to CONTINUE the 1120 Park Avenue Conditional Use Permit application and public hearing to the February 12, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

8. ADJOURNMENT

MOTION: Commissioner Frontero moved to ADJOURN.

The meeting adjourned at approximately 8:51 p.m.

PENDING APPROVAL

2366 Good Trump Court

Condo Plat Amendment

PL-24-06314
Planning Commission
January 8, 2025

PARK CITY
1884

2366 Good Trump Ct.

Summary

PENDING APPROVAL

- Applicant proposes converting 269 square feet of Common and Limited Common Area to Private Area in two areas:

- To reflect an interior/enclosed 218-square-foot area at the southeast corner of the ground level that has been used as a private bedroom but is common ownership on the recorded plat

- To enclose an exterior 51-square-foot front porch that is limited common ownership on the recorded plat to provide additional space in the entrance hall of the unit

2366 Good Trump Ct.

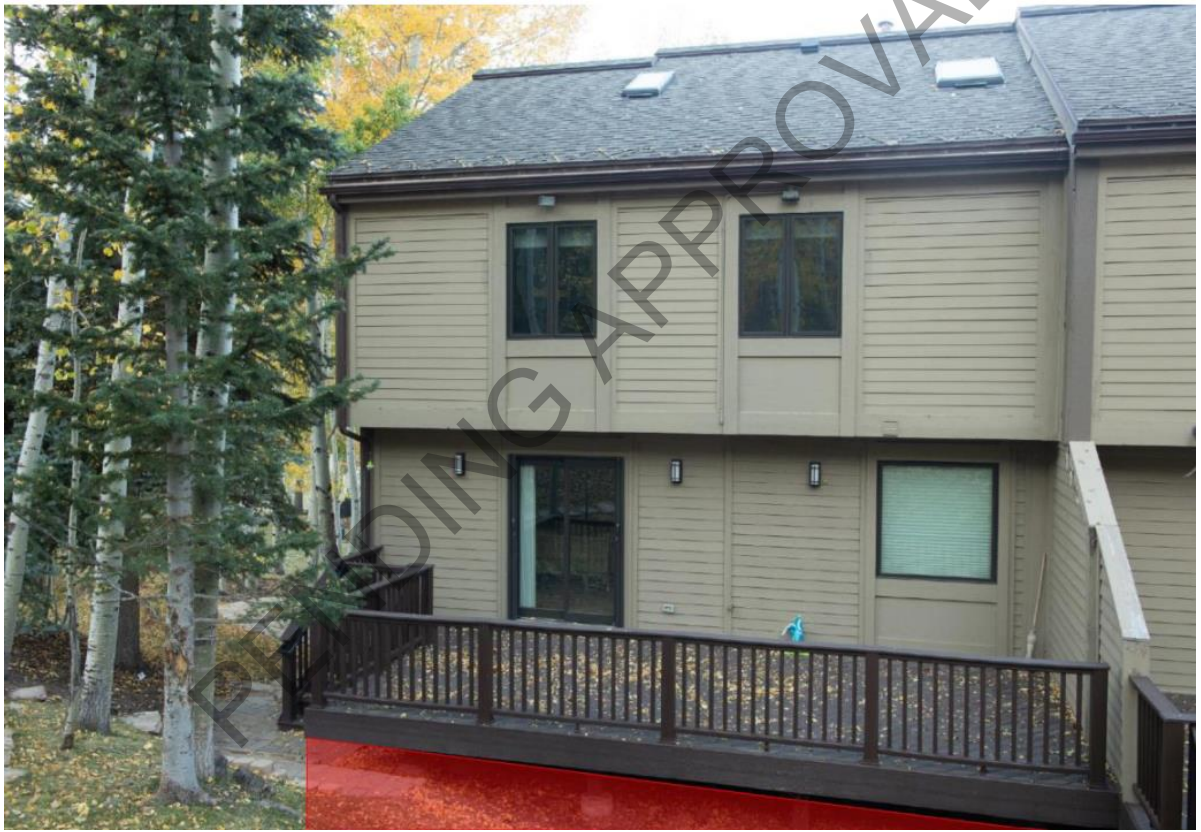
Front view

2366 Good Trump Ct.

Front porch area to be enclosed

PENDING APPROVAL

2366 Good Trump Ct.

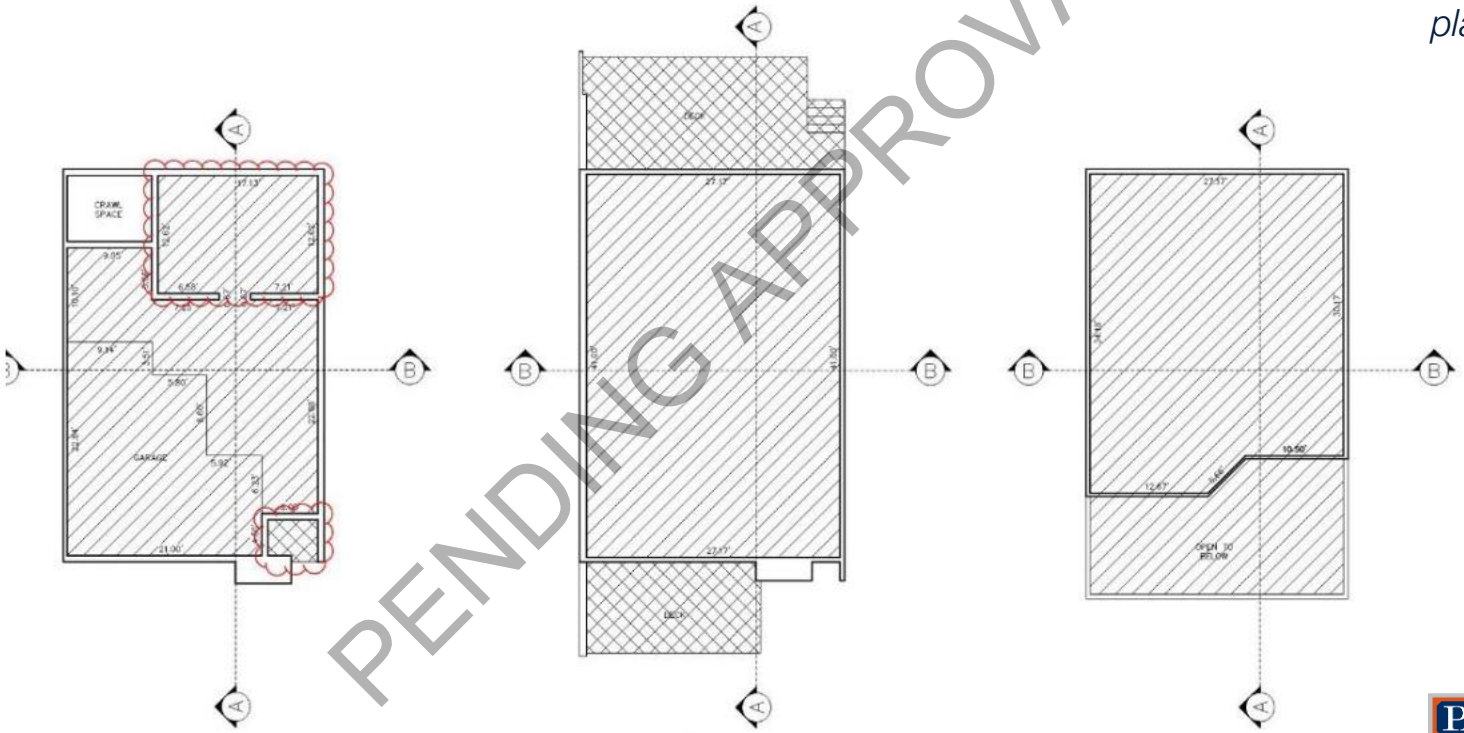


Rear view with lower-level private bedroom highlighted

PENDING APPROVAL

2366 Good Trump Ct.

Proposed plat excerpt



PENDING APPROVAL

2366 Good Trump Ct.

Building Height

- Building is approximately 35 feet, 7 inches from Existing Grade and exceeds maximum Building Height of 33 feet for RD Zone

- Proposed Plat Amendment is regarding the ground floor and does not affect Building Height

- Condition of Approval 1 prohibits any modifications to building height as part of the Plat Amendment approval and requires a plat note: any new construction must comply with the Residential Development Zoning District Building Height regulations

PENDING APPROVAL

2366 Good Trump Ct.

Zoning and Parking

- 2366 Good Trump Court complies with other Lot and Site Requirements of the RD Zone

- Two parking spaces are required; 2366 Good Trump meets this requirement

PENDING APPROVAL

2366 Good Trump Ct.

Good Cause

PENDING APPROVAL

- The Planning Commission must make a finding of Good Cause to approve Condominium Plat Amendments

- Good Cause: “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

2366 Good Trump Ct.

Good Cause

- There is Good Cause for this Condominium Plat Amendment, as conditioned, because it resolves an existing issue by recording common and limited common areas that are under exclusive private use for Unit 1, reflecting existing conditions at the Site.

PENDING APPROVAL

2366 Good Trump Ct.

Conditions of Approval

PENDING APPROVAL

- Condition of Approval 2 requires Applicant to obtain letters prior to plat recordation from public utility providers indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court, or that approval is granted to relocate any such public utilities at the Unit owner's expense

- Other Conditions of Approval regarding naming and details of the plat and CC&Rs outlined in the Draft Final Action Letter

2366 Good Trump Ct.

Recommendation

PENDING APPROVAL

- *(I) Review the Plat Amendment for 2366 Good Trump Court, Unit 1 of the Queen Esther Village No. 1 Condominium Plat, (II) conduct a public hearing, and (III) consider approving the Condominium Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).*

Child Care Land Use

LMC Amendments – Work Session

PENDING APPROVAL

PL-24-06006
January 8, 2025
Planning Commission

Child Care Land Use

Background

- 2023 City Council direction to evaluate LMC requirements
- March 27, 2024, Planning Commission Work Session
- November 18, 2024, Focus Group meeting

PENDING APPROVAL

Child Care Land Use

Current Definitions

PENDING APPROVAL

- **In-Home Babysitting:** the provision of Child Care for four (4) or fewer children within a dwelling and within commercial buildings outside of residential Zoning Districts
- **Family Child Care**: the provision of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence
- **Family Group Child Care:** the provision of Child Care for nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.
- **Child Care Center**: the provision of Child Care for four (4) or more children in a place other than the care provider's primary residence and for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis

Child Care Land Use

Current Regulations

PENDING APPROVAL

- In-Home Babysitting: **Allowed citywide as Accessory Use**
- Family Child Care**: Requires Admin. Permit in SFDs/duplexes**
- Child Care in Multi-Unit Dwellings: **Conditional Use Permit**
- Family Group Child Care: **Conditional Use Permit**
- Child Care Centers: **Allowed in non-residential zones, need CUP or MPD approval in residential zones**

- Child Care Centers also have specific location criteria to encourage them to be placed on peripheries of neighborhoods and near schools, libraries, houses of worship or playing fields, when part of a CUP

Child Care Land Use

Recommendations

- Staff recommends:
  - (A) shifting all reviews to a staff-level review,
  - (B) updating the definitions to align with changes to state code, and
  - (C) updating and consolidating the criteria reviewed for Child Care facilities.

PENDING APPROVAL

Child Care Land Use

Consolidated Criteria

- Parking
- Drop-off/Pick-up Area
- Arterial Street
- Proximity to Public Transit
- Setbacks
- Signs
- Play Area Size and Location
- Screening
- Structure Inspection Required
- Public Notice
- One Year Review
- Exceptions

PENDING APPROVAL

Child Care Land Use

Consolidated Criteria

- Also reviewed for Administrative Conditional Use Permit Criteria outlined in LMC Section 15-1-10(E)

PENDING APPROVAL

Child Care Land Use

Questions

- *Does the Commission support staff review for Child Care facilities, rather than Planning Commission review?*
- *Is the Commission supportive of consolidating the criteria in Section I outlined above?*
- *Does the Commission suggest any changes to Staff's proposed review requirements and criteria for Child Care facilities outlined above?*

PENDING APPROVAL

Child Care Land Use

Parking - Current Requirements

PENDING APPROVAL

- **In-Home Babysitting**: none.
- **Family Child Care**: One off-Street parking space required for each non-resident or non-family member employee in addition to underlying parking requirements for residential dwellings.
- **Family Group Child Care**: One off-Street parking space required for each non-resident or non-family member employee in addition to underlying parking requirements for residential dwellings.
- **Child Care Centers**: At least one parking space for each on-duty staff person per shift and one space for every six children cared for.

Child Care Land Use

Parking - Recommendation

- Retain requirement for Family Child Care, Family Group Child Care, and Child Care Centers to provide one parking space per each non-resident or non-family member employee on-shift

- Eliminate requirement for Child Care Centers to provide one parking space per every six children cared for because Child Care facilities already must provide drop-off/pick-up areas for parents

- Implement flexibility for parking, such that providers could qualify for reductions or exemptions for parking if they submit a parking plan that meets certain criteria

PENDING APPROVAL

Child Care Land Use

Possible Parking Plan Criteria

PENDING APPROVAL

- To qualify for parking reduction/exemption, Applicants could submit parking plan that demonstrates:
  - There is adequate on-Street parking in the area that employees could use;
  - The facility could share parking with a nearby business
  - The facility includes an on-Site drop-off/pick-up area
  - A significant number of employees do not use single-occupancy vehicles
  - Parking in the right-of-way adjacent to the Child Care facility is available;
  - An agreement authorizes facility employees/patrons to park in an off-Site Parking Area or Parking Structure that is located within 1,000 feet of the Child Care facility perimeter boundary

Child Care Land Use

Possible Parking Plan Criteria

- To qualify for parking reduction/exemption, Applicants could submit parking plan that demonstrates:
  - The Child Care Facility is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards
  - On-Site parking is provided for motorcycles and/or scooters
  - Bicycle parking exceeds the requirements of the LMC.

PENDING APPROVAL

Child Care Land Use

Questions

PENDING APPROVAL

- *Does the Commission support allowing Child Care providers to qualify for parking reductions or exemptions, as outlined above?*

- *What other criteria would the Commission like to see included in a parking plan if an applicant seeks a parking reduction or exemption for a Child Care facility?*

Child Care Land Use

Analysis – MPD

- LMC allows Planning Commission to require Child Care facility in MPDs/AMPDs if the Commission determines the project will create additional demand for Child Care

- Staff recommends eliminating this provision for the following reasons:
  - Lack of clear criteria
  - Impracticality for Developers
  - Enforceability
  - Incentives as accessory uses

PENDING APPROVAL

Child Care Land Use

Questions

PENDING APPROVAL

- *Does the Commission support removing the Child Care mandate from the MPD and AMPD codes?*

Child Care Land Use

Analysis – State Code

- Second Location: State regulations allow providers to operate a second location outside of their primary residences; LMC does not allow this

- H.B.153 and Eliminating Family Child Care: State allows in-home Child Care for up to 8 children without license

PENDING APPROVAL

Child Care Land Use

Questions

PENDING APPROVAL

- *Does the Planning Commission continue to support a change to the LMC allowing a second Family Child Care location?*
- *Does the Planning Commission continue to support eliminating Family Child Care as a category under the LMC?*

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 22, 2025

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, John Frontero, Christin Van Dine, Bill Johnson, Henry Sigg, Rick Shand, Laura Suesser (via Zoom)

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, Planner II

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1. ROLL CALL

Chair Sarah Hall called the Planning Commission Meeting to order at 5:30 p.m. All Commissioners were present, with Commissioner Laura Suesser attending via Zoom.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, shared information about public comments during the Planning Commission Meeting. She asked those sharing comments to state their full name, sign in, limit comments to three minutes or less, and direct comments to the Commission. Additionally, she asked that the comments be related to the item that is scheduled for review. She stressed the importance of civility during comment periods.

Commissioner Christin Van Dine disclosed that she owns property in Lower Deer Valley Lakeside. She also serves on the Homeowners Association ("HOA") Board. However, that will not impact her decisions on the Deer Valley-related agenda items.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. CONTINUATIONS

A. Parcel PCA-S-79-C – Extension of Approval – The Applicant Proposes a Two-Year Extension of Ordinance 2023-03 Approving the Zoning Map Amendment to Rezone a Six-Acre Pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C (Bransford Parcel). PL-24-06306.

Chair Hall opened the public hearing. There were no comments. The public hearing was continued to the February 12, 2025, Planning Commission Meeting.

PENDING APPROVAL

MOTION: Commissioner Van Dine moved to CONTINUE Parcel PCA-S-79-C – Extension of Approval and the public hearing to the February 12, 2025, meeting. Commissioner Frontero seconded the motion. The motion passed unanimously.

5. REGULAR AGENDA

A. 2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports – The Applicant Proposes to Update the Flagstaff Technical Reports #5 Open Space Management Plan and #13 Wildlife Management Plan Related to the Flagstaff Development Agreement, Master Planned Development, and the Conditional Use Permit Approving the Installation of Lift 7. PL-24-06258.

Planner II, Virgil Lund, presented the Staff Report and explained that this item relates to 2250 Deer Valley Drive South. He shared the Flagstaff Technical Reports Addendums – Wildlife Management and Open Space presentation slides with the Commission. He explained that what is before the Commission is an amendment to the Flagstaff Technical Reports: #13 Wildlife Management Plan and #5 Open Space Management Plan.

Planner Lund discussed the Lift 7 Conditional Use Permit ("CUP") that was approved in May 2024. He read Conditions of Approval #13 and #26 to the Commission:

- Condition of Approval #13:
  - "The Applicant must submit an application to amend Technical Report #5 Open Space Management Plan which shall include a substitution of the designated Undeveloped Recreation Open Space impacted by this application and adjustment of Developed Recreation Open Space Areas, with a minimum 111-acre replacement of the Undeveloped Recreation Open Space, and any proposed additional mitigation measures from the result of increased lift disturbance within Undeveloped Recreation Open Space. The Applicant shall submit the application to the Planning Department within three months of this Conditional Use Permit approval. Planning Commission review and approval must be obtained within six months of the date of Planning Commission approval of this Conditional Use Permit. This approval will expire if either deadline is not met or extended by the Planning Commission." (Exhibit E).
- Condition of Approval #26:
  - "The Applicant must submit a modification application to amend Technical Report #13 Wildlife Management Plan which shall include updated Wildlife Data. The Applicant shall submit a modification application to the Planning Department within three months of this Conditional Use Permit approval. The modification must be reviewed and approved by the Planning Commission within six months of the date of Planning Commission approval of this Conditional Use Permit."

Planner Lund reported that updates to the Technical Reports include the following:

PENDING APPROVAL

- Maps showing the replacement of Undeveloped Recreation Open Space with Developed Recreation Open Space within the Flagstaff annexation area;
- Wildlife assessment documenting the existing wildlife in the annexation area and how it has changed since the original Wildlife Technical Report;
- Proposed habitat disturbance from the ski lift and ski run construction;
- Recommended best management practices for the exchange areas.

These updates do not constitute new plans but are considered addendums to the existing plans. Planner Lund explained that in December, the applicant submitted an updated draft report with the following changes made to the original report:

- The original 2001 reports approved by the Planning Commission are still applicable to all other areas not covered explicitly by this update;
- Updated map on Page 2 showing the exchange areas are overlaid on the existing Open Space map;
- Existing conditions data was updated for the exchange areas, including counts and total distances of hiking and bicycle trails, as seen on Page 10;
- Viewshed analysis completed for the exchange areas, seen on Pages 10 and 11;
- Removed the proposed alterations to the Undeveloped Recreation Open Space and Developed Recreation Open Space definitions.

The applicant was required to exchange 111 acres from Developed Recreation Open Space to Undeveloped Recreation Open Space. Planner Lund shared a map that indicates where that will occur. Photographs were presented to the Commission to better illustrate the exchange areas, including a photo of the west exchange area and east exchange area. The Undeveloped Recreation Open Space areas comply with the objectives of Undeveloped Recreation Open Space because they are heavily vegetated with steep slopes. He explained that there are approximately 92 acres of very steep slopes that the exchange areas will help to preserve from additional development.

The proposed exchange areas comply with the Sensitive Land Overlay ("SLO") requirements regarding ridgelines. The purple line on the map shows a designated ridgeline. The new exchange area will prohibit development on or near that designated ridgeline. The proposed exchange areas also comply with the SLO requirements for wildlife habitat and the applicant submitted updated wildlife data. Conditions of Approval the Commission imposed as part of the Ski Lift 7 CUP relate to construction timing, sensitive and specially valued species, wildlife connections, and wildlife conflicts.

Staff recommends the Planning Commission discuss the findings from the updated wildlife data and determine whether additional Conditions of Approval are required. It is also recommended that a public hearing be opened and the addendums be considered.

The applicant representative, Jason Boal, explained that he is with Snell & Wilmer. He expressed appreciation for the Staff efforts and the thorough review that was conducted.

PENDING APPROVAL

Also attending the meeting virtually is Kristina Kachur Webb from Logan Simpson. Mr. Boal explained that when the Lift 7 CUP was approved, there were Conditions of Approval to state that the reports needed to be updated. This included an exchange of land from Developed Recreation Open Space into Undeveloped Recreation Open Space. Some on-site analysis was done and two areas were identified for the 111 acres, which is the same acreage as the Lift 7 project area. Those areas are identified as the west exchange area and the east exchange area in the report submitted.

The Developed Recreation Open Space definition from 2001 was shared. Mr. Boal explained that this definition was important as adequate areas were determined for both Developed Recreation Open Space and Undeveloped Recreation Open Space. It is important to understand what each of those consists of. He explained that the Developed Recreation Open Space consists of areas served by ski lifts and contains a preponderance of graded and/or ski runs and summer trails. The areas are designed for and receive the bulk of recreation use in the area. On the other hand, the Undeveloped Recreation Open Space may be skied in the winter, but it typically contains some summer trails and has not been heavily modified for those purposes. It is dominated by naturally occurring, unfragmented native vegetation. It is also important for maintaining scenic viewsheds and wildlife habitat. Those were the founding principles used when determining which areas would be appropriate for this exchange. Mr. Boal stated that the west and east areas were determined to be appropriate for the classification change.

There was an on-site visit with Logan Simpson where all three of the areas were reviewed. The idea was to better understand what each of the sites consisted of and to determine which categories the areas appropriately fit into. Those details have been included in the submitted report. There are also example images from each of the areas. Mr. Boal noted that both the east and west parcels remain heavily vegetated. There has not been development, but there are some trails, which is consistent with the Undeveloped Recreation Open Space definition. These areas have not been heavily modified.

Bio-West also conducted several on-site visits to understand the wildlife area within the Lift 7 location and exchange areas. The Lift 7 Habitat Disturbance Map was included in the submitted materials. The Lift 7 area does not possess high-value vegetation and is less visible than the areas converting from Developed Recreation Open Space to Undeveloped Recreation Open Space. Converting the Lift 7 area to a Developed Recreation Open Space will result in some overall loss of Sagebrush Steppe and Aspen Forest habitat types. However, the redesignation of the existing Developed Recreation Open Space exchange areas into Undeveloped Recreation Open Space will result in a net gain of Mixed Aspen/Conifer Forest and Mixed Conifer habitat. The exchange areas have substantially fewer existing trails and building infrastructure than the Lift 7 area.

Commissioner Bill Johnson asked if all of the clearing and grading had been completed for the lift runs. He wants to understand what still needs to be cleared and graded. The applicant, Hannah Tyler, reported that there is one ski run that is part of the Phase II application. It was realigned based on a recommendation from the Open Space Study. That is the only run that has not been cleared because approval is still needed for that. The rest

PENDING APPROVAL

of the scope of the Lift 7 pod has been cleared. Commissioner Johnson had a suggestion to adjust Condition of Approval #21 to mention a 300-foot buffer on either side of the clearing area and to state that the clearance survey shall be performed on all areas scheduled to be cleared, no more than one week prior to the disturbance. If the work has already been done, he noted that this could be captured in the condition language.

Commissioner Suesser made a comment to provide additional clarity. She believes the Developed Recreation Open permits ski lift operations and ski lift infrastructure whereas the Undeveloped Recreation Open Space does not. Ms. Tyler confirmed this.

Chair Hall opened the public hearing. There were no comments. The hearing was closed.

Commissioner John Frontero asked if there would be a presentation on the #13 Wildlife Management Plan. Mr. Boal explained that the wildlife report was included with the information the Commission received. It includes the best management practices and recommendations. He reiterated that the report includes the wildlife analysis and there were not many changes from the 2001 report as far as the habitat that exists on the site.

MOTION: Commissioner Frontero moved to APPROVE the 2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports, amending the Flagstaff Development Agreement Technical Report #5 Open Space Management Plan and Technical Report #13 Wildlife Management Plan, as shown in Exhibit A. The motion was seconded by Commissioner Johnson. The motion passed with the unanimous consent of the Commission.

B. Snow Park Village Base Area – Deer Valley Resort 13th Amended and Restated Large Scale Master Planned Development Permit, Phase I Conditional Use Permit, and Subdivision – The Applicant Proposes a Three-Level Parking Garage with 1,971 Parking Spaces, an Underground Transit Hub Adjacent to Snow Park Lodge, a Conceptual Site and Circulation Plan, and Road and Utility Improvements. MPD PL-21-04767, CUP PL-21-04811, and Subdivision PL-22-05168.

Director Ward presented the Staff Report and explained that the application relates to the Snow Park Village Base Area. She shared slides for Snow Park Village Phase I – Parking and Transit Center. The original proposal in 2021 was a three-phase development where the first phase would be parking on the south parcel followed by vertical development and the north parcel. After the City Council approved the vacation of a portion of the Deer Valley Drive right-of-way, the applicant worked to revise the plans to maximize the day skier parking at 1,360 and limit the parking for the other uses on site to no more than 611.

The applicant also shifted the transit center closer to the Snow Park Base and situated it underground. As part of those revisions, the applicant combined the phasing so the south and north parcel parking areas would be constructed as part of Phase I, with vertical development being part of Phase II. There are still outstanding items for this application, including the distinction between day skier parking and ski club parking, the 250 parking

PENDING APPROVAL

spaces designated for the ski club parking, updates to the Transportation Demand Management ("TDM") Plan, and the traffic and parking evaluations related to the Construction Mitigation Plan. The plan elements are being reviewed by third-party consultants for discussion during the February 26, 2025, Planning Commission Meeting.

The applicant is requesting to shift some of those reviews to the Phase II CUP review. The applicant submitted a Draft Final Action Letter for the Planning Commission to provide input on. Additionally, Staff recommends consideration of Conditions of Approval if the Phase I construction for the parking moves forward. Recommended conditions are:

- Require evaluation of density, uses, and traffic as part of Phase II;
- Require updated TDM Plan as part of Phase II;
- Outline Phase I requirements related to circulation and transit;
- Ensure Phase I conduit and infrastructure support future development.

Director Ward noted that the Traffic Impact Study ("TIS") submitted for Phase I is based on certain square footage that are proposed, but those are in flux. That TIS would need to be updated if the uses and square footages change. Additionally, she stated that Phase I sets the foundation for the area and establishes vehicle, pedestrian, bicycle, and transit circulation. It also establishes the platform for the height of the Phase II development. Additional Conditions of Approval would require that the modifications to the density allocated in the Deer Valley Master Planned Development ("MPD") could not be increased. Any changes would have to be a reduction in the density.

As for the TDM Plan, there are updates recommended to establish a plan that has specific and measurable strategies to reduce traffic, especially during peak times. Staff recommends that be updated and continue to be discussed as part of the Phase II CUP process, especially as it relates to updates to the five-year plan and the goals proposed by the applicant. Strategies include free lockers for transit riders and increasing amenities for park and ride facilities. In the original TDM Plan from the applicant, there was a proposal to offer child care for employees. There is an opportunity to discuss how that would fit in with increased density in the Snow Park Village. The additional Conditions of Approval would be related to the circulation and transportation improvements.

More information is needed and is currently under review as far as construction mitigation, specifically regarding the off-site parking and traffic during construction. In the original application, there was a request for 1,789 parking spaces. Through the vacation process, there is a maximum of 1,360 day skier parking stalls. With the 611 parking spaces that remain, Staff would recommend building in flexibility that it could be reduced if the updated TIS or TDM Plan shows that there are opportunities for further reductions to vehicles coming to the site. During the February 26, 2025, Planning Commission Meeting, the following items will be discussed by the Planning Commission:

- Updated Construction Mitigation and Phasing Plan, including traffic management and off-site parking facilities during construction;

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- Proposed amendments to the Deery Valley MPD (including gondola construction, affordable housing, and parking requirements).

Staff is recommending the Planning Commission conduct a public hearing, discuss the proposed Conditions of Approval, and provide input to the applicant regarding information required for Final Action. Director Ward reported that the applicant has a presentation prepared. The applicant and Staff draft conditions can also be shared for reference.

The applicant, Hannah Tyler, introduced herself as Vice-President of Resort Planning for Deer Valley. She noted that Legal Counsel, Wade Budge, is present and will walk through some of the proposed Conditions of Approval. Mr. Budge explained that the idea was to capture all of the feedback received from previous Planning Commission Meetings. At the last meeting, there were discussions about preparing conditions and submitting them to Staff. This was done on January 7, 2025, when Conditions of Approval were submitted as well as a proposed 13th amendment and some plat notes. He explained that the intention is to review the proposed Conditions of Approval and receive feedback.

Commissioner Johnson believes the Commission is being asked to review the Conditions of Approval proposed by the applicant. Mr. Budge clarified that there are Staff recommendations the Commission can review as well. He explained that there is a desire to receive feedback on the potential conditions so a full set can be brought back.

There was a brief break while technical difficulties for virtual participants were resolved.

Mr. Budge explained that the Conditions of Approval have been broken into four main categories: parking, access and transit, pedestrian and bicycle connectivity, and construction mitigation. Within these conditions, there is acknowledgment that certain topics will need to be finalized as part of Phase II. Some other topics are in the 13th Amendment, but those can be pulled out and added to the conditions. He suggested the Commission discussion focus on the conditions and what there might be approval for.

Mr. Budge read the first conditions that are proposed, including ones related to parking:

1. Development of the project shall comply with the Vacation Ordinance;

2. The approval of the CUP is conditioned upon the following:

    a. Parking within Lot 1 parking structures shall be limited to 1,971 spaces;

    b. Of the approved 1,971 parking spaces, only 1,360 parking spaces shall be designated for day skier and resort guest use;

    c. The remaining up to 611 parking spaces of the approved 1,971 parking spaces shall be for uses described and to be designated and approved as part of the future Phase II application to the Planning Commission;

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d. Paid parking shall be implemented for the use of the public day skier area of the parking structure;

e. Applicant shall reduce single-occupancy trips and promote carpooling through its programming and operation of the parking structure and associated arrival and departure areas;

f. Applicant shall employ best available technology in the management of the parking structure, including adopting systems to advise skiers of parking status and opportunities for off-site parking;

g. Applicant will operate a paid system for its public day skier areas, the details of which will be established, determined, and administered by the applicant;

h. Applicant shall evaluate its parking program annually and shall actively consider available technologies to improve the function of the parking structure and to reduce traffic impacts in and out of the parking structure, including programs involving possible carpool and transit incentives, reservations, and user notifications;

i. Applicant shall implement employee parking plans to facilitate the arrival and departure of employees at times to minimize traffic impacts;

j. Applicant shall coordinate with amenity and commercial operators to promote use of amenities and commercial areas to help distribute times for departures from the parking structure.

k. Applicant shall make available, during peak times, off-site parking areas, including at Richardson Flat and a shared parking facility with the City being contemplated near State Road 248 and Highway 40;

l. Applicant will work with the City to identify additional off-site parking opportunities along or connected to existing transit routes, as they may be updated by the City;

m. Applicant will no longer utilize Deer Valley Drive East road areas for public parking, as had been allowed by the 12th MPD.

n. The Phase II application will include updated TIS and TDM studies and reports should programming for development on top of the parking structure vary materially from the assumptions included in the Phase I TIS and TDM.

Mr. Budge further discussed the proposed parking conditions. He referenced 2(C), which talks about the remaining 611 parking spaces. The reason for that approach is that while

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there is a program for what is intended for the vertical application, the application still needs to be fine-tuned and submitted. 2(F) is a condition that addresses some of the comments that have come from the Planning Commission in the past. He noted that the best available technology might look different by the time this work is complete. Condition 2(G) reiterates the importance of having a paid system for the day skier areas.

Condition 2(H) mentions annual reviews that will consider how the best available technologies have been working. Mr. Budge explained that there can be discussions about when adjustments should be made during those annual reviews. It was noted that the annual reviews are intended to take place with the City, but that can be clarified in the language. There have been conversations about a program called Monitor, Meeting, and Adjust ("MMA"). The MMA process can take place during high seasons so reviews are taking place more often. The condition simply reflects a formal annual process as well. The resort can report what was employed in terms of the best available technologies, what the successes were, what the challenges were, and what adjustments can be made.

Mr. Budge reported that there was a Deer Valley success this past weekend related to transit incentives. It worked out so well that there was no on-street parking. Different incentives are being implemented now, but the Conditions of Approval can formalize some of those considerations. Condition 2(I) talks about employee parking plans and 2(J) has to do with the linger longer concept that was discussed previously. There will be work done with the commercial offerings to make sure there are activities in place to spread out the departure times. He believes this will work for a number of reasons. Restaurant tenants want to have people at their restaurants, so there will likely be activities like happy hours, specials, and other promotions to attract people to the restaurants and other entertainment venues. That is what the proposed language in 2(J) is attempting to capture. Condition of Approval 2(K) mentions the obligation to work on off-site opportunities, including Richardson Flat, which is being used currently.

2(M) has to do with the commitment to no longer have on-street parking. Mr. Budge explained that on-street parking is a right in the 12th Amendment, but the proposed 13th Amendment states that on-street parking would no longer be available. That is reiterated in the Condition of Approval. He noted that there are conditions related to other focus areas, such as access and transit, but he asked for comments related to parking.

Commissioner Frontero asked about the four sections. Mr. Budge reminded Commissioners that there are sections related to parking, access and transit, pedestrian and bicycle connectivity, and construction mitigation. It was determined that the Commission will first discuss the proposed parking conditions. Commissioner Suesser asked that Conditions of Approval from Staff be reviewed so there is a clear understanding of what is recommended by both the applicant and Staff. Director Ward reported that Staff recommends clarification on the language in 2(G). The suggestion is to update that to reflect the language in the ordinance and resolution for the vacation of the right-of-way. Specificity for paid system implementation is also suggested.

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As for 2(H), there is a recommendation from Staff. Director Ward explained that clarification is requested to state that the plan for each ski season will be presented to Staff for communication to the Commission. Providing an overview of the plan for the ski season would be beneficial as well as a report at the end of the ski season. This will provide an opportunity to review what worked, what was effective, and what could be changed. Commissioner Suesser asked if data would be required. Director Ward reported that what was proposed in the TDM Plan was to track the number of vehicles on the site and the occupancy of the vehicles. It would be appropriate to include that information.

For 2(M), the recommendation is to clarify that parking is prohibited on the Deer Valley loop. It is also recommended that people not be allowed to go into residential areas around the loop. As for 2(N), the recommendation in the Staff Report is applicable here. Regardless of whether the traffic changes based on the uses and square footage, Staff recommends that the TDM Plan continues to be updated and reviewed as part of the Phase II CUP. Chair Hall asked if the City has any proposals to ensure there is no off-street parking taking place. Director Ward noted that there is a recommendation that could be incorporated related to the placement of signs. Mr. Budge believes the Planning Commission is asking for clarification in 2(M) that it is the whole loop and that there be the same kind of cooperation language that is found later on in the conditions in 4(E).

Director Ward reported that there is another Condition of Approval that is drafted in the Staff Report. It relates to the uses and making sure the TDM is separated from the TIS so there are two separate Conditions of Approval. Staff wants the TDM to continue to be reviewed regardless of whether the uses change. Mr. Budge appreciated the clarification.

Chair Hall asked for additional discussion about the condition of an annual report. She reminded those present that the Staff recommendation is for a discussion ahead of the ski season and after the ski season. The applicant previously clarified that the review process will involve the City. Chair Hall asked who in the City will be involved in that review. Director Ward stated that there is a desire for the review to be done in conjunction with the Planning Department and then brought before the Planning Commission.

Commissioner Suesser agrees with the Staff recommendations that have been made so far. Chair Hall believes there is consensus among the Commissioners for the Staff recommendations. She asked that any additional comments about the applicant's conditions be shared. Director Ward clarified that there is one more Staff recommendation related to the parking, which is that the ski club parking be included in the 1,360 maximum unless during Phase II the applicant can demonstrate that it does not contribute to the traffic during peak periods. She suggested adding a new condition to the list or adding clarification to the 2(B) language proposed by the applicant. Commissioners expressed support to modify Condition of Approval 2(B) as suggested.

Commissioner Frontero believed the suggestion is to start with the ski club parking in the 1,360. It is then on the applicant to show the Planning Department or Planning Commission that it warrants moving to a different category based on evidence from the year. Director Ward stated that additional considerations could include building flexibility on defined peak

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days, so there is a shift and the day skier parking is reduced on those peak days if there are 250 ski club spaces. There are a few ways to approach that.

Mr. Budge explained that what has been submitted to date does not include ski club details. The submitted materials state that there is a desire to have a ski club. It is difficult to accept a Condition of Approval for a use that is not currently before the Commission. There still needs to be enough parking space available to offer a high-quality experience to visitors. There is a willingness to discuss the ski club and relevant conditions when it is brought forward for Planning Commission consideration, but it is not part of this application. What is currently being discussed is the day skier parking and parking for other uses. The ski club is a commercial use and is entitled to have associated parking.

Todd Bennett, the President and COO of Deer Valley, explained that the resort is trying to be transparent about the different uses. The details of the ski club are still being finalized, as it is still several years out from the launch of the club. In terms of numbers, guests, and traffic, there is still more that needs to be determined. He understands what the concerns are from the Planning Commission based on some of the past comments.

Commissioner Rick Shand stated that the 1,360 is everything in the parking garage whereas the 611 would be allocated for everything on the deck or above. He believes there is a level of trust between the applicant and the Planning Commission to figure out the 611 parking spaces as the uses on the deck become better determined.

Commissioner Henry Sigg pointed out that this is a phased application. As a result, certain aspects are undefined. That creates some level of complication, because of the unknown elements. If every one of the club users becomes a single-ride occupant, that could create issues. The Commission is trying to drive initiatives for transportation, ride share, carpooling, and mass transit. He noted that members of the ski club might need to participate in that model. The fact that there are undefined elements in the subsequent phases that could additionally come off of the 1,360 parking spaces is also difficult. The numbers will continue to change as the building program, heights, and uses are defined.

Commissioner Johnson stated that the ski club parking worries him, but if it is possible to fit the club's needs into the 1,360 parking spaces, then he is supportive. He referenced the TIS and noted that the largest percentage change within the peak hour for the level of service ("LOS") summary table was the Deer Valley Drive and Marsac intersection. He stressed the importance of having 1,360-day skier parking spaces be the cap. Commissioner Johnson appreciates the transparency about the planned ski club, but it has caused some concerns about the amount of parking that is needed for the use.

Additional discussions were had about parking and the definition of a day skier. Chair Hall explained that a club skier could be seen as a day skier, but under another lens, it is also possible to see a club skier as a commercial user. There is not a strong definition for this. Commissioner Shand noted that the best information the Commission has now is the 1,360 parking spaces and the 611 parking spaces. The Commission needs to make decisions

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based on those numbers. There needs to be a level of trust between the two parties since some of the details will be determined during Phase II of the project.

Commissioner Frontero asked about the timeline for the ski club information. Ms. Tyler reported that those details will be included with the Phase II application, which will hopefully be submitted within the next six to 12 months. The data that goes into the creation of the club and what the program will look like will be submitted as part of Phase II. She pointed out that not all future club members will come to the resort to ski. There will be a draw for other reasons that do not currently exist with the current resort. This club is being programmed as more of an experience and a draw that is separate from the draw of Deer Valley Resort. Mr. Bennett explained that it is anticipated the ski club will have more added to it. The intention is to make it a different experience for members.

Commissioner Frontero stated that he is not prepared to make a final decision until he sees what the ski club programming looks like. He suggested waiting to make a decision on how day skiing is categorized until the applicant provides further programming details. He asked if there was a way to wait on this decision until there are more programming details made available. Director Ward explained that this is what the applicant has requested. Any references to the 250 ski club parking stalls would be removed from the documents the Commission is being asked to approve. The 1,360 cap for the day skier parking would stay in place. As part of Phase II, the 611 spaces would be reviewed based on the proposed vertical development. Commissioner Shand asked how the 611 parking spaces will be allocated. He wanted to know where that number came from and if there is a breakdown based on the hotel, retail establishments, employees, and so on. Ms. Tyler reported that there is a proposed unit mix in the plan set. The Land Management Code ("LMC") defines parking allocation by use and that land use mix has been applied. The 611 parking spaces came from the square footage of the hotel, residential, and commercial uses. She reported that the 611 spaces are a 20% reduction request.

Commissioner Frontero finds the current proposal for employee parking to be lacking in specificity and details. He is still not certain what the plan is for current and new employees. While he understands it is not possible to control guest behavior, it is possible to encourage certain behaviors. There is more control over the employees arrive at the site. Certain employees could be shuttled into the facility from a park-and-ride lot or another location. This application lacks specifics about how the bulk of the employees will be brought to the resort. Mr. Bennett reported that the vast majority of employees who work at Deer Valley today are not parking their personal vehicles on the site. He offered to bring forward details about what is being done currently at a future meeting. The vast majority of employees are not driving there, but are using public transit or are coming on different shuttle routes. A minority of the 3,000 employees drive to the site.

Commissioner Suesser asked about the proposed Condition of Approval 2(E). She thinks more specificity about how the applicant plans to promote carpooling should be included there. Commissioner Suesser agrees with Commissioner Frontero regarding employee parking. There is not enough specificity included in Condition of Approval 2(I). More is needed there to explain how the applicant will facilitate employee parking plans. She also

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wants to see more details in the Condition of Approval 2(K) language. In Condition of Approval 2(L), she feels the applicant should be required to identify additional off-site parking separately and not just with the City. That clarification would be beneficial. Commissioner Suesser also feels a reservation system should be part of the plan from the outset of the parking structure and not something simply considered in the future.

Mr. Bennett addressed the comments related to the parking reservation system. He would like both parties to be aligned on the outcome. There is no desire for people to come into Deer Valley if there are no parking spaces available for them. That is not a good guest experience and is also not a good experience for the City. There is openness to the idea of a reservation system, but there is a desire to maintain flexibility and use that reservation system when it can address certain problems. If a problem does not exist, then the reservation system will simply add more friction to the customer experience. However, he acknowledged that there are many times when a reservation system could be valuable. The request is to have some flexibility when it comes to that system.

Commissioner Frontero asked when a reservation system would be considered valuable. Mr. Bennett explained that it would be valuable when there are a lot of vehicles coming into an area with no parking. He noted that there are some ski resorts where it is possible to drive quite far up the canyon before realizing there are no parking spots available. That is not a good guest experience, so there is a desire to prevent those kinds of issues at Deer Valley. He does not want to see extra vehicles in the area unnecessarily. If there was a pattern where guests were arriving at Snow Park and there was no parking available, that would be an example of a reservation system needing to be implemented.

Commissioner Frontero suggested that the applicant consider signage. For example, signage stated there was a one-half-hour wait to get out of the parking lot. That type of signage could encourage visitors to depart later and make the most of the other amenities on site. The signage could be most effectively used at the end of the day. Mr. Bennett liked the suggestion and noted that there might be other ways to communicate that as well.

Commissioner Johnson noted that despite the work done by Fehr & Peers, he still struggles with the ingress/egress of the transit hub. He wants to know what would happen if a light needed to be implemented because it is backed up in the hub area. Director Ward explained that this will be considered in the access and transit conditions.

Commissioner Suesser asked if there was consensus on the Staff recommendations in the Staff Report related to parking. She believes those revisions should be implemented in the Conditions of Approval included in the Final Action Letter. Director Ward shared a high-level overview of the discussions the Commission has had during the meeting so far. Any references to the ski club parking would be removed. The 1,360 cap for day skier parking would remain. The 611 parking spaces and uses will be evaluated as part of Phase II. For Condition of Approval 2(H), there would be a review beforehand to outline the plan for the TDM. This would take place ahead of the upcoming ski season. There would also be a summary report at the end to see whether the strategies have been effective. That would be reviewed by Staff and then presented to the Planning Commission as an update. For

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Condition of Approval 2(M), the request is to add clarification to state that parking is prohibited on the Deer Valley loop. 2(H) should separate out that the TDM Plan would continue to be reviewed as part of Phase II.

Chair Hall believes there is consensus on all of the items listed by Director Ward. Other Commissioners agreed with that statement. Chair Hall stated that there were a few other notes related to parking. This includes the addition of specificity to some of the proposed Conditions of Approval. For 2(K) she asked that it be available for more than peak hours.

The next set of proposed conditions were shared, which relate to access and transit:

o. The City and applicant will enter into an Operations Agreement for the transit hub;

p. Doe Pass Road shall be improved as depicted in Exhibit 5 to the 13th MPD and shall allow perpetual public access rights, including emergency, utility, and transportation easements, as confirmed in the Snow Park Plat;

q. Applicant shall construct and cause to be operated a multi-modal mobility hub on-site as depicted in the Snow Park Plat;

r. The project shall include an enhanced public transit center to accommodate transit, resort/lodging vehicles, and drop-off lanes, as further described in the 13th MPD;

s. Applicant shall coordinate public transportation services and use of the multi-modal mobility hub;

t. Applicant shall include in its Phase II application details on the location and construction of the gondola to Silver Lake, and its location on the parking structure approved hereby;

u. Applicant shall utilize traffic signals as outlined in the traffic management plans included with the application, including implementation of transit signal preemption to improve transit travel times;

v. Applicant shall design and work with the City to implement, at applicant's cost, dedicated bus-only lanes along the Deer Valley Drive East/West loop. These lanes will be shared mobility lanes which will be available for recreational uses when not limited to buses during the ski season;

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w. Applicant shall incentivize employee transit programs to facilitate public and private transit of employees to the project;

x. Applicant shall utilize the TDM Plan and identify a staff member of the applicant to oversee the TDM program, as it may be updated in connection with the Phase II application;

y. The staff member responsible for the TDM program shall be regularly available to City Staff to present on efforts to accommodate arrival and departure traffic impacts in connection with winter holidays, competitions, and other seasonal heavy traffic periods, together with plans within the project to attract skiers to businesses and amenities that may delay peak departure times.

Mr. Budge discussed the proposed Conditions of Approval related to access and transit. Commissioner Frontero likes the idea of regularly making new data available to the City, but he does not believe there necessarily needs to be a presentation made to the Planning Commission. There could be a monthly update letter each month from the resort. That letter could outline what is working, what is a challenge, and what will be implemented next. A short program update would be preferred rather than a full presentation.

Commissioner Suesser disagrees with the comment from Commissioner Frontero. She pointed out that presentations made at a Planning Commission level will keep members of the public informed about the progress. Public input about what is working or not working would also be meaningful. She shared additional comments about the access and transit Conditions of Approval. Commissioner Suesser supports the Staff recommendations that were included in the Staff Report. As for the traffic report that was provided, she believes it is relevant to the access and transit section. The failing intersections could be addressed if Deer Valley would consider using Deer Hollow Road access to Highway 40 for exiting traffic at the end of the day. That would go a long way in alleviating the traffic throughout Park City from Snow Park down to SR-248 and SR-224. She asked that Deer Valley consider letting ski traffic and employees exit to Highway 40. Additionally, she would like to see more incentives related to transit ridership, more amenities available to day skiers, and more incentives for the linger longer approach.

Chair Hall suggested that the Commission finish discussing the access and transit conditions and then she will open the public hearing. After that, the construction mitigation information can be reviewed. Chair Hall shared comments about the access and transit language proposed. She was hoping to see something about the childcare drop-off for the ski school. In addition, she would like to see more information about the gondola. The shared mobility lane also needs to be emphasized as part of the Active Transportation Plan for spring, summer, and fall. Director Ward asked for Commission input on the recommended Conditions of Approval specific to transit. For example, the right-of-way improvements, shared managed lane, enhanced public transit center, Doe Pass Road bus bays, end-of-line public transit operator lounge, and transit stop improvements. These are recommended to

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be added to the section. As for Condition of Approval 2(O), it is recommended that there be clarifications and additions made there.

Commissioner Shand asked about the impact of the East Village. He specifically wants to know about the parking and car counts. He feels that Commissioner Suesser brought up some strong points with respect to Deer Hollow Road access, but that is a private road. Mr. Bennett shared information about the East Village operations so far this year. It opened on December 31, 2024. The team was proud that it opened in 2024. There are three lifts operating there. He shared information about the different runs and noted that Green Monster is now the longest run in Utah. There are approximately 20 new trails open in that area and there will be 100 next year. The three lifts that are there now will increase to 10 lifts next year. As for the base operation, it is in the 250 range as far as the vehicles parked there. He reported that there is a rental facility and a ski school desk.

Commissioner Shand asked about the capacity of day skier parking there. Mr. Bennett reported that next year, it will be 1,200. Chair Hall asked for any additional comments related to the access and transit conditions. Director Ward noted that the only other transit-related condition was the communications and power infrastructure that transit needs for their operations. Commissioner Suesser expressed support for Staff recommendations.

Chair Hall opened the public hearing.

Allison Keenan supports Deer Valley's development rights for the Snow Park Base. Over the past year, there have been positive changes made to the proposed site and circulation plans, including the underground drop-off and the transit center at the base. As the Planning Commission reviews the MPD and CUP applications, Commissioners must ensure the project is in compliance with the LMC and Conditions of Approval. To help mitigate traffic, one of the Conditions of Approval outlined in Resolution-24-2023 is a reduction in day skier parking to 1,360 spaces. There are currently 1,340 spaces in the lots, plus 142 overflow spaces on the road on peak days, for a total of 1,482 spaces.

In response to questions about the claim of 1,700 current spaces on peak days, Mr. Budge and Ms. Tyler stated that there are additional spaces on Doe Pass Road, which is owned by Deer Valley. Suggesting there are an additional 218 spaces on Doe Pass Road is implausible. In her opinion, Deer Valley should be required to provide specific details about the 1,700 current spaces or it should not be included as a Finding of Fact. 1,360 parking spaces is a reduction in parking on peak days, but she does not believe it is a 20% reduction from the current conditions. 1,360 parking spaces are more than the current parking lots hold. Ms. Keenan does not believe this is adequate mitigation. All commercial uses, including the proposed ski club and its allotted parking, will be part of the Phase II application. If Phase I is approved, she feels there must be a specific Condition of Approval for Phase II to state that additional day skier parking is prohibited.

The Planning Commission must evaluate internal vehicular circulation and the capacity of existing streets. The middle driveway exit from P3 onto Doe Pass Road receives a LOS F and the majority of day skier parking is located in level P3. The intersection of Mellow

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Mountain Road and Deer Valley Drive and the Marsac roundabout remains at a LOS F. The Rossie Hill and Sunnyside intersections will also function at a LOS F. The existing streets cannot handle additional traffic. Ms. Keenan does not believe the trip generation numbers add up. When evaluating the CUP, she asked that the Commission focus on total potential trips and traffic created by the development rather than assumed reductions. Ms. Keenan supports the development of the Snow Park Base Area but believes that traffic related to the development must be addressed and mitigated in Phase I. Further mitigations must be included as Conditions of Approval in Phase II.

Steve Hancock shared a comment about the reservation system for the parking garage. Another way to address the use is with dynamic pricing. He does not believe the parking garage should ever be 100% full and there should always be at least a few spaces empty. Dynamic pricing could be a generator of funds to build better employee housing or address other needs. As for getting visitors to use transit, that will always be difficult. One way that can be encouraged is by improving the user experience. Something that appeared to be an improvement in the plan was the placement of the bus drop-off area. Mr. Hancock suggested that the lift open 20 minutes early for those who arrive via transit.

Bill Watson stated that Deer Valley has done a great job of getting van service to the Solamere area. He believes traffic is down slightly because people love using the vans. If there are more vans available, it might be possible to make a noticeable change in traffic levels. Mr. Watson noted that the East Village area is making a positive difference.

Robert Dune believes the real issue is the number of vehicles on the road. Regardless of the number of occupants each vehicle has, it is necessary to decrease the number of vehicles on the road. There have been discussions about other traffic mitigation measures, but those do not move the needle enough. The submitted traffic study confirms that. The question that needs to be asked of Deer Valley is whether further reduction to the 1,360 parking spaces would help to mitigate traffic in the Snow Park area and Park City. Reduced parking spaces can be a traffic mitigation measure. Mr. Dune feels that ski club members are day skiers and that issue should be resolved.

Carol Chenevere shared comments about the linger longer idea. Where she lives, it is not possible to leave her house to go anywhere from 2:30 p.m. to 7:00 p.m. on a peak day. Having someone wait until 5:00 p.m. to leave will not improve her situation. The more vehicles that are brought into the area, the more difficult it will be for the people who live in the area. She urged the Commission to think beyond the day skier experience.

Phil Palmintere asked to review the third slide in the PowerPoint presentation. His comment relates to the proposed Condition of Approval 2(D). He believes paid parking is the most effective tool Deer Valley has to address the traffic issues. To change individual skier behavior, paid parking needs to be seriously considered. Mr. Palmintere encouraged Deer Valley to implement dynamic pricing for parking and asked the Commission to make sure 2(D) is on a daily basis without annual parking passes available. Mr. Palmintere also mentioned the intersection of public day skiers and ski club members. There has been some

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back and forth, but he wants to know if ski club parking is part of day skier parking. That issue needs to be finalized in the near future.

There were no further comments. The hearing was continued to February 26, 2025.

Mr. Budge reviewed additional conditions for pedestrian and bicycle connectivity:

3. Applicant shall coordinate public pedestrian and bicycle use within the project as follows:

    a. Applicant shall provide pedestrian and bicycle non-winter access through the plaza above the parking structure in a location to be identified in the Phase II application;

    b. Public pedestrian and bicycle access shall be provided through a combination of 5-foot sidewalks and 10-to-12-foot multi-use paths, as detailed in the Pedestrian Circulation and Mobility Plan;

    c. Applicant shall provide bicycle repair tools and dedicated bicycle parking at key locations to be identified as part of vertical construction above the parking structure.

Mr. Budge reported that some additional conditions, as listed in the Staff Report, will be added to this section as well. For example, conditions related to the shared managed lane and bicycle share. His suggestion is to add language to describe how there will be coordination with efforts from the County and others to promote bicycle use.

Mr. Budge next reviewed the Conditions of Approval related to construction mitigation:

4. During the construction of the project, the applicant shall comply with the following mitigation measures:

    a. Applicant shall appoint a compliance representative who shall report to the Building Department daily, including information on construction hours and delivery times;

    b. During the ski season, applicant shall collaborate with the City to increase the frequency of the Deer Valley Express bus route from Richardson Flat to the Snow Park Base during construction and shall contribute financially (annually) in a manner commensurate with the amount of additional public transit necessary and as determined by the City's Transportation Director. Applicant shall also work with the City on enhancements to the operation and use of the Richardson Flat parking area;

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c. During the 2025-2027 winters, or until the parking structure is complete, or whichever date is later, applicant shall create and manage a parking system for all types of users at the Snow Park Base, including a reservation system designed and implemented by applicant;

d. Prior to submitting a Building Permit application, applicant shall submit a Parking Plan for employee and visitor parking, including construction parking, and shall analyze and detail any carpooling opportunities along with other alternatives to parking at the Snow Park Base area. The Building Official shall receive the plan, and may require answers to questions on the plan, prior to Building Permit approval;

e. Parking on Deer Valley Drive and public rights-of-way is prohibited (Doe Pass is not a public right-of-way for purposes of this condition). Applicant shall support the City's installation of temporary signs prohibiting day skier parking in surrounding residential areas and support the City's monitoring of these areas;

f. Prior to submitting a Building Permit application, the applicant shall submit a Construction Employee Parking Plan that outlines the number of parking spaces at the Snow Park Base reserved for construction workers. The plan shall describe the number of anticipated construction workers in each construction phase, the number of construction vehicles accommodated on the construction site, and the plan to require construction employees to park off-site and adequate accommodations for construction employees and their equipment. The plan will also detail parking areas outside the municipality for construction labor and shuttle routes from outside of Park City locations for construction labor. The Building Official shall receive the plan, and may require answers to questions on the plan, prior to Building Permit approval;

g. Construction employee parking outside of the approved Building Permit limits of disturbance area or in a location not explicitly approved through the employee parking plan is prohibited;

h. Prior to submitting a Building Permit application, applicant shall submit a plan showing large vehicle parking required at each phase of construction, as well as the allocated area for the large vehicle parking. The plan shall include information on general contractor responsibility to notify all large vehicles of the parking restrictions and requirements. The plan shall be approved by Chief Building Official prior to Building Permit;

i. Any on-site fuel tanks must have secondary containment approved by the Environmental Coordinator;

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j. A construction compliance representative shall be appointed and shall report to the Building Department daily, including safety specifications for equipment;

k. Large vehicle parking is prohibited in areas open to the public;

l. Large vehicle parking is prohibited within rights-of-way;

m. The job site shall have the oversight of a full-time project supervisor who will be responsible for inspecting all trucks and drivers to ensure that only approved equipment and drivers will be operating construction vehicles/equipment. The job site supervisor will be in direct communication with City inspection and code enforcement Staff to monitor the job;

n. Applicant shall submit a plan regarding construction materials and supplies, including the possibility of stockpiling materials on or near the site to reduce the number of delivery trips to the construction site. At least 72 hours prior to a large delivery or concrete pour, the contractor shall notify impacted properties along the trucking route to ensure awareness of the work. Flaggers must be stationed at any point where construction traffic will merge with day-to-day traffic;

o. Deliveries are prohibited outside of approved construction work hours unless otherwise approved by the Chief Building Official;

p. Prior to submitting a Building Permit application, the applicant shall submit to the Building Official a plan regarding the scope and phasing of utility, roadway, and parking structure construction and completion;

q. Applicant's construction mitigation plan shall include a Recycling and Waste Management Plan which targets diversion of 75% of the waste materials generated from all phases of construction, by weight, from the landfill. This includes structural wood, concrete, and asphalt;

r. Applicant shall submit a plan for the installation and maintenance of a truck wash on the construction site within the Limits of Disturbance to control dust and mud. The plan shall include the characteristics of the site, including gravel and drainage, and must be approved by the Building Department prior to the Building Permit submittal;

s. Applicant shall provide a detailed plan for street sweeping;

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t. A construction compliance representative shall be appointed and shall report to the Building Department daily, including a decibel reading report when required by the Chief Building Official;

u. Except for emergencies, requests for exceptions to the noise regulations in MCPC Section 6-3-8(G) should be made at least one working day in advance or they may be denied;

v. At the time of Building Permit submittal, a Geotechnical Report, Grading and Drainage Plans, and Compaction and Erosion Control Plans will be required. Applicant shall provide a Noise Management Plan for trucks proposed to go uphill for excavation and hauling. A construction compliance representative shall be appointed and shall report to the Building Department daily, including reports of regular inspections for dump trucks and hauling equipment;

w. Inspections of the hauling sites are required at the end of each construction season;

x. A Storm Water Management Plan shall be obtained and followed pursuant to the requirements of the State, including a concrete truck washout area and erosion control protections;

y. The Storm Water Management Plan shall address installation of silt fences or straw bales within drainage channels, minimal soil disturbance within drainage areas, blown straw media within the drainage, detention basins, and retention ponds;

z. Construction signage and area protection must be provided in multiple locations along the Limits of Disturbance fencing and shall include (1) the name, address, and phone number of the contractor, (2) the name, address, and phone number of the person responsible for the project, and (3) the phone number of the party to call in case of emergency;

aa. In the summer of 2025, applicant shall provide transit priority through the construction area to maintain schedules;

bb. In the summer of 2026, applicant shall provide a location for transit turnaround, due to limited access to the Snow Park Base. A temporary transit turnaround and terminal shall be provided at one of the following locations: Deer Valley Drive East or West close to the Snow Park Base, in which a shuttle would be required to provide service along the unserved route, or Deer Valley Drive East at the designated parking lot in which trams would be required to provide service to the Snow Park Base as well as along Deer Valley Drive West. The Transit Director

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and Building Official shall determine and approve modifications of these locations if warranted by operational feedback;

cc. During the winter season, during construction, and until the transit center opens, applicant will provide tram services between the parking area and Snow Park during normal hours that remain open to the public, during the ski season;

dd. During the summer of 2027, applicant shall prioritize transit through the construction area to maintain transit schedules;

ee. All portions of the Snow Park Lodge must be within 150 feet of a fire vehicle access road at all times;

ff. Access to the entrance to Royal Street must be maintained throughout the project;

gg. Access around Snow Park Lodge must be maintained through the summer of 2028;

hh. Temporary traffic lighting is acceptable during non-working hours and when traffic is at a minimum (i.e., not during events and concerts). During working hours and events, traffic control must be accomplished via flaggers or another plan must be in place that will give priority to emergency vehicles;

ii. The Park City Fire District will require emergency plans as part of the building permit review. Those plans must detail how access will be maintained for emergency vehicles.

Mr. Budge explained that all previous discussions with the Commission have been taken into account and incorporated into the various Conditions of Approval that are proposed. He noted that suggestions from Staff have also been incorporated into the conditions.

Chair Hall referenced 4(CC). She asked about the parking area that people will be transported to and whether it will only occur in the winter once construction is done. Mr. Budge reported that the tram service will run to the public parking area. Some additional specificity can be added if that is desired by the Commission. Chair Hall mentioned condition 4(F) and asked if there is a minimum requirement for construction workers parked off-site. For instance, a certain percentage or number. Mr. Budge explained that it will be dynamic because there is very little parking on-site for construction. Ms. Tyler confirmed that there is not a lot of parking on-site and the focus is on staff and guests.

Commissioner Sigg asked if there is a more forceful way to mandate the subcontractors. He noted that there is a need to mitigate the traffic impacts of single-occupant vehicles coming

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to the job site. Mr. Budge explained that there are some trades where the truck needs to be on-site in order to handle the work, but there will be coordination to ensure that only occurs when the work is being done. A need must be shown in order for the truck to come to the site. The contractor has built successfully in Silver Lake and other areas, so there is familiarity with the fact that this is a neighborhood where it is not appropriate to run trucks up and down. Chair Hall would like to add language for clarity.

Commissioner Johnson suggested adding a continuous minimum drop-off number that is supplemented with off-site shuttle service. He thinks a provision could be added for the Fugitive Dust Control Plan, but he is not sure whether that is beyond the purview of the Planning Commission. For Condition of Approval 3(C), he suggested adding covered and non-covered. Chair Hall asked if the parking will comply with the current parking LMC. Director Ward stated that it will as part of Phase II with the enclosed bicycle storage and bicycle parking. She explained that the Summit County Bike Share will require the infrastructure to be installed as part of the parking structure construction.

Chair Hall noted that there are a lot of external links to different plans and applications. It would be useful to link all of those together so it is possible to reference the correct information. She asked that this be done ahead of the final draft. Chair Hall would like to see some more language related to the skier calculations in the Findings of Fact section. Having more information about the current parking numbers and how those were determined would be useful. Commissioner Frontero pointed out that there have been a number of public comments about the current parking numbers, so it would be beneficial to have verifiable data to point to in order to explain what the reduction is based on.

Commissioner Shand noted that there have been a lot of different ideas about how to mitigate traffic. He believes it needs to be a combination of methods. There is not one single solution that will solve the traffic problems. There is a case to be made for paid parking and for reservation systems. He noted that the parking at East Village will help out as well as the expanded parking at the base of the Deer Crest gondola. There is not one solution that will solve the problem, but many solutions that are used thoughtfully.

Chair Hall mentioned the Findings of Fact related to the shared mobility lane. She would like to see more emphasis on active transportation. Since this is a new tool, she wants to see more specificity included in the language. Director Ward read the following Shared Managed Lane recommended condition language from the Staff Report:

- The applicant shall construct a shared managed lane along the Deer Valley Drive loop that complies with the plans reviewed by the Planning Commission on December 20, 2024. During the ski season, the City shall designate the shared managed lane for public transit and emergency vehicle use only. Outside of the ski season, the City may designate the shared managed lane for public transit and emergency vehicle use for special events, peak traffic days, etc. When not designated for public transit and emergency vehicles, the City may designate the lane for bicyclists. The applicant shall work with the City to prepare a signage/striping plan for the shared managed lane that will be consistent with required signage to indicate seasonal restrictions.

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The applicant shall coordinate with City Police, Planning, Engineering, Transportation Planning, and Public Works and the Park City Fire District and High Valley Transit on shared managed lane use and safety, including signage, striping, monitoring, and enforcement.

If there are additional considerations the Commission would like Staff to evaluate, those items can be brought back for review at the meeting in February. Chair Hall is supportive of the shared mobility lane concept. Commissioner Suesser expressed support for Staff recommendations related to pedestrian and bicycle connectivity as well as construction mitigation. She supports their recommended Conditions of Approval. Discussions were had about other Staff recommendations included in the Staff Report. Director Ward believes there is Commission consensus on the TIS updates and the recommendation to separate out the TDM evaluation so it is continued as part of Phase II.

Chair Hall noted that the decision about the club skiers is being delayed to Phase II. If the Commission that hears Phase II decides that club skiers are day skiers, then that will be the decision made at that time and there will essentially be no club skier parking. Commissioner Suesser noted that the members of the club could be transported to the hill with shuttles. Deer Valley shuttles could pick up the ski club members rather than allotting parking spaces for the members to park. That is a possible option to explore.

Director Ward noted that there was a recommendation made to add to the conditions from the applicant. This will ensure the gondola is constructed with Phase II vertical development. There appears to be consensus that the TDM be continued into Phase II and consensus on the Summit County Bike Share. For the conditions related to transit, the request was to clarify the shared managed lane in the Findings of Fact and the Conditions of Approval. As for the conduit and infrastructure for future development, that would include consideration of future telecommunications and ways to incorporate conduit and fiber as part of Phase I to minimize potential towers. It was reiterated that there is consensus on the Staff recommendations that have been presented.

MOTION: Commissioner Johnson moved to CONTINUE the Snow Park Village Base Area – Deer Valley Resort 13th Amended and Restated Large Scale Master Planned Development Permit, Phase I Conditional Use Permit and Subdivision, and the public hearing to the February 26, 2025, meeting. The motion was seconded by Commissioner Van Dine. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

The meeting adjourned at approximately 8:12 p.m.

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Planning Commission
Staff Report

Subject:	**Bonanza Park Mixed Use District Land Management Code Amendments**
Application:	**PL-24-06024**
Author:	**Alec Barton, Senior Planner**
Date:	**February 12, 2025**
Type of Item:	**Legislative**

Recommendation

(I) Review the draft Bonanza Park Mixed Use District Land Management Code amendments.
(II) Provide input.
(III) Conduct a public hearing.
(IV) Continue the discussion to March 12, 2025.

In Progress

Staff continues to research the following for discussion on March 12:

- Finalizing street typologies within the neighborhood to shape setbacks and streetscapes and to minimize delivery and service area impacts.
- Exploring the feasibility of development in consideration of the potential fourth story outside of the Frontage Protection Zone, and reductions in parking, setbacks, and open space.
- Establishing design guidelines for landscaping associated with the Frontage Protection Zone and along multi-use pathways, streetlights, and banners to create continuity and a sense of place.
- Finalizing criteria to support vantage point analysis.

We will incorporate Commission input and refine the code for continued review on April 9, 2025, with a potential recommendation to the City Council.

Project Enhancements

Staff met with the Mayor and Councilmembers for feedback on the Project Enhancement component of the draft code. Based on Commissioner input, staff will provide an update to the Mayor and Councilmembers to ensure alignment of this component of the plan prior to the March 12 Commission meeting.

Description

Applicant:	Planning Department
Location:	Bonanza Park Neighborhood
Current Zoning Districts:	Estate General Commercial Light Industrial

	Recreation Open Space Residential Development – Medium Density Regional Commercial Overlay
Proposed Zoning District:	Bonanza Park Mixed Use
Reason for Review:	The Planning Commission reviews and makes recommendations to City Council regarding Rezones and Land Management Code amendments.[1]

BPMX	Bonanza Park Mixed Use
CCB	Conventional Chain Business
FPZ	Frontage Protection Zone
LMC	Land Management Code
MPD	Master Planned Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC Section 15-15-1.

Background

The vision of the Bonanza Small Area Plan (the Plan) is to transform a neighborhood "where Parkites gather to shop, dine, and express local art and culture" to a vibrant and "*more walkable, connected, livable, and inclusive community for current and future Parkites of all ages.*"[2]

The Plan calls for:

- A new Bonanza Park Mixed Use (BPMX) Zoning District.
- Updates to the existing Frontage Protection Zone (FPZ).
- Baseline standards for all streets and trails within the neighborhood.

The Planning Commission considered components of the proposed BPMX Zoning District on October 23, 2024 (Packet, Item 4.A; Minutes, p. 2) and December 11, 2024 (Packet, Item 5.A; Minutes, p. 2). This is the first comprehensive review of the draft code and staff requests input to update and prepare for the next discussion, scheduled for March 12.

Analysis

Six goals for the neighborhood are recommended to shape future development:

1. Create a mixed-use neighborhood with livability in mind.
2. Support locally owned business and entrepreneurship.

[1] LMC § 15-1-8

[2] The Plan adopted was by the City Council on July 11, 2024. Please refer to the June 27, 2024, City Council Staff Report for a summary of public engagement. The Plan is a supplement to the General Plan and the LMC implements the goals and policies of the General Plan.

3. Create a safe and intuitive network for pedestrians, cyclists, and transit users.
4. Expand the availability of affordable and workforce housing units.
5. Create a more welcoming and sustainable community.
6. Weave arts and culture into the community fabric.

The LMC amendments are drafted to implement the vision of the Plan:

Figure 1: The goals and recommendations of the Bonanza Park Small Area Plan (left) inform the purposes of the Bonanza Park Mixed Use (BPMX) Overlay Zoning District (right).

Existing Conditions
Bonanza Park is zoned primarily for single-use commercial and light industrial uses with clusters of residential units. Existing developments are autocentric, with large surface-level parking lots. Although several trails converge in Bonanza Park, they do not connect through the neighborhood. The sidewalk network is limited. While the FPZ creates a landscaped buffer for developments adjacent to Park Avenue and Kearns Boulevard, it is not consistently implemented across these corridors due to non-complying structures built before the FPZ took effect.

The neighborhood boundary below illustrates limited green spaces within the core of the neighborhood, limited connectivity, and extensive surface-level parking:

Recommendations
The Plan envisions “autocentric development” giving way to “a more mixed-use and compact development pattern” characterized by “good quality design” and “human scaled development.” The neighborhood’s central location, proximity to Old Town, transit connectivity, and access to regional trail systems position it well to redevelop into an area where residents can comfortably live, work, and recreate without a car as the primary means of transportation.

The Plan recommends the following to transform the area into a livable mixed-use neighborhood:

1. Create a Bonanza Park Mixed Use District that allows for increased densities when new development includes project enhancements.
2. Update the FPZ to ensure that Park City’s entry corridors remain scenic and awe-inspiring.
3. Establish development guidelines for new multifamily and mixed-use buildings to create walkable, human-scale development that is contextual and sensitive to its environments.

The draft code supports these recommendations:

Create a Bonanza Park Mixed Use District that allows for increased densities when new development includes project enhancements.

Project Enhancements - LMC § 15-2.27-6 (Project Enhancements)
Structures are limited to three stories, or 35 feet in height. A development providing project enhancements may be eligible for height up to 45 feet, or four stories, when located outside the FPZ. A development must provide at least three site-specific project enhancements to be considered for a height increase (see Figure 2). Applicants proposing four or more site-specific project enhancements may qualify for reductions to Setbacks and Open Space.

The Planning Commission would review the development's proposed project enhancements and forward a recommendation to the City Council for consideration and action.

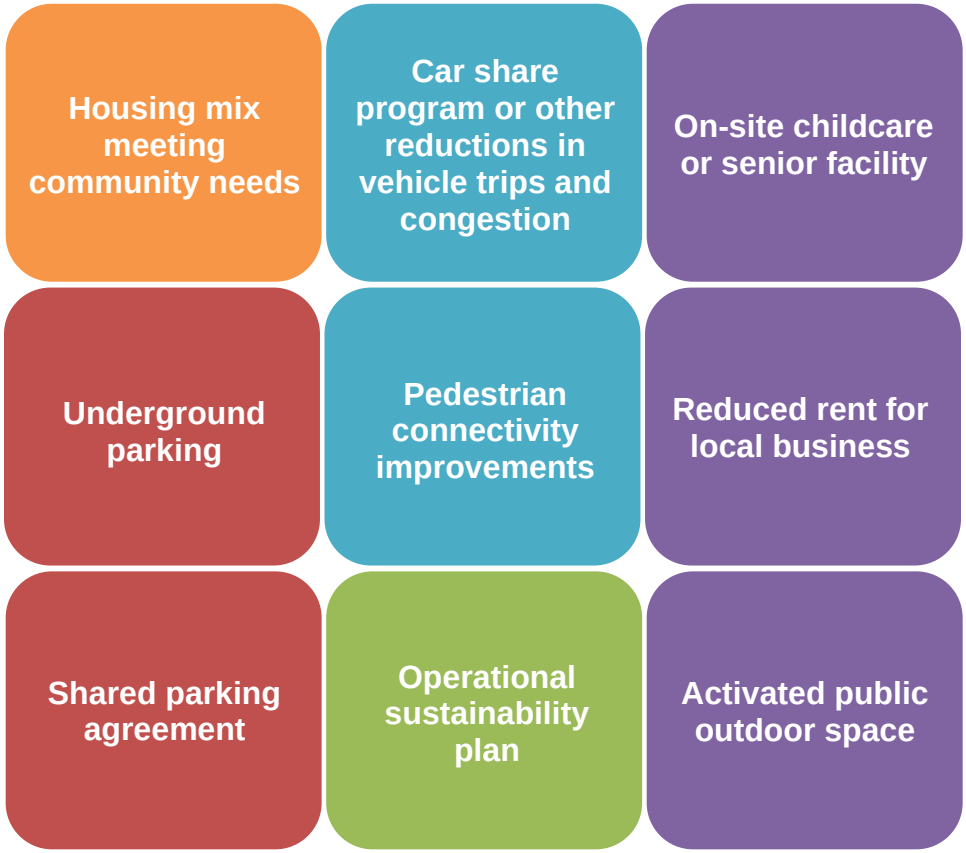
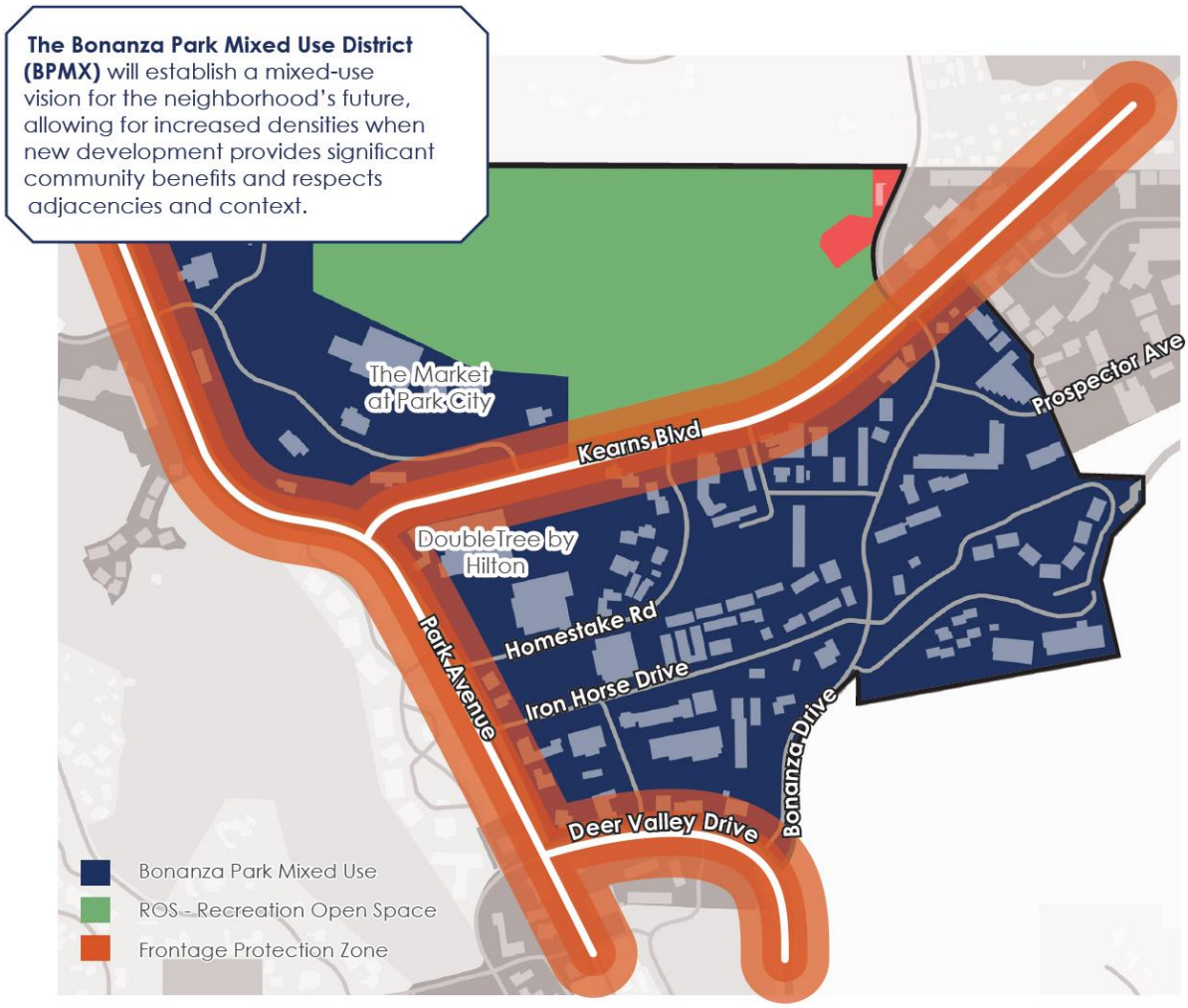


Figure 2: A development must incorporate at least three of these project enhancements to be eligible for increased height.

Staff continues to evaluate the feasibility of developments and the levers available—height, setbacks, and open space—to determine the balance of project enhancements and increased density that contributes to the vibrant and pedestrian-scale built environment envisioned for the neighborhood.

Update the FPZ to ensure that Park City's entry corridors remain scenic and awe-inspiring.

The boundary of the FPZ is not proposed to change. However, clarifications to the FPZ within the Bonanza Park neighborhood are proposed. The boundary is highlighted in orange below:



Frontage Protection Zone – LMC § 15-2.27-4 (Building Height)
LMC § 15-2.27-5(H) (Landscaping)
LMC § 15-2.27-5(J) (Art Installations)

The maximum height within the FPZ is 35 feet from existing grade. For buildings within the 30- to 50-foot FPZ, each story above two stories must be stepped back ten feet. Additional stepback requirements are established for rooftop mechanical equipment and elevator penthouses.

Landscaping and pedestrian-focused infrastructure within the 0- to 30-foot FPZ is required to enhance the mountain town entry corridor and to connect the pedestrian and

bike network. Sidewalks, trails, and bike paths are permitted within the FPZ along with multi-modal infrastructure, such as bike racks, transit stops and shelters, wayfinding signage, and seating. Mobility and transit hubs not exceeding 10 to 14 feet in height are also permitted. Art installations are allowed within the FPZ provided they do not impede pedestrian and bicycle circulation.

Vantage Points – LMC § 15-2.27-6(C) (Vantage Points)
Development should preserve and enhance views of significant community features. Twelve vantage points have been identified within Bonanza Park (see Figure 3). The height, mass, and design of structures must be considered to preserve mountain views. If a development can be seen from more than one vantage point, a developer would provide three-dimensional renderings from each vantage point showing the development in the context of mountain views.

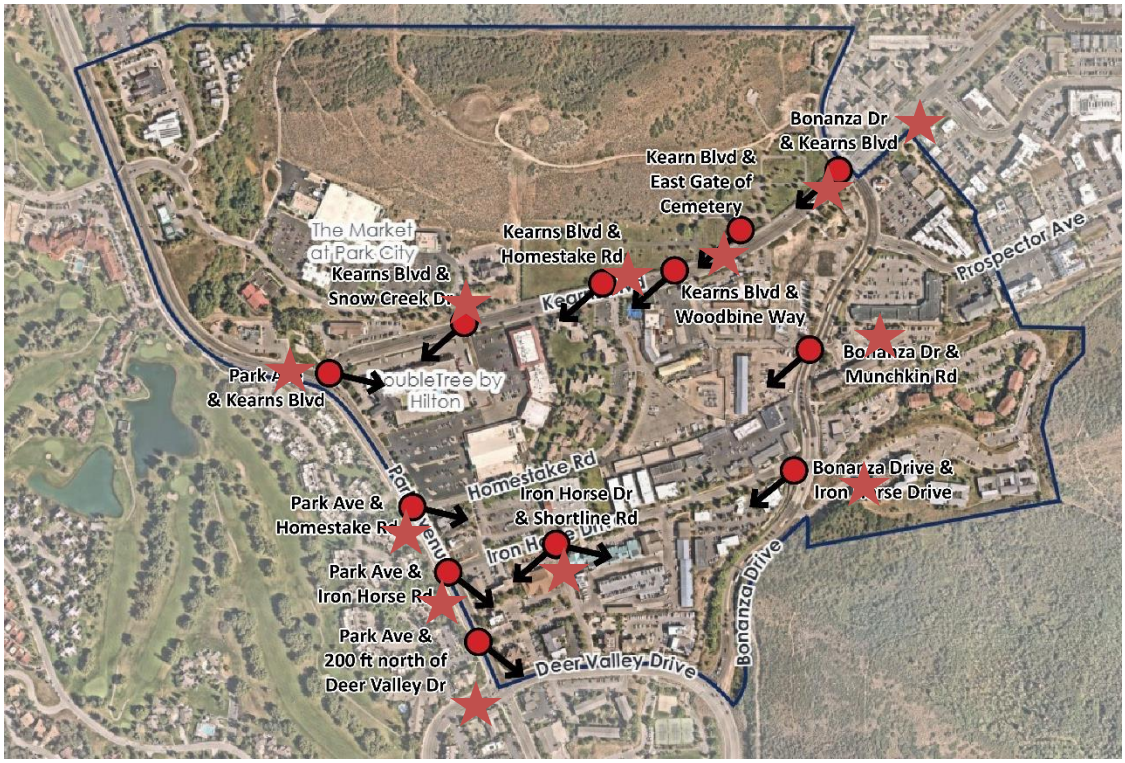


Figure 3: Designated vantage points in the Bonanza Park neighborhood.

Staff continues to work on specific criteria that protects mountain views and ensures compatible design within the context of the neighborhood with special attention to properties along the major intersections.

Establish development guidelines for new multifamily and mixed-use buildings to create walkable, human-scale development that is contextual and sensitive to its environments.

Activating Streetscapes – LMC § 15-2.27-3(D) (Setback Requirements)

LMC § 15-2.27-3(E) (Vertical and Horizontal Mixed-Use)
LMC § 15-2.27-5(E) (Street Level Design)
LMC § 15-2.27-5(B) (Building Placement and Orientation)
LMC § 15-2.27-5(C) (Building Scale, Articulation, and Fenestration)
LMC § 15-2.27-5(D) (Site Access and On-Site Parking)
LMC § 15-2.27-5(F) (Architectural Styles and Materials)
LMC § 15-2.27-5(G) (Roofs)
LMC § 15-2.27-5(I) (Service and Mechanical Areas)

The vision for Bonanza Park is a walkable, connected, and livable community. Street types range from major corridors like Kearns Boulevard and Park Avenue, to interior connectors like Homestake and Munchkin Road. Setbacks in the draft ordinance are proposed based on street type and context to create a mountain town landscape buffer within the FPZ and to allow flexibility of uses along this corridor, while drawing people into the neighborhood and prioritizing pedestrian-friendly design and enhanced walkability. Wider streets require greater setbacks to create comfortable accessible spaces for pedestrians, while setbacks reduced from the current 25-foot perimeter Master Planned Development setback may create a cohesive and active internal neighborhood streetscape.

The FPZ creates a sense of arrival and place within our mountain town, with a linear green along the heavily trafficked entryways that serve as a buffer to the internal neighborhoods and allows for multi-use pathways and landscaping:

Linear greenways create a transition from Kearns Boulevard, Park Avenue, and Deer Valley Drive, while allowing for a landscape buffer to preserve Park City's small town mountain town aesthetic before transitioning to a pedestrian-scale internal network.

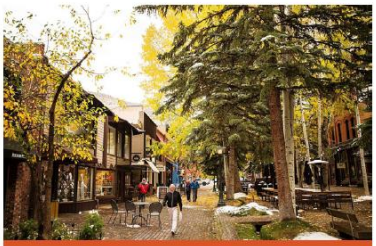
The Plan prioritizes a pedestrian-scale built environment, calling for active uses on the streetscape:

Front Yards	**As part of a Bonanza Park Mixed Use District, ensure that new multifamily and mixed use buildings reflect human scale design for a walkable community** by regulating design elements. Excludes single and two-family dwellings.
Entrances & Porches	
Landscaping & Trees	
Windows & Doors	
Block Patterns & Sizes	
Roofs	
Fences	
Parking Placement	

Streets within the neighborhood will be pedestrian-oriented, creating a vibrant streetscape:

Retail Street

Alley or Service Drive



Pedestrian Way

Vertical and Horizontal Mixed Use

Distinguishing street types can shape the balance of commercial and residential uses within the neighborhood through vertical mixed-use with active uses on the ground floor and residential and office uses on upper floors and horizontal mixed-use, with distinct land uses in a multi-building development within portions along Kearns Boulevard, Park Avenue, and Deer Valley Drive. Bonanza Drive—while wider than other internal streets—also calls for unique setbacks to shape the type of pedestrian-scale environment that supports improved pedestrian and bicyclist connections within the neighborhood and as a connection to Prospector.

The preliminary draft outlines potential street types to shape future pedestrian-oriented streetscapes. Street type and setback evaluation are ongoing to ensure multi-modal pathways, active uses like outdoor dining and community spaces, and accommodation of transit facilities.

A. **[PRELIMINARY DRAFT – STREET TYPES TO BE DEFINED] STREETSCAPE SETBACKS**: Table 15.2-27-3(D) identifies the required Streetscape Setbacks in the BPMX District. Streetscape Setbacks are determined based on street type to prioritize pedestrian-friendly design and enhance walkability. Wider streets require greater setbacks to create comfortable, accessible spaces for pedestrians and bicyclists, while narrower streets allow for reduced setbacks that maintain a cohesive streetscape.

Table 15.2-27-3(D): MINIMUM STREETSCAPE SETBACK REQUIREMENTS		
Street Type	**Applicability/ Streets**	**Streetscape Setback**
X	Kearns Boulevard and Park Avenue	30 Feet
X	Bonanza Drive	25 Feet
X	Homestake Road, Iron Horse Drive, Prospector Avenue, Sidewinder Drive	20 Feet
X	Munchkin Road, Snow Creek Drive, Woodbine Way	18 Feet
Rail Trail	East-West connection	20 Feet

Active Streetscape Uses

A range of streetscape features are used to encourage pedestrian activity, but one study in New York City found that only three were effective: increasing the proportion of windows facing the street, providing street furniture, and developing active street-front uses such as stores and restaurants, parks, hospitals, schools, and multifamily residential buildings.[3] Some cities limit their definition of active uses to mean retail only, but this approach artificially constrains the types of uses that draw people to places and can imperil projects that cannot meet ground-floor retail requirements. Having places to shop is an important feature of a successful mixed-use neighborhood, but shopping is merely one way to activate a building's ground floor (see Figure 5).

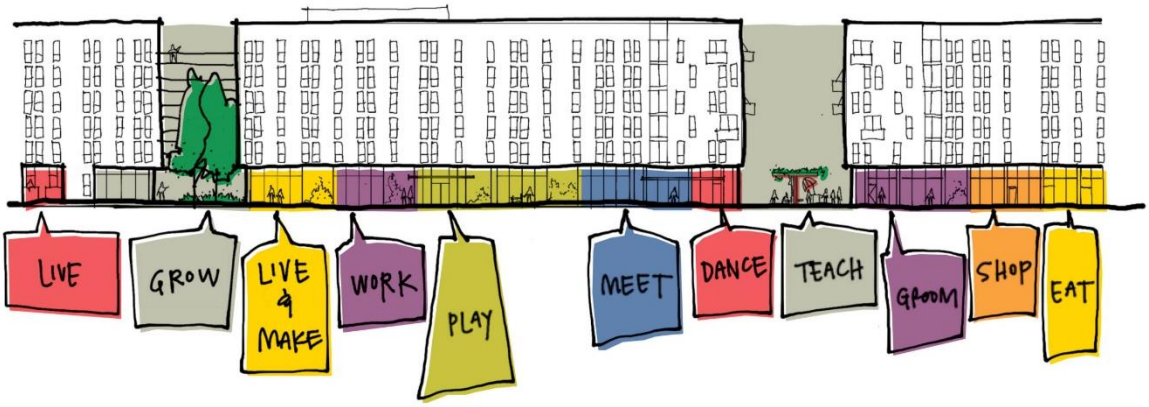


Figure 5: Active uses can encompass a range of activities that draw people to a site.[4]

In addition to retail establishments, restaurants, and bars, the draft code identifies the following uses as active uses:

- Daycare facilities;
- Community meeting spaces;
- Educational and medical uses;
- Civic spaces, such as theaters and museums;
- Art and craft studios;
- Other uses determined to be substantially similar by the Planning Commission.

For buildings that are 100 percent residential, a ground floor lobby or other common space would be allowed within limited areas in the neighborhood.

Under the proposed code, the Planning Commission could consider active uses to include libraries, medical clinics, enclosed bike storage and repair facilities, live-work spaces, and other similar uses.

[3] Ewing et al. (2015). Streetscape features related to pedestrian activity. *Journal of Planning Education and Research*, *36*(1), 5-15. https://doi.org/10.1177/0739456X15591585

[4] Loper, A., Simons, D., & Baker, D. (2022, September 14). *Activating the edges: How to create lively, active streets*. Common Edge. https://commonedge.org/activating-the-edges-how-to-create-lively-active-streets/

Additional policies designed to activate the streetscape include:

- Incorporating open space into building placement to create opportunities for outdoor dining and displays;
- Breaking up the massing of buildings on parcels greater than 30,000 square feet
- Orienting buildings to the street;
- Designing public spaces and gathering areas to maximize solar exposure
- Positioning a building entry to enhance a pedestrian-oriented streetscape ;
- Reducing the mass and scale of a building through design elements like variation in roof forms, emphasis on building entries, and variation in texture or materials;
- Avoiding blank wall surfaces adjacent to pedestrian Rights-of-Way;
- Implementing vertical and horizontal building articulation to break up the mass of a building;
- Providing sufficient glazing on the lower and upper levels of all street-facing façades to create a strong relationship to the street;
- Integrating alleyways or mid-block crossings to support pedestrian-oriented street design;
- Consolidating parking areas behind the front-most wall of all main buildings
- Using high-quality building materials that convey a pedestrian scale;
- Designing roofs to prevent the build-up of water, snow, and ice on pedestrian and public areas;
- Siting trash and service areas to minimize impacts to pedestrians;
- Screening mechanical equipment and utility boxes from public view.

Existing Conditions
With commercial space available at lower rents than in other neighborhoods, Bonanza Park serves as an incubator for local businesses. Even so, Bonanza Park is home to 16 Conventional Chain Businesses (CCBs) and several nightly rentals, which residents feel diminish the authenticity, charm, and character of the neighborhood.

Recommendations
Residents expressed interest in retaining and enhancing the “authenticity,” “charm,” “richness,” “character,” and “personality” of the Bonanza Park neighborhood.

The Plan identifies three recommendations to support the goal of investing in locally owned business and entrepreneurship:

4. Limit nightly rentals, hotels, and timeshares to grow the residential base for Bonanza Park, and ensure that new dwellings are supporting a neighborhood for locals.
5. Limit Conventional Chain Businesses to prioritize locally owned and unique retailers/restaurants in Bonanza Park.
6. Cap commercial square footage per building, with exceptions for grocery stores, to incentivize mixed use development.

The draft LMC amendments support these recommendations:

Limit nightly rentals, hotels, and timeshares to grow the residential base for Bonanza Park, and ensure that new dwellings are supporting a neighborhood for locals.

Locally serving development providing affordable, workforce, and attainable housing for full-time residents may be eligible for increased height and reduced setbacks and open space.

Nightly Rentals – LMC § 15-2.27-2 (Uses)
Nightly Rentals and Timeshares are prohibited. Boutique Hotels, which are Hotels with no more than 75 hotel rooms, are a Conditional Use. A total cap on Boutique Hotels within the neighborhood could be considered. Allowing limited Nightly Rentals within certain subzones could be a consideration.

Limit Conventional Chain Businesses to prioritize locally owned and unique retailers/restaurants in Bonanza Park.

Conventional Chain Businesses – LMC § 15-2.27-13 (Conventional Chain Businesses)
LMC § 15-15-1 defines a Conventional Chain Business (CCB) as “a business, including but not limited to retailers or restaurants, which maintains one or more of the following standardized items which causes it to be substantially identical to more than 10 other businesses regardless of ownership or location at the time of the application: (1) standardized menu or merchandise with 50% or more of in stock merchandise from a single distributor bearing uniform markings; or (2) a standardized array of products or merchandise; or (3) uniform apparel; or (4) standardized architectural design, layout of facade, decor or color scheme and/or signs; trademarks, and service marks or logos, or similar standardized features.”

There are 16 CCBs currently operating in the Bonanza Park Neighborhood. The Planning Commission expressed interest in excluding essential services like grocery stores, banks, and gyms in Bonanza Park from CCB regulations. Six of the existing CCBs would be exempt from regulations under this provision. Existing CCBs within the BPMX Zoning District would be issued a one-time CUP to memorialize existing conditions.

Business	Address	Exempt from CUP?
Sherwin-Williams	875 Ironhorse Dr	No
Walgreens	950 Ironhorse Dr	Yes
Domino's Pizza	750 Kearns Blvd	No
Wells Fargo	1400 Kearns Blvd	Yes
Chase Bank	1650 Park Ave	Yes
Starbucks	1700 Park Ave	No
FedEx	1700 Park Ave	No
Burger King	1720 Park Ave	No
Sotheby's	1750 Park Ave	No
Starbucks (inside Fresh Market)	1760 Park Ave	No
Doubletree by Hilton	1800 Park Ave	No
Top Stop Chevron	2010 Park Ave	No
Zions First National Bank	1100 Snow Creek Dr	Yes
Subway	1400 Snow Creek Dr	No
America First Federal	1500 Snow Creek Dr	Yes
Key Bank	1555 Snow Creek Dr	Yes
Total CCBs		16
Exempt CCBs		6
CCBs requiring CUP		***10***

Table 1: Existing Conventional Chain Businesses (CCBs) in Bonanza Park.

New CCBs would require a CUP and review pursuant to the CUP criteria and the following:

- Cannot exceed 30% of total commercial square footage within a single development;
- Will not create oversaturation of similar uses;
- Will diversity retail and community service provisions;
- Encourages innovation or a creative business idea;
- Provides local entrepreneurs with an opportunity to offer distinct services or sell locally made products;
- Offers affordable and needed services, meals, or products;
- Creates unique recreational, entertainment, or cultural opportunities;
- Offers services not within the City boundary;
- Is aesthetically compatible with the neighborhood character.

- Is compatible with existing businesses.

Cap commercial square footage per building, with exceptions for grocery stores, to incentivize mixed use development.

Cap on Commercial Square Footage – LMC § 15-2.27-3(B) (Density)
A single commercial building in a commercial-only or mixed-use development is limited to 15,000 square feet. To break up the neighborhood superblocks, buildings without excess façade widths are encouraged. As a result, more than 15,000 square feet of commercial would be allowed within a single site, but in a series of buildings rather than a singular massing. Individual commercial tenants are limited to 5,000 square feet, unless they obtain a CUP. Grocery stores and US Post offices are exempt from this requirement. To provide context, Table 2 includes the approximate square footage of existing businesses in Bonanza Park to provide context. The draft code would cap future commercial uses to the approximate square footage of Windy Ridge Café unless a CUP is obtained.

Business	Address	Square Feet
Sammy's Bistro	1890 Bonanza Drive	1,600
El Chubasco	1890 Bonanza Drive	1,900
Burger King	1720 Park Avenue	2,250
Windy Ridge Café	1250 Iron Horse Drive	5,500
Chase Bank	1650 Park Avenue	6,200
Sotheby's	1750 Park Avenue	10,000
Walgreens	950 Iron Horse Drive	23,550
Fresh Market	1760 Park Avenue	51,200
The Market	1500 Snow Creek Drive	52,350

Table 2: Square footage of select businesses in Bonanza Park.

Existing Conditions

Bonanza Park includes portions of three regional trail networks: the McLeod Creek Trail along Snow Creek Drive, the Poison Creek Trail adjacent to Deer Valley Drive and Bonanza Drive, and the Rail Trail extending from Bonanza Drive to Quinn's Junction. These trails do not connect within interior portions of the neighborhood. There are also significant sidewalk gaps and missing pedestrian crossings at intersections. The street network is disjointed and hinders connectivity.

Recommendations

Autocentric development patterns are associated with increased noise[5] and air pollution,[6] a variety of health impacts worsened by sedentary travel,[7] significant carbon emissions,[8] and inflated housing costs.[9] Car-dependent places isolate people[10] and do not reduce the amount of time people spend in traffic.[11] Pedestrian fatalities resulting from car collisions are at historic highs.[12]

In contrast, walkable neighborhoods increase opportunities for physical activity[13] and social interaction,[14] reduce mobile pollution and its associated health effects,[15] and

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[5] Khan et al. (2018). Road traffic air and noise pollution exposure assessment – A review of tools and techniques. *Science of the Total Environment*, *634*(1), 661-676. https://doi.org/10.1016/j.scitotenv.2018.03.374

[6] Boogaard et al. (2022). Long-term exposure to traffic-related air pollution and selected health outcomes: A systematic review and meta-analysis. *Environment International*, *164*. https://doi.org/10.1016/j.envint.2022.107262

[7] Bull et al. (2020). World Health Organization 2020 guidelines on physical activity and sedentary behaviour. *British Journal of Sports Medicine*, *54*(24), 1451-1462. https://doi.org/10.1136/bjsports-2020-102955

[8] Oda, H., Noguchi, H., & Fuse, M. (2022). Review of life cycle assessment for automobiles: A meta-analysis-based approach. *Renewable and Sustainable Energy Reviews*, *159*. https://doi.org/10.1016/j.rser.2022.112214

[9] Gabbe, C.J. & Pierce, G. (2016). Hidden costs and deadweight losses: Bundled parking and residential rents in the metropolitan United States. *Housing Policy Debate*, *27*(2), 217-229. https://doi.org/10.1080/10511482.2016.1205647

[10] Saadaoui et al. (2025). Does car dependence make people unsatisfied with life? Evidence from a U.S. national survey. *Travel Behaviour and Society*, *39*. https://doi.org/10.1016/j.tbs.2024.100954

[11] Ewing, R., Tian, G., & Lyons, T. (2018). Does compact development increase or reduce traffic congestion? *Cities*, *72*(A), 94-101. https://doi.org/10.1016/j.cities.2017.08.010

[12] National Highway Traffic Safety Administration (2024). *Pedestrians traffic safety facts: 2022 data* [Fact sheet]. U.S. Department of Transportation. https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813590

[13] Sallis et al. (2020). Built environment, physical activity, and obesity: Findings from the International Physical Activity and Environment Network (IPEN) adult study. *Annual Review of Public Health*, *41*, 119-139. https://doi.org/10.1146/annurev-publhealth-040218-043657

[14] Carson et al. (2023). Neighborhood walkability, neighborhood social health, and self-selection among U.S. adults. *Health & Place*, *82*. https://doi.org/10.1016/j.healthplace.2023.103036

[15] U.S. Environmental Protection Agency (2024, May). *Research on health effects, exposure, & risk from mobile source pollution*. https://www.epa.gov/mobile-source-pollution/research-health-effects-exposure-risk-mobile-source-pollution

improve mental health[16] and happiness.[17] When combined with green spaces, walkable neighborhoods counteract urban heat islands[18] and reduce stress[19] and feelings of isolation.[20] Upward mobility is significantly higher in walkable neighborhoods than in sprawling communities.[21]

Although redeveloping an autocentric neighborhood as a mixed-use, walkable community presents challenges, the City can help spur this transition by adopting regulations that limit autocentric uses, street standards that accommodate all transportation modes, and incentives for model development.

Bonanza Park is uniquely situated at the center of Park City, and Park City itself is rare among resort communities in the Mountain West because of its proximity to a major metropolitan area. For both residents of and visitors to the Bonanza Park community, travel by car need not be necessary. Careful planning will allow safe and comfortable travel for many trips to and within the neighborhood without the use of a vehicle, fulfilling the vision of the Small Area Plan for a neighborhood that is “walkable,” “human-scale,” and “user-friendly.”

The vision for Bonanza Park is a walkable, bikeable, transit-rich neighborhood that is mixed use, compact, and livable. Prioritizing pedestrian-scale and walkable development is the primary way by which Bonanza Park will transform.

The Plan identifies four recommendations to support the goal of creating a safe and intuitive network for pedestrians, cyclists, and transit users:

1. Establish a future network of pedestrian and bicycle linkages through Bonanza Park to connect with regional trails and improve the area’s connectivity.
2. When considering development proposals, encourage multiple connections through Bonanza Park to create a more walkable and interconnected block system.

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[16] Roe et al. (2020). The urban built environment, walking and mental health outcomes among older adults: A pilot study. *Frontiers in Public Health*, *8*. https://doi.org/10.3389/fpubh.2020.575946
[17] Leyden et al. (2023). Walkable neighborhoods: Linkages between place, health, and happiness in younger and older adults. *Journal of the American Planning Association*, *90*(1), 101-114. https://doi.org/10.1080/01944363.2022.2123382
[18] U.S. Environmental Protection Agency (2024, October). *Reduce heat islands*. https://www.epa.gov/green-infrastructure/reduce-heat-islands#:~:text=Trees%2C%20green%20roofs%2C%20and%20vegetation,releasing%20moisture%20into%20the%20atmosphere.
[19] Barton, J. & Rogerson, M. (2017). The importance of greenspace for mental health. *British Journal of Psychiatry*, *14*(4), 79-81. https://doi.org/10.1192/s2056474000002051
[20] Gillooly, S. & Tripathy, S. (2020). Annotated literature review: Health benefits of urban greenspace. *Harvard Chan National Institute of Environmental Health Sciences Center for Environmental Health*. Retrieved from https://hsph.harvard.edu/research/environmental-health-niehs/community-resources/annotated-literature-review-health-benefits-of-urban-greenspace/
[21] Ewing, R., Hamidi, S., Grace, J., & Wei, Y. (2015). Does urban sprawl hold down upward mobility? *Landscape and Urban Planning*, *148*, 80-88. https://doi.org/10.1016/j.landurbplan.2015.11.012

3. Leverage future developments to fund and implement mobility improvements, such as traffic calming, crosswalk improvements, transit hubs, and tunnels to surrounding neighborhoods.
4. Create a vibrant pedestrian-oriented neighborhood by restricting autocentric uses, lowering parking minimums, and incentivizing underground parking structures.

The draft LMC amendments support these recommendations:

Establish a future network of pedestrian and bicycle linkages through Bonanza Park to connect with regional trails and improve the area's connectivity.

Establishing New Trail Connections – LMC § 15-2.27-10(B) (Trail Connections)
The Small Area Plan calls for investment in signature trails and pedestrian infrastructure (see Figure 6). The plan's Connectivity Vision for Bonanza Park includes the following priorities:

1. Breaking up the superblock near Park Avenue and Kearns Boulevard;
2. Connecting McLeod Creek Trail across Kearns Boulevard to the neighborhood's center;
3. Extending the Rail Trail west to Park Avenue;
4. Filling in sidewalk gaps on Iron Horse Drive;
5. Establishing new trail connections to Prospector;
6. Developing a new trail on Park Avenue between Deer Valley Drive and Kearns Boulevard;
7. Developing a new trail on the south side of Kearns Boulevard between Park Avenue and Bonanza Drive; and
8. Developing a new north-south connection between Deer Valley Drive and Kearns Boulevard along Shortline Road, the Walgreens property, and through a future redevelopment of the Fresh Market site toward the proposed Snow Creek Drive Tunnel under Kearns Boulevard.

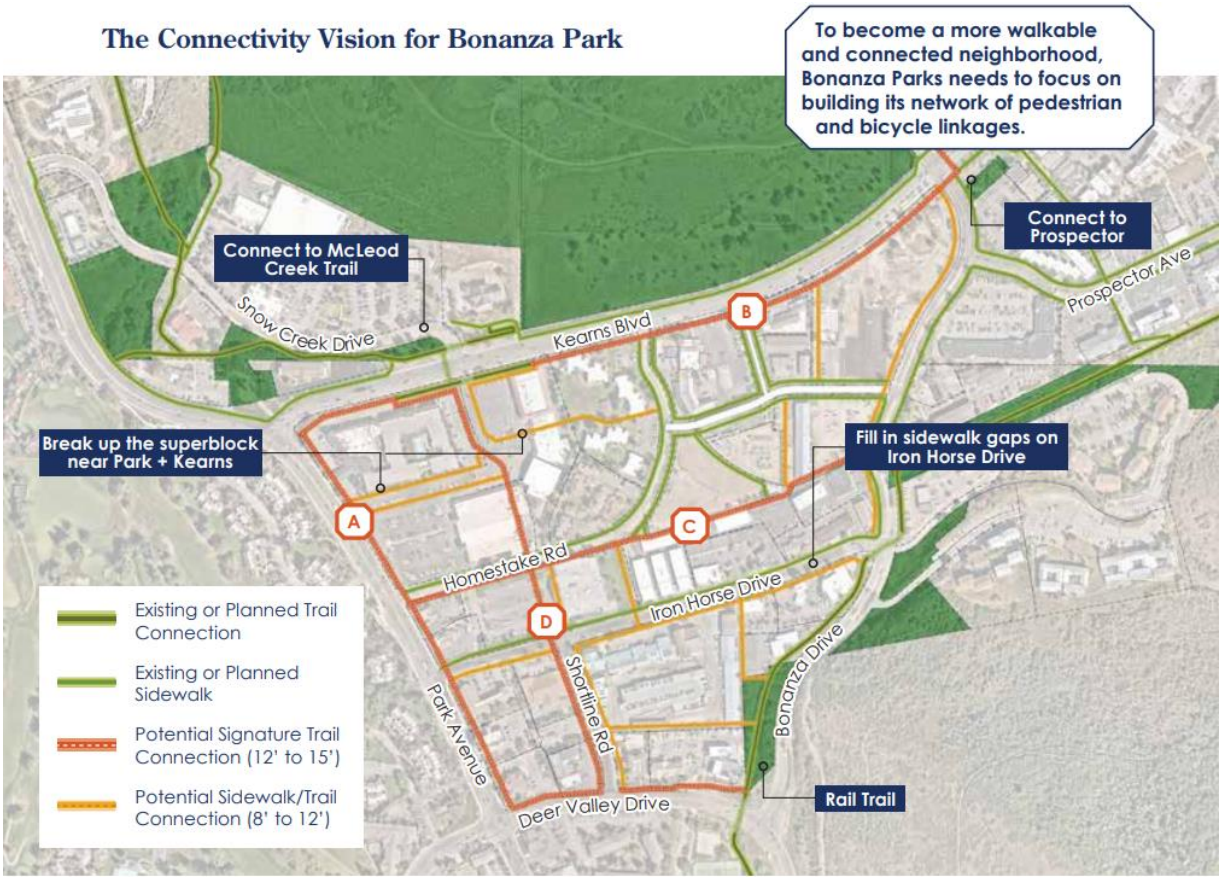


Figure 6: The addition of signature trails and sidewalks is a significant investment in Bonanza Park's future.

The draft code requires development to integrate key trail connections. Trails and sidewalks must be built to City standards.

When considering development proposals, encourage multiple connections through Bonanza Park to create a more walkable and interconnected block system.

Establishing New Street Connections – LMC § 15-2.27-11 (Street Systems)
The Plan highlights the importance of new street connections to break up superblocks, improve internal circulation, and create space for activated streetscapes (see Figure 7). Specific priorities include:

1. Breaking up the superblock between Park Avenue, Kearns Boulevard, and Homestake Road;
2. Extending Shortline Road to connect from Deer Valley Drive to Homestake Road;
3. Creating a new connection between Iron Horse Drive and Shortline near the Public Works Site;
4. Establishing a new connection between Kearns Boulevard and Munchkin Road; and
5. A pedestrian tunnel or bridge on Park Avenue or Kearns Boulevard.

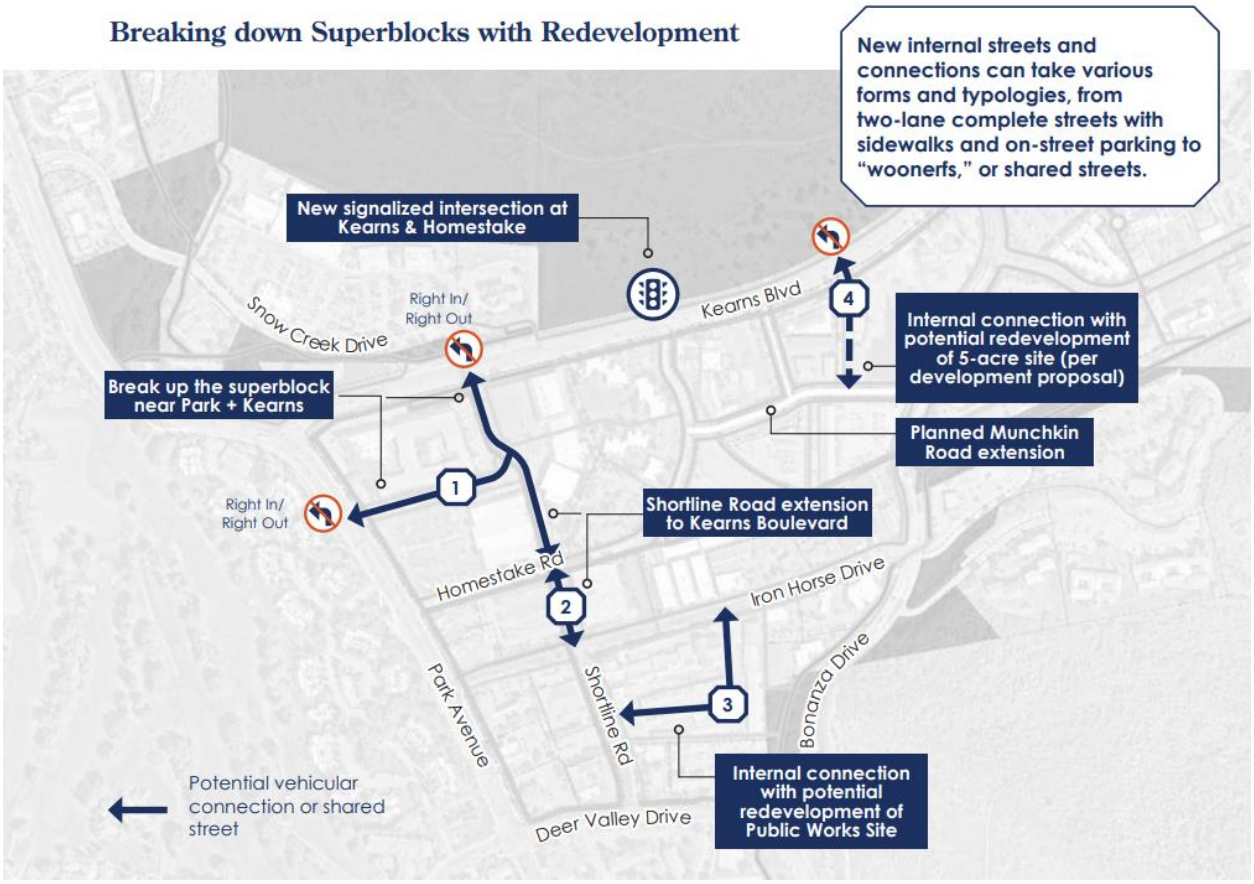


Figure 7: Additional street connections are required to promote walkability and to create an interconnected system of blocks.

The draft code requires development adjacent to these areas to incorporate new connections. New streets must meet City standards and incorporate pedestrian infrastructure. We are finalizing the street types for the interior neighborhood in coordination with the Engineering Department.

Leverage future developments to fund and implement mobility improvements, such as traffic calming, crosswalk improvements, transit hubs, and tunnels to surrounding neighborhoods.

As properties redevelop, the City has an opportunity to improve connectivity within the neighborhood. Future developments adjacent to existing or planned streets and trails will have a comprehensive vision to plan toward. Projects will be required to meet minimum standards for pedestrian infrastructure, and developments that provide meaningful connections envisioned in the Plan may be eligible for increased building height and density.

Create a vibrant pedestrian-oriented neighborhood by restricting autocentric uses, lowering parking minimums, and incentivizing underground parking structures.

In response to the growing affordable housing crisis and the widespread closure of businesses during the COVID-19 pandemic, many cities throughout the United States and Canada instituted comprehensive parking reforms aimed at making it easier for communities to develop neighborhood-oriented housing and business. Nearly 100 cities have done away with minimum parking requirements for specific neighborhoods or eliminated them citywide, shown below. California and Oregon abolished minimum parking requirements for most new developments near public transit.[22, 23, 24]

Canada	Story County, IA	Raleigh, NC	Salem, OR
Edmonton, AB	South Bend, IN	Dover, NH	Springfield, OR
High River, AB	Lansing, KS	Hanover, NH	Tigard, OR
Vancouver, BC	Lexington, KY	Seabrook, NH	Tualatin, OR
Lunenburg, NS	Cambridge, MA	Buffalo, NY	Washington Co., OR
Toronto, ON	Somerville, MA	Canandaigua, NY	West Linn, OR
Regina, SK	Cambridge, MD	Hudson, NY	Central Falls, OR
Saskatoon, SK	Auburn, ME	Saranac Lake, NY	Jackson, TN
United States	Portland, ME	Gambier, OH	Nashville, TN
Anchorage, AK	Ann Arbor, MI	Maumee, OH	Austin, TX
Birmingham, AL	Calumet, MI	Portsmouth, OH	Bandera, TX
Fayetteville, AR	Ecorse, MI	Albany, OR	Bastrop, TX
Rogers, AR	Kalkaska, MI	Ashland, OR	Taylor, TX
Alameda, CA	Lake City, MI	Beaverton, OR	Charlottesville, VA
Culver City, CA	Mancelona, MI	Bend, OR	Newport News, VA
Emeryville, CA	Mount Pleasant, MI	Central Point, OR	Richmond, VA
Sacramento, CA	River Rouge, MI	Eugene, OR	Roanoke, VA
San Francisco, CA	Duluth, MN	Gold Hill, OR	Burlington, VT
San Jose, CA	Minneapolis, MN	Grants Pass, OR	Olympia, WA
Longmont, CO	St. Paul, MN	Hillsboro, OR	Seattle, WA
Bridgeport, CT	Willmar, MN	King City, OR	Spokane, WA
Hartford, CT	Branson, MO	Lake Oswego, OR	Gilman, WI
Gainesville, FL	Durham Co., NC	Millersburg, OR	La Crosse, WI
Chattahoochee Hills, GA	Durham, NC	Milwaukie, OR	West Allis, WI
Dunwoody, GA	Gastonia, NC	Portland, OR	

Parking Requirements – LMC § 15-2.27-7 (Parking Requirements)
The City has been evaluating LMC amendments to create greater opportunities for affordable housing and to reduce trips in single-occupancy vehicles. Lisa Wise Consulting prepared a Recommended Amendments Report. The proposed BPMX Overlay

[22] Secaira, M. (2022, October 12). *California law abolishes parking minimums for new developments close to public transit*. Capital Public Radio. https://www.capradio.org/articles/2022/10/12/california-law-abolishes-parking-minimums-for-new-developments-close-to-public-transit/
[23] Gould, C. (2023, June 30). *Parking mandates are vanishing across Oregon*. Sightline Institute. https://www.sightline.org/2023/06/30/parking-mandates-are-vanishing-across-oregon/
[24] Cities and counties in Canada and the United States that have eliminated minimum parking requirements in certain neighborhoods or citywide as of 2023.[24, 24, 24, 24, 24]

incorporates some of these recommended parking reductions with modifications to align with the Plan.

Unless granted an exception by the Planning Commission, no development within one-quarter mile of a transit stop may include more than 100 percent of the required parking for the project. Most multifamily residential, commercial, and Mixed-Use projects require a Transportation Demand Management (TDM) Plan.

The draft code includes the following incentives to reduce parking:

- **Shared parking agreement**. The parking requirement for Mixed-Use projects may be lowered by the Planning Commission after review of a shared parking opportunity analysis.
- **Underground parking**. Setbacks for underground parking structures may be reduced up to 50 percent outside of the FPZ by the Planning Commission if 90 percent of required parking is provided on-site and underground. In addition, a project may incorporate underground parking along with other project enhancements to be eligible for increased building height, increased density, reduced setbacks, and/or reduced open space requirements.
- **Mixed-use development**. Projects including a mix of land uses qualify for a reduction in parking based on the types of land use.
- **Alternative strategies**. A non-residential parking requirement may be reduced up to 10 percent through the provision of designated car sharing parking, electric vehicle (EV) charging stations, and underground parking.
- **Proximity to transit**. Up to a 15 percent reduction in required Parking Spaces may be approved for any development within 1,000 feet walking distance of a major transit stop.
- **TDM strategies**. For projects requiring a TDM Plan, the Planning Commission may approve up to a 20 percent reduction in required parking for non-residential uses when the project incorporates at least three TDM strategies in addition to the baseline TDM requirements.

A development may incorporate multiple strategies to achieve a larger reduction in parking, but the cumulative parking reduction cannot be greater than 50 percent for non-residential Uses or 20 percent for residential Uses unless approved by the Planning Commission.

Existing Conditions
Bonanza Park is home to approximately 700 residents. Residential development is clustered in the eastern portion and along Kearns Boulevard, Homestake Road, and the area north of Snow Creek Drive. The EngineHouse affordable housing development in the center of the neighborhood is expected to be completed this year, bringing an additional 99 deed-restricted affordable and 24 market-rate units to the neighborhood. For the most part, these residential developments are distinct from commercial development within the neighborhood. The proposed code establishes the framework for mixed-use development, wherein active uses are along the streetscape, and residential uses are on upper levels, with potential exceptions along the FPZ and limited internal streetscapes.

Recommendations
Bonanza Park will be a neighborhood where “folks of all backgrounds and incomes have access to attainable housing, eco-friendly spaces, improved air quality, and a vibrant local economy built around local businesses.”

The Small Area Plan identifies four recommendations to support the goal of expanding the availability of affordable and workforce housing units:

1. Work with the development community to build more affordable and workforce housing in Bonanza Park and help meet citywide goals.
2. Establish bold affordability metrics to guide decision-making and track short- and long-term success.
3. Work with residents and property owners to preserve naturally occurring moderate income housing already existing in the neighborhood.
4. Ensure that new housing and public spaces in Bonanza Park follow Universal Design Principles.

The draft LMC amendments support these recommendations:

Work with the development community to build more affordable and workforce housing in Bonanza Park and help meet citywide goals.

Establish bold affordability metrics to guide decision-making and track short- and long-term success.

Minimum required parking is substantially reduced in the BPMX Zoning District compared to other Zoning Districts. Parking is one of the most significant costs associated with development, and the ability to reduce parking presents opportunities for the development of affordable housing.

Via the Project Enhancements process, developments may be eligible for increased building height and density when they provide, among other things, a mix of housing types meeting the community's needs at the time of development. The City Council has discretion to review and update Project Enhancements on a two-year schedule to assess the effectiveness of the program and enhancements implemented through successful projects.

Developments must meet the minimum affordable housing requirements in effect at the time of project approval, as defined in Resolution 05-2021 (Affordable Housing Guidelines). Affordable Master Planned Developments (APMDs) are allowed in the BPMX Zoning District.

Work with residents and property owners to preserve naturally occurring moderate income housing already existing in the neighborhood.

The draft code prohibits Nightly Rental of residential uses, increasing the housing stock for long-term residents. Existing properties will be able to tie into planned pedestrian, open space, and trail improvements in the neighborhood. Another consideration could be creating sub zones within the BPMX Zoning District where Nightly Rentals may be allowed.

Ensure that new housing and public spaces in Bonanza Park follow Universal Design Principles.

Universal Design Principles
LMC § 15-15-1 will be updated with a new definition for Universal Design Principles, which are "principles through which public and private spaces are designed to have equal access by people of all ages and abilities, with little or no need for adaptation or specialized design."

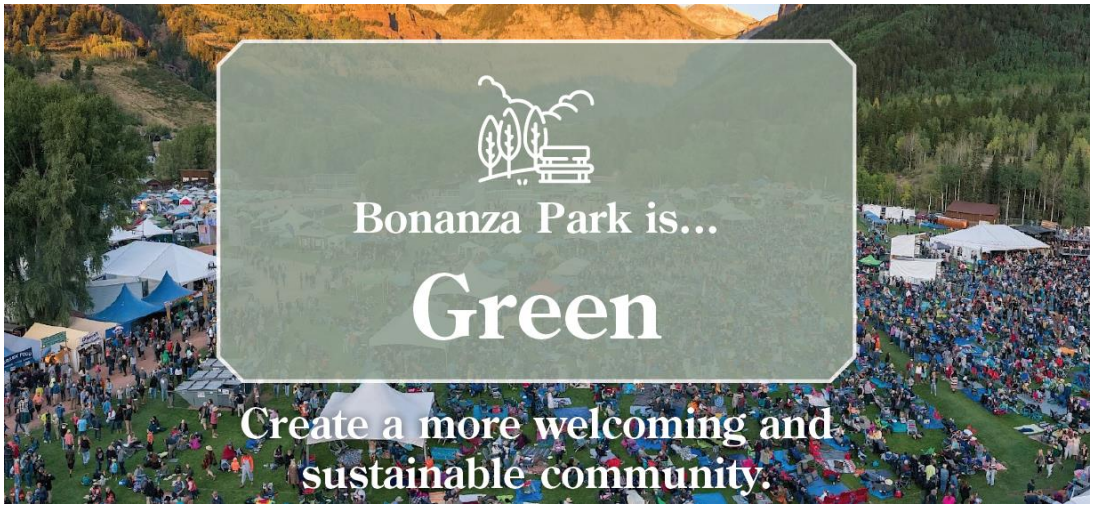
LMC § 15-4-4 will be updated to state that Secondary Living Quarters within Bonanza Park (and citywide) must follow Universal Design Principles to allow equal access by people of all ages and abilities.

Pedestrian Amenities – LMC § 15-2.27-3(G) (Pedestrian Amenity Guidelines)

Pedestrian amenities such as benches, outdoor seating, bike racks, shade structures, and public art must contribute to an active Streetscape and promote interaction. To ensure accessibility, pedestrian amenities should be:

- Along the Streetscape, open to the sky, and free of permanent enclosures
- Versatile and adaptable
- Within 18 inches above or below the Existing Grade of the street or sidewalk which abuts the space
- Considerate of all four corners of an intersection
- Street-facing
- Designed for use in all seasons

Snow Release and Clear View of Intersection – LMC § 15-2.27-3(H) (Snow Release)
LMC § 15-2.27-3(I) (Clear View of Intersection)
Entries, walkways, and pedestrian areas must be protected from ice and snow shedding. To ensure safe crossings at intersections, no visual obstructions in excess of two feet in height above road grade are permitted within the Sight Distance Triangle.



Existing Conditions
The Park City Welcome Plaza (northeast corner of Park and Kearns) and cemetery are in the neighborhood, but otherwise Bonanza Park has limited green space. Three trails (McLeod Creek, Poison Creek, and Rail) lead to the neighborhood but the neighborhood is characterized primarily by autocentric development and surface-level parking, lacking green spaces and trail and sidewalk connections.

Recommendations
The Plan highlights the need for people to “connect with nature” and strengthen “social cohesion.”

The Small Area Plan identifies three recommendations to support the goal of creating a more welcoming and sustainable community:

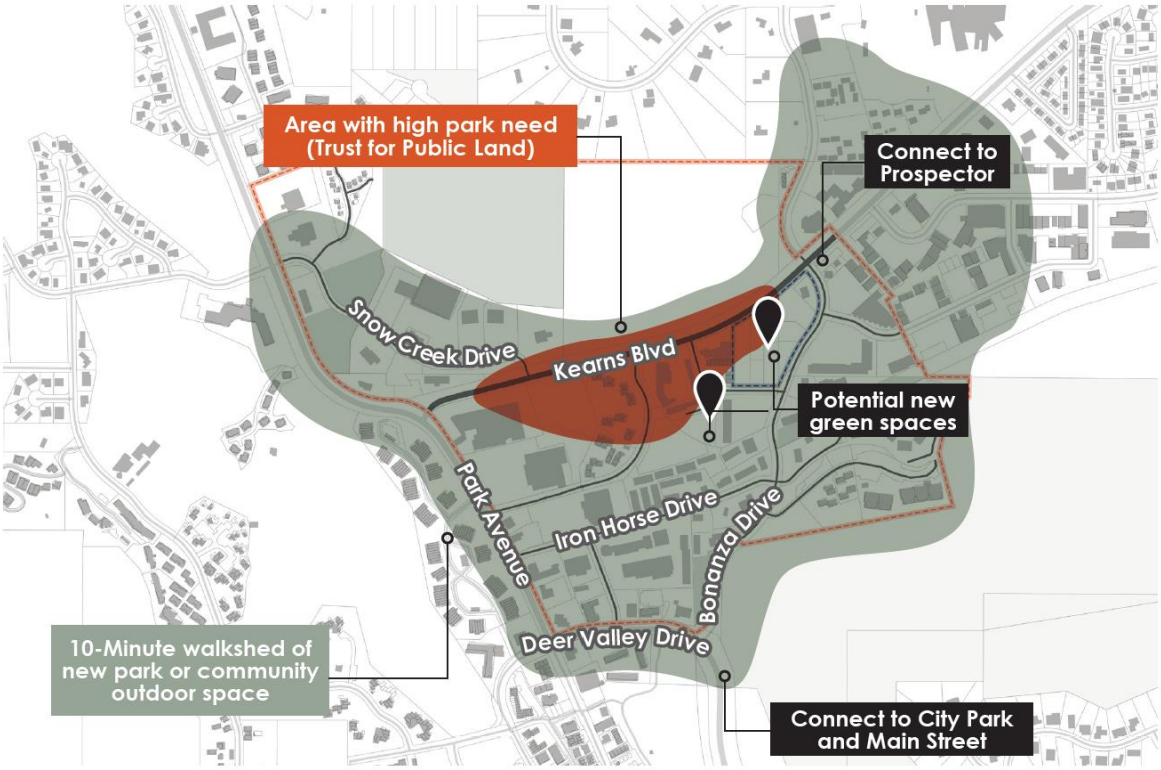
1. Ensure that all current and future Bonanza Park residents are within a safe and comfortable 10-minute walk to a park, outdoor community space, or trail connection.
2. Provide examples of publicly accessible green spaces or outdoor community spaces as part of a Bonanza Park Mixed Use District to ensure that those added as part of project enhancement are of high quality.
3. Incentivize sustainable development within Bonanza Park to meet Park City's net zero goals, reduce vehicle trips, and improve access to transit.

The draft LMC amendments support these recommendations:

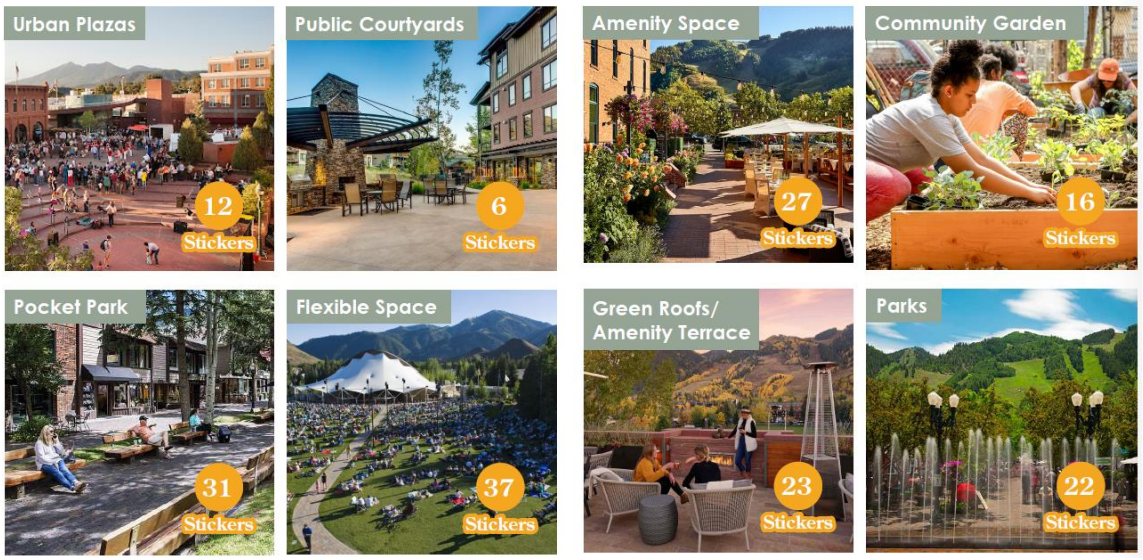
Ensure that all current and future Bonanza Park residents are within a safe and comfortable 10-minute walk to a park, outdoor community space, or trail connection.

Parks and open spaces are a community priority. The Plan recognizes a need and desire for additional green spaces where locals can come together as a community. To help implement the vision of a safe, comfortable 10-minute walk to a park, outdoor community space, or trail, the draft code identifies green community space as an allowed Use in the Zoning District.

Provide examples of publicly accessible green spaces or outdoor community spaces as part of a Bonanza Park Mixed Use District to ensure that those added as part of project enhancement are of high quality.



The community expressed an interest in various public spaces:



Open Space and Parks – LMC § 15-2.27-10 (A) (Open Space and Parks)
LMC § 15-2.27-3 (C) (Open Space)
The draft code requires developments to have a minimum of 30 percent open space, which should be integrated with building design and reinforce community connections.

The code permits a variety of open space typologies, including pocket parks, linear greenspace with pedestrian and bicycle paths, public courtyards, plazas, flexible spaces, community gardens, and green roofs with publicly accessible amenity terraces.

Developments that include project enhancements may request a reduction to 20 percent open space for the total site area when satisfying parking requirements underground.

Figure 8: The draft code permits a variety of open space typologies, including pedestrian-scale plazas like those seen here in Old Town.

Incentivize sustainable development within Bonanza Park to meet Park City's net zero goals, reduce vehicle trips, and improve access to transit.

Sustainability Requirements – LMC § 15-2.27-11 (Sustainability Requirements) Development within Bonanza Park should strive to support the City's Net Zero Goals. The draft LMC amendments include requirements for sustainable design and construction practices. To qualify for a potential increase in building height, a project could also develop a sustainable operations plan in tandem with at least two other project enhancements.

Existing Conditions
On Miners Day in 2024, a new sculpture celebrating the City's mining heritage was unveiled on the Rail Trail in Bonanza Park. The neighborhood is home to the Kimball Art Center, which residents identified as one of their favorite places within the neighborhood.

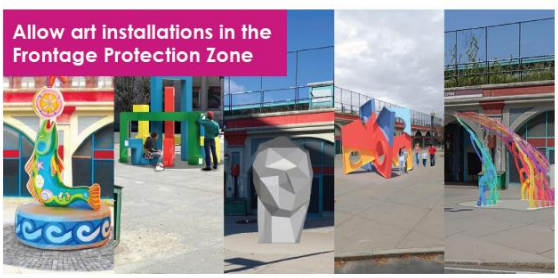
Recommendations
Art can promote dialogue and reflect a community's values.

The Small Area Plan identifies two recommendations to support the goal of weaving arts and culture into the community fabric:

1. Use public art and placemaking elements to inspire, delight, and enliven public spaces and streets in Bonanza Park.
2. Ensure that public art is meaningfully incorporated into development proposals and their community outdoor spaces.

The draft LMC amendments support these recommendations with the following policies:

Art Installations – LMC § 15-2.27-6(K) (Art Installations)
Integration of public art—including murals, sculptures, enhanced trails, gateways, crosswalks, wayfinding, and interactive exhibits—is encouraged in Bonanza Park. Art is specifically allowed within the FPZ. Property owners are responsible for maintaining art on private property. The Public Arts Advisory is tasked with reviewing public art.



Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 2, 2025. Staff mailed courtesy notice to property owners within 300 feet on January 2, 2025.[25]

Exhibit

A: Draft Bonanza Park Mixed-Use Zoning District

[25] LMC § 15-1-21

15-1-6 ZONE DISTRICTS AND ZONE MAP

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapter 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

1. The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.
2. Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.
3. There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.
4. All property within the City limits is subject to the City's Zoning Districts, including State or Federal property which may be exempt from the City's land use ordinance and jurisdiction. If such zoning is subsequently invalidated, no building permit, subdivision or approval for any development activity may be applied for until the City establishes a valid zoning for the property.

15-2.27 BONANZA PARK MIXED USE (BPMX) DISTRICT

15-2.27-1 PURPOSE
15-2.27-2 USES
15-2.27-3 LOT AND SITE REQUIREMENTS
15-2.27-4 BUILDING HEIGHT
15-2.27-5 DESIGN GUIDELINES
15-2.27-6 PROJECT ENHANCEMENTS
15-2.27-7 PARKING REQUIREMENTS
15-2.27-8 TRANSPORTATION DEMAND MANAGEMENT
15-2.27-9 STREET SYSTEMS
15-2.27-10 OPEN SPACE AND TRAIL CONNECTIVITY
15-2.27-11 SUSTAINABILITY REQUIREMENTS
15-2.27-12 CONVENTIONAL CHAIN BUSINESSES
15-2.27-13 GOODS AND USES TO BE WITHIN ENCLOSED BUILDINGS
15-2.27-14 SIGNS
15-2.27-15 RELATED PROVISIONS

15-2.27-1 PURPOSE

The purpose of the Bonanza Park Mixed Use (BPMX) District is to:

1. ensure development in the Bonanza Park neighborhood implements the Bonanza Park Small Area Plan and provides opportunities for locally serving businesses and diverse housing options,
2. encourage the development of affordable, workforce, attainable, and market-rate long-term housing options,
3. create a vibrant Mixed-Use pedestrian-oriented neighborhood, with safe, comfortable access to parks, publicly accessible green spaces, and outdoor community spaces,
4. protect entry corridor views along the Bonanza Park Frontage Protection Zone,
5. allow increased height, decreased setbacks, and reduced open space, when development provides significant project enhancements,
6. establish a network of pedestrian and bicycle linkages throughout Bonanza Park,
7. ensure development implements Universal Design Principles and aspires to reach Park City's sustainability goals, reduce vehicle trips, and improve access to transit, and
8. incorporate public art and placemaking elements to inspire, awe, delight, and enliven public spaces, streets, and trails in the Bonanza Park neighborhood.

15-2.27-2 USES

Uses in the BPMX District are limited to the following:

A. **ALLOWED USES.**

1. Bakery
2. Bank
3. Bar
4. Café
5. Child Care
6. Child Care Center
7. Child Care Family
8. Child Care, Family Group
9. Child Care, In-Home Babysitting
10. Commercial Use
11. Commercial Use, Support
12. Deli or Delicatessen
13. Dwelling, Multi-Unit
14. Essential Municipal and Public Utility Use, Facility, Service, and Structure
15. Food Hall
16. Green Community Space
17. Grocery Store
18. Gym
19. Home Occupation
20. Hospital, Limited Care Facility
21. Indoor Entertainment, Theater/Museum
22. Major Transit Stop
23. Mobility Hub
24. Office and Clinic, Medical and Veterinary Clinic
25. Office, General
26. Office, Medical
27. Office, Moderately Intensive
28. Plant and Nursery Stock production and sales
29. Public Art
30. Recreation Facility, Public
31. Restaurant
32. Retail and Service Commercial, Major
33. Retail and Service Commercial, Minor
34. Retail and Service Commercial, Personal Improvement
35. Transit Hub

B. **ADMINISTRATIVE CONDITIONAL USES.**

1. Fences and walls greater than six feet (6’) in height from Final Grade
2. Food Truck Location
3. Outdoor Event Facility
4. Pet Services
5. Public Transit Amenity Area

6. Temporary Improvement

C. **CONDITIONAL USES.**
1. Conventional Chain Business
2. Disabled Care
3. Elder Care
4. Flex Industrial
5. Group Care Facility
6. Hospital, General
7. Hotel, Boutique
8. Indoor Entertainment Facility
9. Passenger Tramway and Ski Base Facility
10. Public and Quasi-Public Institution, Church, and School
11. Recreation Facility, Private
12. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter
13. Service Station, Direct Fast Chargers
14. Telecommunication Antenna
15. Temporary Sales Trailer in conjunction with an active building permit for the Site

D. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a Prohibited Use.

15-2.27-3 LOT AND SITE REQUIREMENTS

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan or Section 15-2.27-9, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development activity must comply with the following minimum standards:

A. **LOT SIZE**: No minimum lot size.

B. **DENSITY**: The following densities and square footage limitations apply within the BMPX District.

1. **Residential.** Minimum residential density 10-units per acre.

2. **Commercial.**

a. A single building is limited to no more than 15,000 square feet of commercial square footage. This limitation shall apply to commercial-only development and mixed-use development with a commercial component.

b. A single commercial tenant shall not occupy more than 5,000 square feet of commercial square footage, unless it meets one of the following exemptions:

1. Grocery Store,
2. US Post Office,

3. The use has received conditional use approval pursuant to Section 15-1-10 *Conditional Use Review Process*.

C. **OPEN SPACE**: The following Open Space requirements apply within the BPMX District.

1. At least 30% of the total Site Area shall be Open Space and may not be used for Streets, roads, driveways, or parking areas.

2. Projects that meet the requirements of Section 15-2.27-6 *Project Enhancements* may request a reduction to 20% Open Space for the total Site Area when satisfying parking requirements underground.

D. **[PRELIMINARY DRAFT – STREET TYPES TO BE DEFINED] STREETSCAPE SETBACKS**: Table 15.2-27-3(D) identifies the required Streetscape Setbacks in the BPMX District. Streetscape Setbacks are determined based on street type to prioritize pedestrian-friendly design and enhance walkability. Wider streets require greater setbacks to create comfortable, accessible spaces for pedestrians and bicyclists, while narrower streets allow for reduced setbacks that maintain a cohesive streetscape.

Table 15.2-27-3(D): MINIMUM STREETSCAPE SETBACK REQUIREMENTS

Street Type	Applicability/ Streets	Streetscape Setback
X	Kearns Boulevard and Park Avenue	30 Feet

X	Bonanza Drive	25 Feet
X	Homestake Road, Iron Horse Drive, Prospector Avenue, Sidewinder Drive	20 Feet
X	Munchkin Road, Snow Creek Drive, Woodbine Way	18 Feet
Rail Trail	East-West connection	20 Feet

E. **SETBACKS:** The Frontage Protection Zone requires a minimum landscaped buffer Setback of thirty feet (30') in width abutting the Street. See Chapter 15.2.20. Setbacks that are not Frontage Protection Zone or Streetscape Setbacks are twenty-five feet (25'). Projects that meet the requirements of Section 15-2.27-6 *Project Enhancements* may request the Planning Commission grant a Setback reduction to twenty feet (20') for Setbacks that are not Streetscape Setbacks.

1. **SETBACK EXCEPTIONS:** The following setback exceptions apply within the BPMX District.

    a. The Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
    b. On Corner Lots, the Setback may be increased for pedestrian and bicycle connectivity and Sight Distance Triangle clearance.

F. **VERTICAL AND HORIZONTAL MIXED-USE:** The BPMX District shall implement both Vertical Mixed-Use and Horizontal Mixed-Use principles to ensure a variety of uses that promote a locally serving neighborhood.

1. **Vertical Mixed Use.** Vertical Mixed-Use development contains a range of uses within one building. Typically, lower floors contain active storefronts such as retail stores or restaurants while upper floors are residential and/or office. Vertical Mixed Use shall be required along Internal Roads within the BPMX District as defined in Section 15-2.27-3(D), unless otherwise approved by the Planning Commission.

2. **Horizontal Mixed Use.** Horizontal Mixed-Use development integrates distinct land uses, such as residential, commercial, and retail, within a multi-building development or larger area, with these uses arranged side by side rather than stacked vertically. Horizontal Mixed-Use is made up of single-use buildings within a complex or employ a single land use on an individual parcel. Horizontal Mixed Use is allowed along Kearns Boulevard, Park Avenue, and Deer Valley Drive, and Internal Roads within the BPMX District.

G. **PEDESTRIAN AMENITY GUIDELINES:** Pedestrian Amenity requirements aim to create thoughtfully designed and meaningful open spaces that emphasize human scale,

offer relief from the built environment, and enrich the pedestrian experience of the BPMX District. Pedestrian Amenities may include but are not limited to benches, outdoor seating, bike racks, shade structures, and Public Art.

1. **PLACEMENT.** Pedestrian Amenities should be along the Streetscape, open to the sky, and free of permanent enclosures. They must be versatile and adaptable, accommodating uses such as outdoor dining, outdoor vending, or public gathering areas.

2. **ACCESSIBILITY.** Pedestrian Amenities must contribute to an active Streetscape and promote interaction. Property owners can meet these requirements through physical or operational improvements to private property or enhancements to the public right-of-way.

3. **DESIGN GUIDELINES:**
    a. Street level Pedestrian Amenities shall be within 18 inches above or below the Existing Grade of the street or sidewalk, which abuts the space.
    b. Street level Pedestrian Amenities shall be open to the sky but may include temporary shade or similar structures.
    c. Street level Pedestrian Amenities shall consider all four corners of an intersection.
    d. Pedestrian Amenities shall face the street.
    e. Pedestrian Amenities shall be designed for use in all seasons.

H. **SNOW RELEASE.** The design of roofs shall address snow accumulation and ice/snow shedding. Entries, walkways and pedestrian areas shall be protected from ice/snow shedding. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

I. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road grade shall be placed on any Corner Lot within the Sight Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.27-4 BUILDING HEIGHT

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zoning District Building Height.

A. **FRONTAGE PROTECTION ZONE.**
    1. The maximum Building Height within the Frontage Protection Zone is thirty-five feet (35’) from Existing Grade. For buildings within the 30-foot to 50-foot protection

zone, each story above two stories must be stepped back ten feet (10’). Building Height exceptions within the Frontage Protection Zone are limited to:

a. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC), and must be stepped back from the Frontage Protection Zone Overlay building facades by at least fifteen feet (15’).

b. Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building, and must be stepped back from the Frontage Protection Zone Overlay building facades by at least fifteen feet (15’).

c. An Elevator Penthouse may extend up to eight feet (8’) above the Zoning District Height and must be stepped back from the Frontage Protection Zone Overlay building facades by at least twenty feet (20’).

B. **BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply to the Zoning District Building Height outside of the Frontage Protection Zone:

1. A vertical stepback is required for any building developed within fifty feet (50’) of the Frontage Protection Zone. These upper story setbacks shall be a minimum of ten feet (10’) in depth.

2. If Project Enhancements are provided pursuant to Section 15-2.27-6, one (1) additional story, or a maximum of forty-five feet (45’) from Existing Grade, may be granted pursuant to Section 15-2.27-6.

    a. A ten-foot stepback shall be provided on perimeter façade planes that are forty-five feet (45’) in Building Height with a Setback less than twenty feet (20’) to mitigate the impact of Building Height on the pedestrian-scale neighborhood. The following features are permitted within areas where the building is stepped back:

        i. Mechanical and ventilation equipment, provided the equipment is screened and does not exceed four feet (4’) in height.
        ii. Decorative or recreational features, including rooftop gardens, green roofs, planter boxes, and permanent amenities such as built-in grills. Rooftop guardrails shall be glass and posts shall be an unobtrusive material such as anodized aluminum. Guardrails and posts shall be the minimum height permitted by International Building Code standards. The following decorative or recreational features require an Administrative Conditional Use Permit: rooftop restaurants, bars, small open pergolas, play structures, sun shades, and hot tubs.
        iii. Rooftop solar and photovoltaic panels, provided the equipment is installed in compliance with Section 15-5-5(G).

3. Affordable Master Planned Developments may be granted additional height up to forty-five feet (45) from Existing Grade pursuant to Chapter 15-6.1.
4. Gable, hip, Barrel, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
5. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC), and must be stepped back from building facades by at least ten feet (10’).
6. Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building, and must be stepped back from building facades by at least ten feet (10’).
7. An Elevator Penthouse may extend up to eight feet (8') above the Zone Height and must be stepped back from building facades by at least ten feet (10’).
8. Ski lift and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

15-2.27-5 DESIGN GUIDELINES

To implement the Bonanza Park Small Area Plan, specific design guidelines for the BPMX District are adopted to ensure development is consistent with the neighborhood character while improving overall connectivity with greater Park City.

A. **APPLICABILITY.** These Design Guidelines shall apply to all development in the BPMX District. Prior to issuance of a Building permit for any Allowed or Conditional Use, the Planning Department must review the proposed plans for compliance with this Chapter and Chapter 15-1 *Architectural Review*. Where there is a conflict between the standards in this Chapter and Chapter 15-5, the requirements of this Chapter shall apply.

B. **BUILDING PLACEMENT AND ORIENTATION.**
   1. Incorporate open space into building placement. Open spaces can enhance the overall aesthetic by allowing for additional landscaping and greenery. Furthermore, these areas can be functional assets, enabling commercial businesses to expand their activities outdoors—such as offering outdoor dining or using the space for outdoor displays or merchandise sales. This approach balances visual appeal with practical business opportunities.
   2. On parcels greater than 30,000 square feet, the massing of the building should be broken into smaller volumes. Creative approaches to break up building mass and scale is encouraged. This could include separate buildings above grade or linked exterior walkways.
   3. Buildings should be oriented to the street to create a vibrant pedestrian experience. To the extent practicable, building facades should be parallel to the

adjacent street to orient access to public and private streets, pedestrian circulation, and gathering areas.

4. Maximizing solar exposure during winter months should be a consideration in designing public spaces and gathering areas. Development over two stories that is adjacent to major open spaces, such as parks or designated public amenities, shall perform a sun/shadow study of the effects of development on such spaces from autumn through spring.

5. **VANTAGE POINTS:** Development should preserve or enhance views of significant community features from prominent public vantage points within the BPMX District. There are twelve (12) vantage points from which the height, mass, and design of structures must be considered to preserve mountain views. If a development can be seen from more than one vantage point, the developer must provide three-dimensional renderings from each vantage point showing the impact of the development on mountain views.

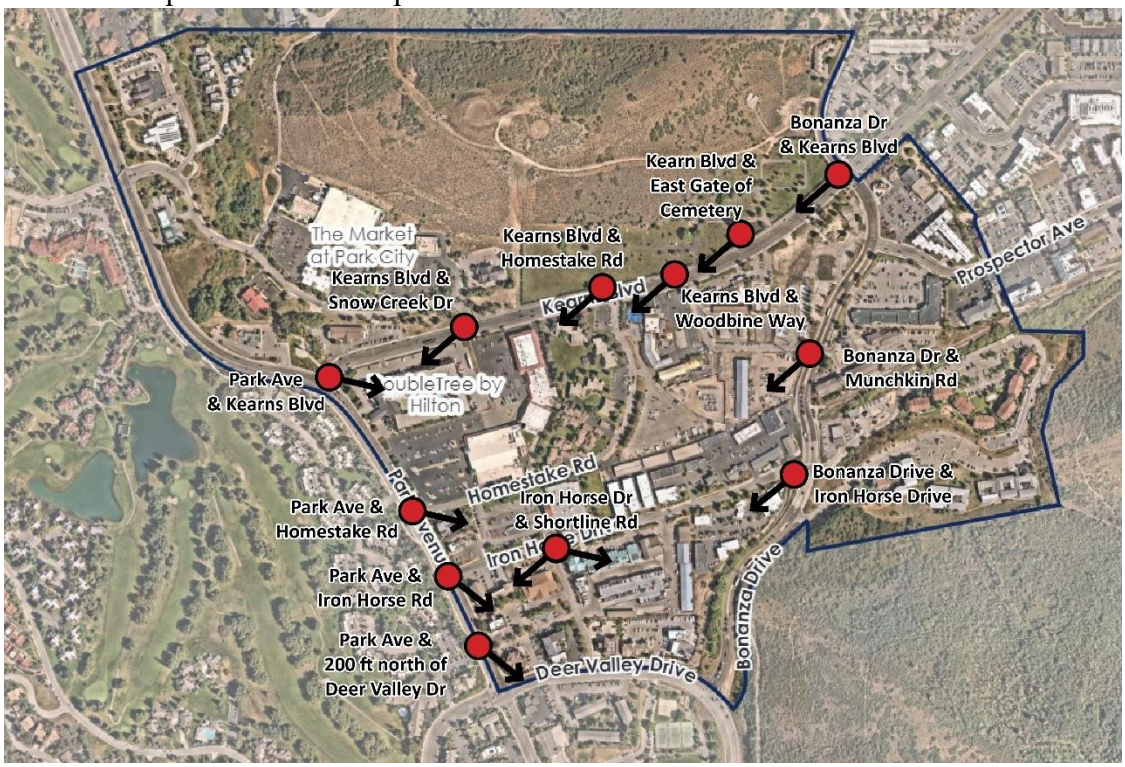


TABLE 15-2.27-5(B)(5): VANTAGE POINTS		
Location	**Coordinates**	**Bearing**
Bonanza Drive & Iron Horse Drive	40.659307 -111.501548	SW
Bonanza Drive & Munchkin Road	40.660805 -111.501397	SW

Iron Horse Drive & Shortline Road	40.658352 -111.505721	SW/SE
Kearns Boulevard & Bonanza Drive	40.662963 -111.500851	SW
Kearns Boulevard and East Gate of Cemetery	40.662276 -111.502057	SW
Kearns Boulevard & Woodbine Way	40.661699 -111.503442	SW
Kearns Boulevard & Homestake Road	40.661484 -111.504692	SW
Kearns Boulevard & Snow Creek Drive	40.661067 -111.507025	SW
Park Avenue & Kearns Boulevard	40.66037 -111.50953	SE
Park Avenue & Homestake Road	40.658714 -111.507893	SE
Park Avenue & Iron Horse Drive	40.657958 -111.507382	SE
Park Avenue 200 feet north of Deer Valley Drive	40.657007 -111.506802	SE

C. **BUILDING SCALE, ARTICULATION, AND FENESTRATION:** Buildings in the BPMX District should reflect the scale of uses and reinforce a pedestrian environment.

1. **BUILDING SCALE.**
   a. The perceived mass and scale of Development in the BPMX District shall be reduced by incorporating design elements that emphasize three or more of the following:

      i. Variation in roof forms or parapet heights.
      ii. Insets, projections, or other relief in the wall plane.
      iii. Architectural emphasis on building entries.
      iv. Arcades, porticos, or other forms of covered exterior circulation.
      v. Variations to window size or proportions.
      vi. Balconies.
      vii. Variation in color, texture, or materials as allowed in Chapter 15-5.

   b. Building design should avoid blank walls and large undifferentiated expanses of wall surface exposed to public pedestrian Rights-of-Way, plazas, or parks.

c. Roof overhangs, projections, awnings, or canopies should contribute to the character of the building and create shadow patterns while aiding in protection of the structure and pedestrians.

d. Exceptions from the guidelines may be approved by the Planning Director for those areas of the building envelope that are not visible from adjacent development and public spaces.

2. **BUILDING ARTICULATION:**

a. **VERTICAL.**
   i. All buildings that are approved above thirty-five feet (35') in height shall include vertical articulation to help break up the mass of the building. This articulation shall occur every thirty feet (30') and shall be achieved through a façade change of at least eighteen inches (18") in depth, or through a material change.
   ii. This shall apply to all building facades.

B. **HORIZONTAL.**
   i. Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the façade of the Structure so that no greater than seventy-five percent (75%) of the length of the Building Façade appears unbroken. Each shift shall be in the form of either a ten-foot (10') change in Building Façade alignment or a ten-foot (10') change in the Building Height, or a combined change in Building Façade and Building Height totaling ten feet (10').
   ii. Structures that exceed 120 feet in length on any façade shall provide a prominent shift in the mass of the Structure at each 120-foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen-foot (15') change in Building Façade alignment or a fifteen-foot (15') change in the Building Height. A combination of both the Building Height and Building Façade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
   iii. This shall apply to all building facades.

3. **BUILDING FENESTRATION**
   i. Windows for non-residential and mixed-use buildings should be provided to create a direct relationship to the street.

a. A minimum of 50% glazing is required on the ground level of all street-facing facades to create a strong relationship to the street.
b. A minimum of 40% glazing is required for second levels.

ii. Transparent glazing shall be rated at a minimum 60 percent light transmittance factor.
iii. Reflective, metallic, frosted, tinted, stained, and textured glass is prohibited.
iv. Balconies are permitted for all residential uses. These may be integrated into a vertical step-back. Railings for balconies should have a minimum of 30% transparency.

D. **SITE ACCESS AND ON-SITE PARKING.** Site access should be consolidated to the greatest extent practicable.
1. For sites that are larger than two (2) acres in size, integration of an alleyway or mid-block walkway is encouraged to support a pedestrian-oriented street design.
2. Access between the on-site Use and Parking Area must be provided through pedestrian, bicycle, and/or transit facility connections (e.g. sidewalks, multi-use paths, bicycle lanes, transit stops, etc.).
3. On-site parking should be accessed from a street other than Park Avenue, Kearns Boulevard, Bonanza Drive, and Deer Valley Drive. If there is no access from an internal street, the main vehicular access point shall be from the shortest block length.
4. Additional vehicular access points on Park Avenue and Kearns Boulevard are discouraged and shall be minimized.
    a. Where parking is accessed from Park Avenue or Kearns Boulevard, the parking area, inclusive of drive aisles, shall be no more than 35% of the parcel width. Screening of parking areas is required, which may include low walls, landscaping, public art, public seating, multi-modal transportation infrastructure, and the like.
5. All onsite parking shall be located behind the front-most wall of the Main Building.
6. When a parking garage is provided, underground parking is preferred. Where an above-grade garage is provided, it shall be located behind the Main Building and shall include architectural screening or artistic screening to minimize views of vehicles.
7. Any street-facing entry to a parking garage should be designed to reduce visibility. All ramps shall be integrated into the building's architecture.
8. Parking areas and loading zones should be located to minimize visual impacts from the public Street or pedestrian way.
9. Consider paving material change to define surface parking areas from the main vehicular travel lane.

E. **STREET LEVEL DESIGN.** Thought shall be given to street-level design throughout the BPMX District to encourage the overall walkability and vitality of the area. Street Level Design requirements shall apply to Internal Roads as identified in Section 15.2-27-3(D).
   1. Buildings should have an active use on the ground level. Active uses support the vibrancy and usability of the public realm adjacent to a building and include retail establishments, retail services, daycare facilities, community meeting spaces, educational and medical uses, civic spaces (theaters, museums, etc.), restaurants, bars, art and craft studios, and other uses determined to be substantially similar by the Planning Commission. For buildings that are 100% residential, a lobby or other common space shall meet this requirement. The active use should extend at least fifty feet (50') inside the building.
   2. All buildings shall have at least one main entry on all street-facing facades. This entry should be easily seen from the street and adjacent pedestrian way.
   3. On corner lots, two (2) entrances should be provided. At least one (1) of these entries should be located within twenty feet (20') of the corner.
   4. An internal airlock should be incorporated into all commercial, lodging, public, and mixed-use buildings.

F. **ARCHITECTURAL STYLES AND MATERIALS.** The limitations identified in Chapter 15-5 shall apply. In addition, the following standards apply:
   1. Building materials should convey a pedestrian scale and have proven durability in Park City's climate.
   2. Building materials shall be of a high-quality and reference both the history of the Bonanza Park area and materials currently found in the BPMX District. The use of wood, metal, glass, and stone is appropriate in this Zoning District.
   3. Architecture that reflects corporate branding is not permitted. This shall not be construed to limit the ability to place signage on the property in accordance with the allowances and limitations of the Land Management Code.

G. **ROOFS.**
   1. Flat roofs and low sloping roofs are preferred.
   2. Snow shedding shall be considered in all roof design. Roofs shall be designed and insulated to ensure valleys, areas over wall top plates and other similar building spaces do not form ice dams and to minimize the need for heat tape.
   3. Where roofs will drip onto pedestrian or other public areas, buildings shall provide a system of gutters, downspouts and permitted heat tape to direct and channel roof run-off into the project's landscape areas and to prevent ice build-up in pedestrian areas. In non-pedestrian or public areas, roofs may drip to swales that direct water to the natural or proposed landscape.
   4. Eaves and fascia shall generally be responsive and proportional to the design of the building.
   5. The limitations identified in Chapter 15-5 shall apply.

H. **LANDSCAPING.**

1. Landscaping should complement the context and enhance the architecture of the building.
2. Stormwater best management practices should be considered in the landscape design.
3. Landscape materials should reflect the Park City climate.
4. For parcels in the Frontage Protection Zone, the first thirty feet (30') should include landscaping and pedestrian-focused infrastructure.
    a. Sidewalks, trails, bike paths, and the like are permitted in this area. These shall have a vegetative buffer from the edge of road pavement of at least three feet (3').
    b. Multi-modal infrastructure is permitted in this area, including bike racks, transit stops and shelters, wayfinding signage, seating, and the like. Mobility Hubs and Transit Hubs are also permitted in these areas, provided they do not exceed ten feet (10') to fourteen feet (14') in height.

I. **SERVICE AND MECHANICAL AREAS.**

1. Trash, recycling, and service areas should be designed as integrated components of the building and should be sited to minimize impacts to pedestrians. Facilities can be located in underground parking facilities when appropriate.
2. All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to mitigate visual impacts on nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for City review.
3. Service and delivery areas shall be located where least visible from general public view and shall not impede pedestrian or bicyclist connectivity.
4. The loading and unloading of goods must take place entirely on the Site. Loading and delivery areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for City review.
5. Shared delivery, service, trash, and recycling areas are encouraged.
6. All Structures must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for City review. Refuse storage must be Screened, enclosed, and properly ventilated.
7. When possible, transformers and other utility boxes should be located where least visible from general public view.
    a. Location along Park and Kearns is highly discouraged.
    b. All transformers and other utility infrastructure should be screened through fencing, landscaping, low walls, art, and the like, as permitted by the relevant utility provider.
8. The undergrounding of utilities is preferred.

9. Mechanical equipment, ducts, and vents should be accommodated internally within the building and / or co-located on the roof. Screening of equipment on the roof is encouraged.

J. **ART INSTALLATIONS.**

1. Integration of public art is encouraged in all development in the BPMX Zoning District, including murals, sculptures, enhanced trails, gateways, crosswalks, wayfinding, interactive exhibits, and the like.
2. It shall be the responsibility of the property owner to maintain all art located on private property.
3. Art is specifically allowed in the Frontage Protection Zone but shall not impede pedestrian or bicyclist connectivity.
4. Art proposed to be displayed in the public realm may first be reviewed by the Public Arts Advisory Board.

15-2.27-6 PROJECT ENHANCEMENTS: Project Enhancements are intended to provide early project predictability and allow flexibility in selecting incentives to qualify for additional Building Height of up to forty-five feet (45') from Existing Grade outside of the Frontage Protection Zone and Setback and Open Space reductions in the BPMX District.

A. PURPOSE: Project Enhancements are intended to support locally serving development in the BPMX District through the provision of affordable, workforce, and attainable housing, increased mobility and alternative transit provisions, and increased on-site sustainability measures.

B. PROCEDURES: This will help create certainty in the project review process so Applicants can determine whether they qualify for a fourth story bonus (up to forty-five feet (45') from Existing Grade outside of the Frontage Protection Zone) and Setback and Open Space reductions by completing the following:

a. Applicants must submit a preliminary proposal outlining a rough site plan, volumetrics, renderings, and project description for Planning Commission review and input. The Planning Commission will forward a recommendation to the City Council for consideration.

i. Preliminary proposals should identify which measures have been selected for consideration. A minimum of three (3) site-specific enhancements shall be selected:

1. **HOUSING.** Inclusion of a mix of residential units that meet a range of community needs – affordable, workforce, attainable, senior housing, etc. and set a baseline average for Area Median Income. Provision of units should be based on the mix of owner-occupied and rental units from the most up-to-date Housing Needs Assessment.
2. **PARKING.** Provision of required parking underground.
3. **PARKING.** Development of a Shared Parking Agreement with adjacent developments to reduce vehicle trips and congestion within the BPMX District.
4. **MOBILITY.** Implementation of an on-site car share and long-term operations plan.
5. **MOBILITY.** Implementation of on-site and adjacent trail or pedestrian connectivity improvements as indicated in the Connectivity Vision for Bonanza Park like tunnels or bridges.
6. **SUSTAINABILITY.** Provision of long-term project operational plans to include waste reduction and landfill diversion, food waste collection and composting, green business operations, potential for local renewable energy development such as distributed solar with storage or thermal energy networks, design for greywater reuse, rainwater capture

or other water conservation features, green infrastructure such as bioswales, and building operational performance to achieve an Energy Star score of 90 or above, or to be designed and built to achieve 10 percent better than the most recent ASHRAE 90.1 standards.

7. **COMMUNITY-SERVING.** Inclusion of on-site childcare, senior facilities, or other Uses that serve the workforce or other community needs.
8. **COMMUNITY-SERVING.** Inclusion of restricted commercial spaces that provide reduced rental rates for local businesses.
9. **COMMUNITY-SERVING.** Long-term programming plan for activated publicly accessible outdoor spaces that provide for music, entertainment, and seasonal activation.

b. For projects providing four or more site-specific enhancements, including housing and underground parking, Applicants may request reductions in Setbacks and Open Space as outlined in Section 15-2.27-3.
c. The City Council shall review project enhancements proposals considering adherence to the standards outlined in Section 15-2.27-7(B) and either approve or deny the request. If approved, the Applicant could finalize their proposed plans.
d. Approved projects shall return to the Planning Commission for standard application processing.

C. **PROGRAM REVIEW AND AMENDMENTS.** The City Council has the discretion to review and update the Project Enhancements on a two-year schedule to assess the effectiveness of the program and enhancements implemented through successful projects. As part of this review, the Planning Department will identify evolving market conditions that may affect feasibility of specific criteria.

15-2.27-7 PARKING REQUIREMENTS

A. **APPLICABILITY.** All development within the BMPX District is subject to the following parking requirements in addition to requirements outlined in Chapter 15-3 Off-Street Parking.

B. **REQUIREMENT.** Off-Street parking within the BPMX District shall be provided for each land Use as listed in this Section, where parking ratio requirements supersede those in Chapter 15-3 Off-Street Parking.

1. **RESIDENTIAL USES**. Off-Street parking shall be provided for each land Use as listed in this Section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses, and the related parking

ratio requirements are also shown below. Also refer to Section 15-15-1 *Definitions* for clarification of Uses.

Table 15-2.27-7(B)(1) RESIDENTIAL PARKING RATIO REQUIREMENTS	
USE	**PARKING RATIO (NUMBER SPACES)**
Multi-Unit Dwelling, Apartment/Condominium not greater than 1,000 sf floor Area	1 per Dwelling Unit
Multi-Unit Dwelling, Apartment/Condominium greater than 1,000 sf and less than 2,000 sf floor Area	1.5 per Dwelling Unit
Multi-Unit Dwelling, Apartment/Condominium 2,000 sf floor Area or greater	2 per Dwelling Unit

2. **NON-RESIDENTIAL USES**. In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply. Also refer to LMC Section 15-15-1 *Definitions* for clarification of Uses. Uses may also qualify for additional parking via underground parking if proven project enhancements are provided.

Table 15-2.27-7(B)(2) NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
USES	**PARKING RATIO REQUIREMENTS (NUMBER SPACES)**
Auditorium and Assembly Hall	1 space per 5 seats
Bank	2 spaces per 1,000 sf of net leasable floor Area
Bar	3 spaces per each 1,000 sf of net leasable floor area
Café/Deli	2 spaces per 1,000 sf of net leasable floor Area
Child Care Center	1 space per on-duty staff per shift and 1 space per 6 children
Commercial Use	4 spaces per 1,000 sf of net leasable floor Area

Disabled Care Elder Care Group Care Facility	1 space per 2 bedrooms plus 1 space per employee per shift, or 2 spaces per 3 employees per shift, whichever is greater
Flex Industrial	1 space per 1,000 square feet of floor area and 1 space for every 2 employees in the largest shift
Hospital, Limited Care	1 space per 2 beds
Hotel, Boutique	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space
Indoor Entertainment, Theater	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on type of facility
Offices, General	2 spaces per 1,000 sf of leasable floor Area
Office and Clinic, Medical and Veterinary Clinic	5 spaces per 1,000 sf of leasable floor Area
Public and Quasi-Public Institution, Church, School Public Utility Uses	1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf of floor Area, whichever is greater
Retail & Service Commercial, Minor, Personal Improvement	0 spaces required for buildings that have less than or equal to 3,000 sf net leasable floor area Above 3,000 sf net leasable floor area is 3 spaces per 1,000 sf of net leasable floor area
Retail & Service Commercial, Major	5 spaces per 1,000 sf of net leasable floor Area
Restaurant	0 spaces required for buildings that have less than or equal to 3,000 net leasable floor area Above 3,000 sf net leasable floor area is 3 spaces per each 1,000 sf of net leasable floor area
Restaurant, Outdoor Dining	Based on Site specific review at the time of CUP
Temporary Improvement	1 space per employee plus 1 guest space

Recreation Facility, Public Recreation Facility, Private	1 space per 4 seats or 3 spaces per 1,000 sf of floor Area, or 1 space per 3 persons rated capacity depending on type of facility
Temporary Improvement	1 space per employee plus 1 guest space

C. CALCULATION OF SPACES. If a project incorporates two Uses, the Use requiring a higher number of Parking Spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

D. PARKING MAXIMUMS. No more than one hundred percent (100%) of the minimum required parking may be provided for newly constructed non-residential, mixed-use, or Multi-Unit Dwelling developments of ten (10) or more units when the new development is within a one-quarter (¼) mile of a transit stop. When the parking requirement is zero Parking Spaces, a maximum of five (5) Parking Spaces may be provided. Exceptions to the maximum parking limit may be approved by the Planning Commission if found to be consistent with Section 15-2.27-1 and to further the City's goals for reducing single-occupancy vehicle trips.

E. SHARED PARKING. For both on-site parking and off-site parking, Shared Parking Spaces may be provided contingent upon a shared parking analysis being completed and a Shared Parking Agreement being executed, as approved by the Planning Commission.

1. The parking requirement for Mixed-Use projects may be lowered if the Applicant submits a shared parking opportunity analysis, approved by the Planning Commission, which results in a peak-parking-demand measure that is less than the Parking Requirement established by this Section for Residential and Non-Residential Uses.

F. PARKING REQUIREMENT ADJUSTMENT. A ten percent (10%) reduction in the number of required Parking Spaces is allowed to reduce or eliminate a public safety hazard or to bring substandard Parking Spaces into compliance with current City design standards subject to approval by the City Engineer.

G. UNDERGROUND PARKING. All development within the BMPX District is encouraged to provide underground parking to promote a vibrant pedestrian friendly environment that reduces car-pedestrian conflict. If 90% of required parking is provided on-site and underground, Setbacks for the underground parking structure may be reduced by the Planning Commission up to 50% outside of the Frontage Protection Zone if utilities can be accommodated.

H. ALTERNATIVE PARKING STRATEGIES. The following alternative parking strategies may be used to comply with the minimum Off-Street parking standards required by this Chapter.

1. **OFF-SITE PARKING.** Required Off-Street Parking Spaces may be provided Off-Site in compliance with the following:

   a. Required parking must be located within the City limits.

   b. Access between the on-Site Use(s) or the subject site and the Off-Site Parking Area must be provided through pedestrian, bicycle, and/or transit facility connections (e.g., sidewalks, multi-use paths, bicycle lanes, transit stops, etc.).

   c. A parking agreement shall be provided in a form acceptable to the City Attorney which identifies the location of the Off-Site parking spaces, guarantees the continued availability of the Off-Site Parking Spaces, and sets forth the ongoing responsibilities of the parties involved. The parties to the agreement shall include the owners and lessees of the Off-Site Parking Spaces and the Owners and lessees of the subject Site, and a copy of any such agreement shall be provided to the City. The City shall not be required to be a party to any such agreement, but each agreement shall grant the City the right (but not the obligation) to enforce the agreement's terms and shall include a provision requiring that the City be notified immediately of any termination or default of the agreement. Any termination or default of the agreement between parties shall result in revocation of the on-Site parking reduction approval by the City unless a new alternative parking arrangement is approved by the City within a reasonable timeframe, as determined by the Planning Director.

2. **PARKING REDUCTIONS FOR SITES WITH MULTIPLE USES**. For buildings or sites with multiple Uses, parking may be reduced. To calculate the parking requirement, calculate the sum of the minimum Off-Street parking requirements for the two Uses with the highest Off-Street parking requirement, and then multiply that sum by the number shown below for that combination of Uses.

Table 15-2.27-8(H)(2) PARKING REDUCTIONS FOR SITES WITH MULTIPLE USES

FIRST USE	SECOND USE				
	MULTI-UNIT RESIDENTIAL	PUBLIC INTSITUTIONAL OR CIVIC	FOOD, BEVERAGE, BOUTIQUE HOTEL, RECREATION, OR ENTERTAINMENT	RETAIL	OTHER COMMERCIAL

Multi-Unit Dwelling[1]	NA				
Public Institutional, or Civic	10%	NA			
Food, Beverage, Boutique Hotel, Recreation or Entertainment[2]	15%	20%	NA		
Retail	15%	25%	25%	NA	
Other Commercial	20%	25%	25%	20%	NA

3. **ADDITIONAL ALTERNATIVE STRATEGIES**. After any reduction in the required number of Off-Street Parking Spaces under Section 15-2.27-7(H) is applied, the alternative strategies described below may be combined for an additional non-residential Use parking reduction of up to ten percent (10%).

    a. **DESIGNATED CAR SHARING PARKING.** Designated car sharing spaces (i.e., spaces marked and reserved for car sharing vehicles) shall count as an average of 1.5 Parking Spaces, for up to a maximum of three (3) designated car sharing spaces (i.e., one designated car sharing space = 2 Parking Spaces; two designated car sharing spaces = 3 Parking Spaces; and three designated car sharing spaces = 5 Parking Spaces).

    b. **ELECTRIC VEHICLE (EV) CHARGING STATIONS**. Electric Vehicle (EV) Charging Stations (i.e., spaces with approved charging infrastructure for Electric Vehicles consistent with Section 15-3-11) that are in addition to the EV Parking Spaces required to be provided pursuant to Section 15-3-11 shall count as two Parking Spaces, for up to a maximum of five (5) additional EV Parking Spaces.

[1] The parking reduction for developments with multi-unit residential shall apply only to the non-residential Use parking requirement.

[2] For mixed-use projects, 0 spaces shall be required for the first 3,000 sf of net leasable floor Area of “Retail & Service Commercial, Minor, Personal Service” and/or “Restaurants, Standard and Bar” Uses.

c. **UNDERGROUND PARKING.** When underground parking is provided, each two (2) underground Parking Spaces shall count as three (3) Parking Spaces toward satisfying the minimum required parking. This may allow for a reduction of up to five percent (5%) in the number of required Parking Spaces.

4. **PROXIMITY TO TRANSIT.** A fifteen percent (15%) reduction in the total number of required Parking Spaces for any development may be approved when the Site is within one thousand feet (1,000') unobstructed year-round walking distance of a Major Transit Stop.

5. **CUMULATIVE PARKING REDUCTION.** No development may be granted a cumulative parking reduction greater than fifty percent (50%) for non-residential Uses or greater than twenty percent (20%) for residential Uses as provided in Sections 15-2.27-7(H)(1), (2), and (3), unless approved by the Planning Commission.

15-2.27-8 TRANSPORTATION DEMAND MANAGEMENT

A. **APPLICABILITY.** A Transportation Demand Management (TDM) Plan is required for all development projects \. Two (2) TDM Plan levels shall apply as described below.

1. **LEVEL 1 TDM PLAN.** A Level 1 TDM Plan is required for all development described below:

a. Multi-Unit Dwellings: 10 - 44 Dwelling Units

2. **LEVEL 2 TDM PLAN.** A Level 2 TDM Plan is required for all projects that require a Traffic Impact Study (TIS) (i.e., development adds twenty-five (25) or more peak hour vehicle trips) as described below:

a. Multi-Unit Dwellings: 45 Dwelling Units and greater

b. Boutique Hotel: 40 – 75 rooms

c. Retail: 3,000 square feet or greater

d. Office: 3,000 square feet or greater

e. Restaurant: 2,500 square feet or greater

B. **EXEMPT PROJECTS.** Projects exempt from TDM Plan requirements are:

1. Remodels or expansions of existing residential units that do not increase the total number of residential units;

2. Remodels or expansions of Commercial, Retail, Office, Hotel, or mixed-use projects involving no more than 500 square feet of commercial net leasable space or two (2) lodging rooms or units;

3. Any Boutique Hotel with fewer than ten (10) rooms;

4. Retail less than 3,000 square feet;
5. Office less than 3,000 square feet; and
6. Restaurant less than 2,500 square feet.

C. **TDM PLAN.** The Applicant shall submit a TDM Plan for review and approval by the Planning Commission. The TDM Plan shall document and demonstrate consistency with the requirements in this Section. The TDM Plan shall include, but is not limited to, the following:

1. Identification of the applicable TDM strategies to be implemented based on the size of the project and estimated number of trips generated.
2. Implementation plan for each TDM strategy, including timelines, responsibilities, and budget allocations.
3. Monitoring and evaluation plan, submitted annually to the Planning Department, to track the effectiveness of TDM strategies and adjust them as needed. At their discretion, the Planning Director may require additional Planning Commission review and modifications as needed.

D. **LEVEL 1 TDM PLAN REQUIRED COMPONENTS.** The following TDM trip reduction strategies are required for Level 1 TDM Plans:

1. Participation in an annual travel survey of residents and employees for the first four (4) years of building occupancy. Employers on Sites subject to an approved TDM Plan shall submit the survey results to the City.
2. Provide the following information to employees and/or residents on an annual basis:
    a. Carpooling/vanpooling information;
    b. Transit schedules and route information;
    c. Information on air pollution and alternatives to single-occupancy vehicle trips;
    d. Bicycle route and facility information, including local bicycle maps, locations of nearest outdoor bicycle parking or enclosed bicycle storage, locations of bicycle share locations, and bicycle safety information; and
    e. Information on walking and biking to work, pedestrian and bicycling safety, and all-weather walking shoes and traction devices for shoes and bicycle tires in winter/ice conditions.
3. One strategy from the Supplemental TDM Menu (see Section 15-2.27-8(F)).

E. **LEVEL 2 TDM PLAN REQUIRED COMPENENTS.** The following TDM trip reduction strategies are required for Level 2 TDM Plans:

1. All Level 1 required components.

2. Establishment of a TDM Coordinator to directly support commute programs, implement mobility programs, and develop transportation policies and initiatives.
3. Employee parking cash-out program.
4. Unbundle parking for residential Dwelling Units at minimum.
5. Two strategies from the Supplemental TDM Menu (see Section 15-2.27-7(F)).

F. **SUPPLEMENTAL TDM MENU.** Supplemental TDM strategies over and above the applicable Level 1 or Level 2 TDM Plan requirements may be implemented to reduce the amount of required Parking for non-residential Uses. When three (3) or more of the following strategies are provided in addition to the applicable Level 1 or Level 2 TDM Plan requirements, the Planning Commission may approve up to a twenty percent (20%) reduction in the required parking for non-residential Uses.

1. Alternative work schedules/flex-time.
2. Preferential Parking for carpool or vanpool vehicles.
3. Employee shower facilities.
4. Provision of on-Site or Off-Site multimodal transportation improvements at the discretion of the Planning Commission, such as:
    a. Pedestrian network improvements (e.g., providing sidewalks that are wider than the required minimum width),
    b. Construct or improve a bike facility (e.g., providing improved safety of bicycle facilities serving key transit nodes), or
    c. Construct transit-supportive treatments (e.g., traffic calming near transit stop, transit stop enhancements and amenities, etc.).
5. On-site child care facilities.
6. Facilities and equipment to encourage telecommuting (e.g., video-conferencing facilities and equipment).
7. Contributions to funds for local and regional facilities such as park-and-ride lots, multimodal transportation centers, satellite work centers, etc. as approved by the City Council.
8. On-Site amenities such as cafeterias, restaurants, automated teller machines, and other services that would eliminate the need for additional trips.
9. Transit incentives for employees such as additional pay for carpoolers, etc.
10. Plans for delivery of goods at off-peak times and/or plans and facilities for centralized deliveries of goods for multi-tenant facilities.

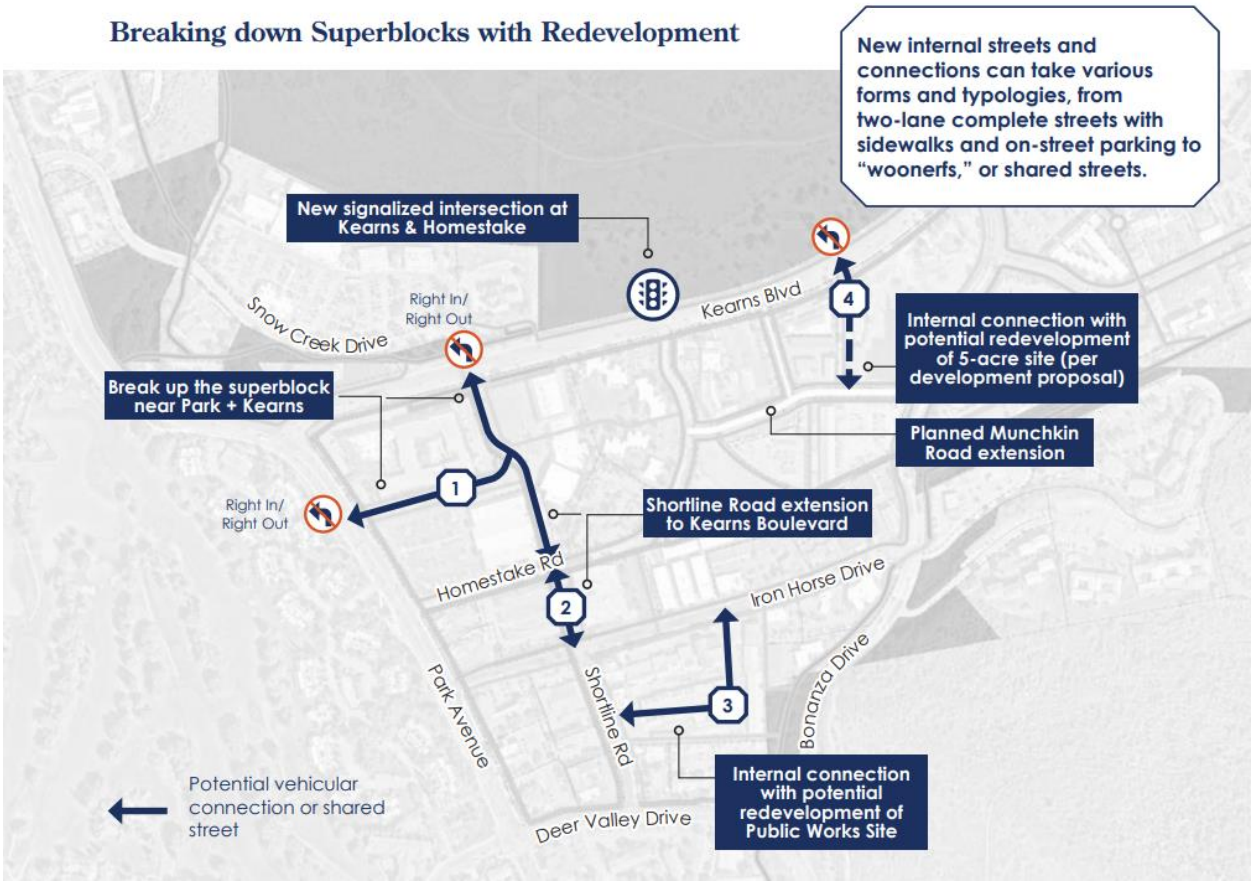
G. **TDM PLAN AGREEMENT.** A TDM Plan agreement shall be provided in a form acceptable to the City Attorney and shall include the TDM Plan. The parties to the agreement shall include the Owners and lessees of the project Site. A copy of the agreement shall be provided to the City. The City shall not be required to be a party to any such agreement, but each agreement shall grant the City the right (but not the obligation) to enforce the agreement's terms and shall include a provision requiring that the City be notified immediately of any termination or default of the agreement. Any termination or default of the agreement between parties shall result in enforcement action by the City unless a new TDM Plan is approved by the City within a reasonable timeframe, as determined by the Planning Director.

15-2.27-9 STREET SYSTEMS.

The street network has a significant influence on the overall connectivity of a place. In Bonanza Park, additional street connections are required to promote walkability and to create an interconnected system of blocks.

A. **ADDITIONAL CONNECTIONS.** New street connections are required to ensure Bonanza Park is a walkable and safe neighborhood. Development located adjacent to one of the following areas shall incorporate new street connections.

1. Superblock between Park Avenue, Kearns Boulevard, and Homestake Road. New east-west connections shall be established.
2. Shortline Road. Shortline Road shall be extended north-south to connect from Kears Boulevard to Deer Valley Drive.
3. Shortline Road and Iron Horse Drive. A new internal connection to these roads between Shortline Road and Bonanza Drive shall be integrated into redevelopment.
4. Kearns Boulevard and Munchkin Road. A new connection shall be implemented to connect Munchkin Road and Kearns Boulevard.
5. Where required to improve pedestrian safety, a tunnel or bridge on Park Avenue or Kearns Boulevard is appropriate and shall meet requirements from the City Engineer, Public Works, and applicable state review agencies.



B. **STREET DESIGN.**

1. All new Streets shall meet Park City standards.
2. All new Streets shall integrate best management practices for stormwater runoff.
3. To the greatest extent practicable, development that is impacting an existing street shall upgrade the street design to meet code standards in place at the time of application.
4. Pedestrian infrastructure, including sidewalks and crosswalks, shall be integrated into new or updated City streets.
5. Traffic calming measures, including intersection bump-outs, street trees, parklets, and on-street parking, should be integrated into new or updated City streets.

15-2.27-10 OPEN SPACE AND TRAIL CONNECTIVITY

Establishing a network of pedestrian and bicycle linkages is critical to improve the overall connectivity of the Bonanza Park neighborhood. Similarly, additions of open space and green areas will improve the overall sense of community and opportunities for gathering in the neighborhood. All development within BPMX must have multi-modal connections and open space to improve Bonanza Park's connectivity.

A. **OPEN SPACE AND PARKS.** Each development is required to have a minimum amount of open space. This space should be designed to integrate with the building design, as well as reinforce the ideas of community connection and openness in the Bonanza Park Small Area Plan.

1. The following open space typologies (also known as Green Community Space) are permitted in the BPMX District, and may be located in a Frontage Protection Zone, unless prohibited by this Section.

    a. Pocket Park.

    b. Linear greenspace with pedestrian and/or bicycle path.

    c. Public Courtyard.

    d. Plaza areas.

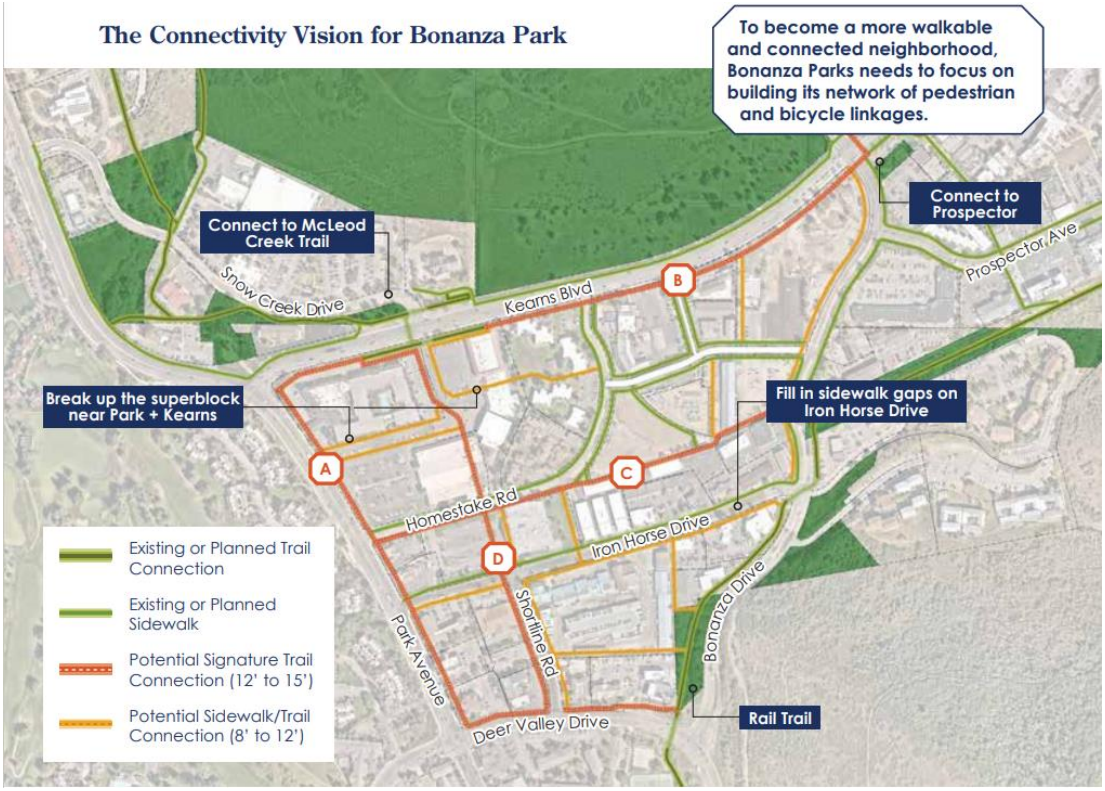
    e. Flexible Space.

    f. Community Garden.

    g. Green Roofs with publicly accessible amenity terrace. If this option is chosen, a deed restriction granting permanent public accessibility shall be required. An amenity terrace cannot be located within the Frontage Protection Zone.

B. **TRAIL CONNECTIONS.** Integrating multi-modal transportation opportunities is critical in the Bonanza Park neighborhood. Development should support the goals articulated in the Bonanza Park Small Area Plan, including the creation of new sidewalk and bicycle facilities. Development located adjacent to key roadways in Bonanza Park should integrate the following key trail connections. Key connections are at Park Avenue, Kearns Boulevard, Shortline Road extension, Rail Trail, and Deer Valley Drive as indicated in Figure 15-2.27-10(B) below.

Figure 15-2.27-10(B) Connectivity Vision For Bonanza Park



C. **VEGETATION PROTECTION.** The Property Owner must protect Significant Vegetation during any Development activity.

1. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

2. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.

3. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

15-2.27-11 SUSTAINABILITY REQUIREMENTS

A. **APPLICABILITY.** All Development within the BMPX District should strive to support the City's Net Zero goals through the implementation of sustainable design including active transportation considerations, low embodied carbon materials, waste reduction through comprehensive materials recover, and operational programming and technologies to reduce short- and long-term impacts on the environment.

B. **REQUIREMENTS.** All projects within the BPMX should strive to achieve a low Energy Use Intensity (EUI) per building type including improved insulation and thermal efficiency, EnergyStar and WaterSmart appliances and fixtures, energy efficient lighting, low-flow plumbing fixtures, sensors and timers that control water flow, lighting and temperature, and on-site Renewable Energy Systems.

New buildings should strive to obtain third party certification of the use of sustainable construction techniques and building materials. The following programs should be considered:

4. INSERT CITY RESOLUTION FOR NET ZERO BUILDINGS ONCE ADOPTED.

15-2.27-12 CONVENTIONAL CHAIN BUSINESSES

A. **APPLICABILITY. This Section provides guidance on Conventional Chain Businesses in the BPMX District.**

Existing businesses within the BPMX District that meet the definition of a Conventional Chain Business as of (INSERT DATE OF ADOPTION), will be issued a one-time Conditional Use Permit to memorialize existing conditions. Any amendments to this Permit will require a new application subject to the requirements of this Section.

New Development and redevelopments inclusive of a business that meets the thresholds outlined in the Conventional Chain Business Definition in Section 15-15-1 must acquire a Conditional Use Permit, in addition to meeting the requirements outlined below. This Section shall not apply to Grocery Stores, Banks, or Gyms as defined in Section 15-15-1.

B. **REQUIREMENTS.**

1. No Conditional Use Permit shall be issued in the BPMX District, unless approved by the Planning Commission pursuant to Section 15-1-10.
2. In addition to the requirements listed in Section 15-1-10, the Planning Commission shall also consider whether the proposed Use meets the goals outlined in the Bonanza Park Small Area Plan, as defined below:
    a. Conventional Chain Businesses cannot exceed 30% of the total commercial square footage within a single development.
    b. The Conventional Chain Business will not create an oversaturation of similar uses within the BPMX District.
    c. The proposed business will diversify retail and community services provisions within the BPMX District and Park City, providing basic necessities for the daily needs of residents.

d. The proposed business encourages innovation or a creative business idea.

e. The proposed business provides local entrepreneurs with an opportunity to offer distinct services or sell locally made products.

f. The proposed business offers affordable and needed services, meals, or products to the BPMX District or Park City community.

g. The proposed business creates unique recreational, entertainment, or cultural opportunities.

h. The proposed business offers services not currently found within Park City's municipal boundary.

i. The proposed business will be aesthetically compatible with the BPMX District character and adhere to the design guidelines within this Chapter, in addition to those outlined in Chapter 15-5 Architectural Review.

j. The proposed business will be compatible with existing businesses.

15-2.27-13 GOODS AND USES TO BE WITHIN ENCLOSED BUILDINGS

A. **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as a Conditional Use, all goods including food, beverage, and vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This Section does not preclude temporary sales in conjunction with a Special Event License, sidewalk sale, or seasonal plant sale.

B. **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

1. **OUTDOOR DINING**. Outdoor dining is subject to the following criteria:

a. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

b. The proposed seating Area does not impede pedestrian circulation.

c. The proposed seating Area does not impede emergency Access or circulation.

d. The proposed furniture is Compatible with the Streetscape.

e. No music or noise is in excess of the City Noise Ordinance, Title 6.

f. No Use after 10:00 p.m.

g. No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

2. **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS**. Outdoor grills and/or beverage service stations are subject to the following criteria:

   a. The Use is on private Property or leased public Property and does not diminish parking or landscaping.

   b. The Use is only for the sale of food or beverages in a form suited for immediate consumption.

   c. The Use is Compatible with the neighborhood.

   d. The Use does not impede pedestrian circulation.

   e. The Use does not impede emergency Access or circulation.

   f. Design of the outdoor grill or beverage service station is Compatible with the adjacent Buildings and Streetscape.

   g. No violation of the City Noise Ordinance, Title 6.

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

3. **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.** Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

   a. The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
   b. Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
   c. No more than a total of fifteen (15) pieces of equipment may be displayed.
   d. Outdoor display is only allowed during Business hours.
   e. Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

4. **DISPLAY OF MERCHANDISE**. Display of outdoor merchandise is subject to the following criteria:

   a. The display is immediately available for purchase at the Business displaying the item.

   b. The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation

from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless of if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

c. The display is prohibited from being permanently affixed to any Building.

d. The display does not diminish parking or landscaping.

e. The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

f. The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

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

   a. Notification of adjacent Property Owners.

   b. No violation of the City Noise Ordinance, Title 6.

   c. Impacts on adjacent Residential Uses.

   d. Proposed plans for music, lighting, Structures, electrical signs, etc.

   e. Parking demand and impacts on neighboring Properties.

   f. Duration and hours of operation.

   g. Impacts on emergency Access and circulation

15-2.27-14 SIGNS

A. APPLICABILITY. Signs are allowed in the BPMX District as provided in the Park City Sign Code, Title 12. The following signs are prohibited in the Frontage Protection Overlay Zone (FPZ):

1. "A" Frame, Sandwich Board and Sidewalk or Curb Signs.
2. Permanent Banners and Pennants.

3. Billboards and Other Off-Premises Signs.
4. Moving/Variable Message Signs. Electronically controlled copy changes, or any other signs that move or use movement to emphasize text or images.
5. Neon and Neon Appearing Signs. Neon lights, similar gas-filled light tubes, and lighting made to appear as neon are prohibited, except when used for indirect illumination and in such a manner as to not be directly exposed to public view. This includes technology that simulates or mimics neon signs through the use of LED lights or other methods.
6. Portable and Wheeled Signs.
7. Signs Causing Direct Glare. A sign or illumination that causes any direct glare into or upon any public right-of-way, adjacent lot or building other than the building to which the sign may be accessory.
8. Signs Creating Optical Illusion. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
9. Signs Obstructing Egress. A sign which obstructs any window or door opening used as a means of ingress or egress, prevents free passage from one part of a roof to any other part, interferes with an opening required for ventilation or is attached to or obstructs any standpipe, fire escape or fire hydrant. A sign which obstructs the free movement of pedestrians on sidewalks, pedestrian malls, trails or any other public access way.
10. Signs on Parked Vehicles. Signs placed on or affixed to vehicles and/or trailers, including bicycles, which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or commercial service or activity, or direct people to a business or commercial activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer for transportation.
11. Unsafe Signs. Any sign which: (1) Is structurally unsafe; (2) Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation; (3) Is not kept in good repair; (4) Is capable of causing electrical shocks to persons likely to come into contact with it; (5) In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official government regulatory or informational sign; (6) Creates an unsafe distraction for vehicle operators or pedestrians; (7) Obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare; (8) Is located on trees, rocks, light poles or utility poles, except where required by law; or (9) Is located so as to conflict with the clear and open view of devices placed by a public agency for controlling traffic or which obstructs a motorist's clear view of an intersecting road, alley or major driveway.

15-2.27-15 RELATED PROVISIONS

A. Fences and Walls. Section 15-4-2.
B. Satellite Receiving Antenna. Section 15-4-13.
C. Telecommunication Facility. Section 15-4-14.
D. Parking. Chapter 15-3.
E. Landscaping. Title 14; Sections 15-3-3 and 15-5-5(N).
F. Lighting. Sections 15-3-3 and 15-5-5(J).
G. Park City Sign Code. Title 12.
H. Architectural Review. Chapter 15-5.
I. Snow Storage. Section 15-3-3.

15-6.1-3 ZONING DISTRICTS AND USES

1. **ZONING DISTRICTS**. Affordable Master Planned Developments are Allowed in the following Zoning Districts:
    1. Residential Development
    2. Residential Development Medium
    3. Residential Medium
    4. Recreation Commercial
    5. General Commercial
    6. Bonanza Park Mixed Use District
    7. Light Industrial
    8. Community Transition
    9. Historic Commercial Business
    10. Historic Recreation Commercial, east of Park Avenue

2. **USES**. An Affordable Master Planned Development can only contain Uses that are Allowed or Conditional in the Zoning District in which it is located.

3. **COMMERCIAL USES**. An Affordable Master Planned Development may include up to 10,000 square feet of Commercial, Retail, Office, Public, and Quasi-public Uses.

15-4-4 SECONDARY LIVING QUARTERS

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

1. **SIZE.** The maximum size for secondary living quarters shall be 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.
2. **UNIVERSAL DESIGN PRINCIPLES.** Must follow universal design principles to allow equal access by people of all ages and abilities. This including those aging-in-place and the American Disabilities Act. Methods include no-step entries, appropriate widths for hallways and doors, non-slip surfaces, etc.
3. **PARKING.** One (1) on-Site Parking Space for each Secondary Living Quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.
4. **SINGLE UTILITY METERS.** The main dwelling and the Secondary Living Quarters shall be on the same utility meters.
5. **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined in this Code.
6. **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.
7. **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited to help residential bases grow for locals. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar Persons.

15-15-1 DEFINITIONS

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

[Existing Definitions in BLACK, proposed Definitions in Red]

AFFORDABLE HOUSING. Housing that is priced affordable to households with incomes at or below 80% of Area Median Income.

ART/PLACEMAKING ELEMENTS. Features that reflect the identity and character of an area, such as murals, statues, and sculptures. Dark sky-compliant lighting may be allowed. Signage is excluded to maintain adherence to the sign code.

ATTAINABLE HOUSING. Housing that is priced affordable to households with incomes between 81 and 150 percent of AMI.

BANK. A financial institution engaged in providing services such as accepting deposits, cashing checks, lending money, and offering financial products or services, including but not limited to savings and checking accounts, loans, mortgages, and investment advisory services. Ancillary uses may include ATM facilities, safe deposit boxes, etc.

CONNECTIVITY IMPROVEMENTS. Such as new pedestrian paths or streets that create walkable and connected development patterns and break up existing superblocks or major improvements like tunnels and bridges.

DENSITY BONUS. Zoning tool that permits developers to build more housing units, taller buildings, or more floor space than normally allowed in exchange for providing a defined Project Enhancement.

FLEX INDUSTRIAL. A zoning or land-use classification designed to accommodate a mix of light industrial, production, and commercial activities, often aimed at supporting locally-owned businesses that produce goods and services for the surrounding community. Flex industrial spaces are versatile, allowing for uses such as small-scale manufacturing, craft industries, and local production facilities (e.g., a brewery supplying beer to nearby businesses), while maintaining compatibility with neighborhood character. This classification also serves as a mechanism to preserve and grandfather in pre-existing industrial uses, ensuring their continued contribution to the local economy and community identity.

GREEN COMMUNITY SPACE. Public spaces outdoors for public access.

1. **AMENITY TERRACE.** Rooftop that includes communal recreation or aesthetic uses, such as patios, balconies, lounges, etc.
2. **COMMUNITY GARDEN.** Publicly accessible garden space.
3. **FLEXIBLE SPACE.** Multi-use open space, utilized by the public. Can be used for individual enjoyment or for events.
4. **PLAZA AREA.** An open space for public use defined by surrounding buildings or streets.
5. **POCKET PARK.** Small park accessible to the general public.
6. **PUBLIC COURTYARD.** Publicly accessible open area between buildings and walls.

GROCERY STORE. Medium to large commercial facility (typically 10,000–50,000 square feet) that provides essential access to food and goods, strategically located to support community needs, enhance accessibility, and contribute to local economic and social infrastructure.

GYM. A facility primarily designed and equipped for physical exercise, fitness training, or recreational activities, which may include, but is not limited to, weightlifting equipment, cardio machines, fitness classes, personal training services, and areas for sports or athletic activities. Ancillary uses may include locker rooms, saunas, retail sales of fitness-related merchandise, and food or beverage services.

HOTEL/HOTEL CONDOMINIUM/MOTEL. A Building containing lodging rooms for the occupancy of guests for compensation on a nightly basis that includes facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or services customarily associated with hotels, such as concierge services, shuttle services, room service, and daily maid service (collectively referred to as a "Hotel"). Lockout Units, Bed and Breakfast Inns, and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument Hotel rooms may include a Lockout Unit.

1. Hotel, Major. A Hotel with more than fifteen (15) Hotel Rooms.
2. Hotel, Minor. A Hotel with fewer than sixteen (16) Hotel Rooms.
3. Hotel, Boutique. A Hotel with no more than 75 Hotel Rooms.

INDOOR ENTERTAINMENT FACILITY. An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

MAJOR OPEN SPACE. A substantial area of undeveloped land, often publicly accessible, preserved for purposes such as recreation, conservation, or enhancing visual appeal. Examples include large parks, nature preserves, or prominent greenway corridors within a community.

MAJOR TRANSIT STOP. A transit stop that is served by at least two fixed transit routes with frequency of service intervals of twenty (20) minutes or less during peak periods and includes a waiting shelter consistent with City standards.

MIXED USE. A parcel, structure, or both that combined two (2) or more land uses, such as commercial, residential, or recreational spaces.

MOBILITY HUB. Resources utilized for multi-modal transit, often in the form of bus shelters (with light, seating, cover, and signage), bus pullouts, and access to last-mile connectivity, such as bike share or micro-mobility.

MULTI-UNIT DWELLING. A Building containing four (4) or more Dwelling Units.

OUTDOOR USE OR EVENT. Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

PARKING.

1. **Parking, Public**. A Parking Area or parking facility to be used by the public for fee or otherwise.
2. **Parking, Residential**. A Parking Area or Structure used exclusively for residential, non-commercial Uses.
3. **Parking, Shared**. The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.
4. **Parking, Underground.** A Parking Area or Structure below grade, utilized by all land uses.

PEDESTRIAN AMENITY. An intentionally designed and meaningful open space that prioritizes human scale and enhances the pedestrian experience. Integrates nature and urban design, contributing to the appeal and functionality of commercial and mixed-use neighborhoods.

PEDESTRIAN CONNECTION. A pathway, sidewalk, or network of sidewalks and pathways designed to facilitate safe and accessible movement of people traveling by foot, including at-grade improvements as well as tunnels or bridges.

PROJECT ENHANCEMENT. Specific programmatic or infrastructure improvements a development provides in exchange for additional height and/or density. Subject to the requirements of Section 15-2.27-7.

PUBLICLY ACCESSIBLE OUTDOOR COMMUNITY SPACE. Space suitable for year-round use, and of a high design quality with gathering spaces, seating areas, play structures, and public art.

SUSTAINABLE DEVELOPMENT. Development that incorporates best practices to minimize energy use. Park City has adopted net-zero goals, and sustainable development can help the community reach these goals.

TRAFFIC CALMING. Transit planning to deliberately slow traffic in residential areas through methods speed bumps, bump-outs at intersections, on-street parking as part of a complete street design. Other methods include parklets, sidewalks, signage, and street trees.

TRANSIT HUB. A property utilized as a mass transit station or an interchange of multiple modes of transportation.

UNIVERSAL DESIGN PRINCIPLES. Principles through public and private spaces are designed to have equal access by people of all ages and abilities, with little or no need for adaptation or specialized design.

USE. The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

1. **USE, INTENSITY OF.** The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

WAYFINDING. Ways in which people orient themselves in physical space and navigate from place to place. Examples can include signs, symbols, landmarks, or pathways.

Planning Commission
Staff Report

Subject: **3443 Meadows Drive**
Application: **PL-24-06326**
Author: **Virgil Lund, Planner II**
Date: **February 12, 2025**
Type of Item: **Conditional Use Permit – Outdoor Pool for a Single-Family Dwelling**

Recommendation

(I) Review the proposed Conditional Use Permit (CUP) for a Private Recreation Facility (outdoor pool) in the Residential Development Zoning District, (II) conduct a public hearing, and (III) consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant:	Scott Wertheimer
Location:	3443 Meadows Drive
Zoning District:	Residential Development, Sensitive Land Overlay
Adjacent Land Uses:	Single-Family Dwellings, Open Space
Reason for Review:	The Planning Commission reviews and takes Final Action on Conditional Use Permits.[1]

CUP	Conditional Use Permit
LMC	Land Management Code
LOD	Limits of Disturbance
MPD	Master Planned Development
RD	Residential Development
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Summary

The Applicant proposes constructing a 12-foot x 50-foot (600-square-foot) outdoor pool to the rear of 3443 Meadows Drive, a Single-Family Dwelling, for property owner use.

[1] LMC § 15-1-8

Background

3443 Meadows Drive is Lot 58 of the Eagle Point Phase IV Subdivision within the Quarry Mountain Master Planned Development (MPD).

On April 28, 1994, the City Council approved the Quarry Mountain MPD for 200 parcels for future Single-Family Dwellings (Exhibit F).

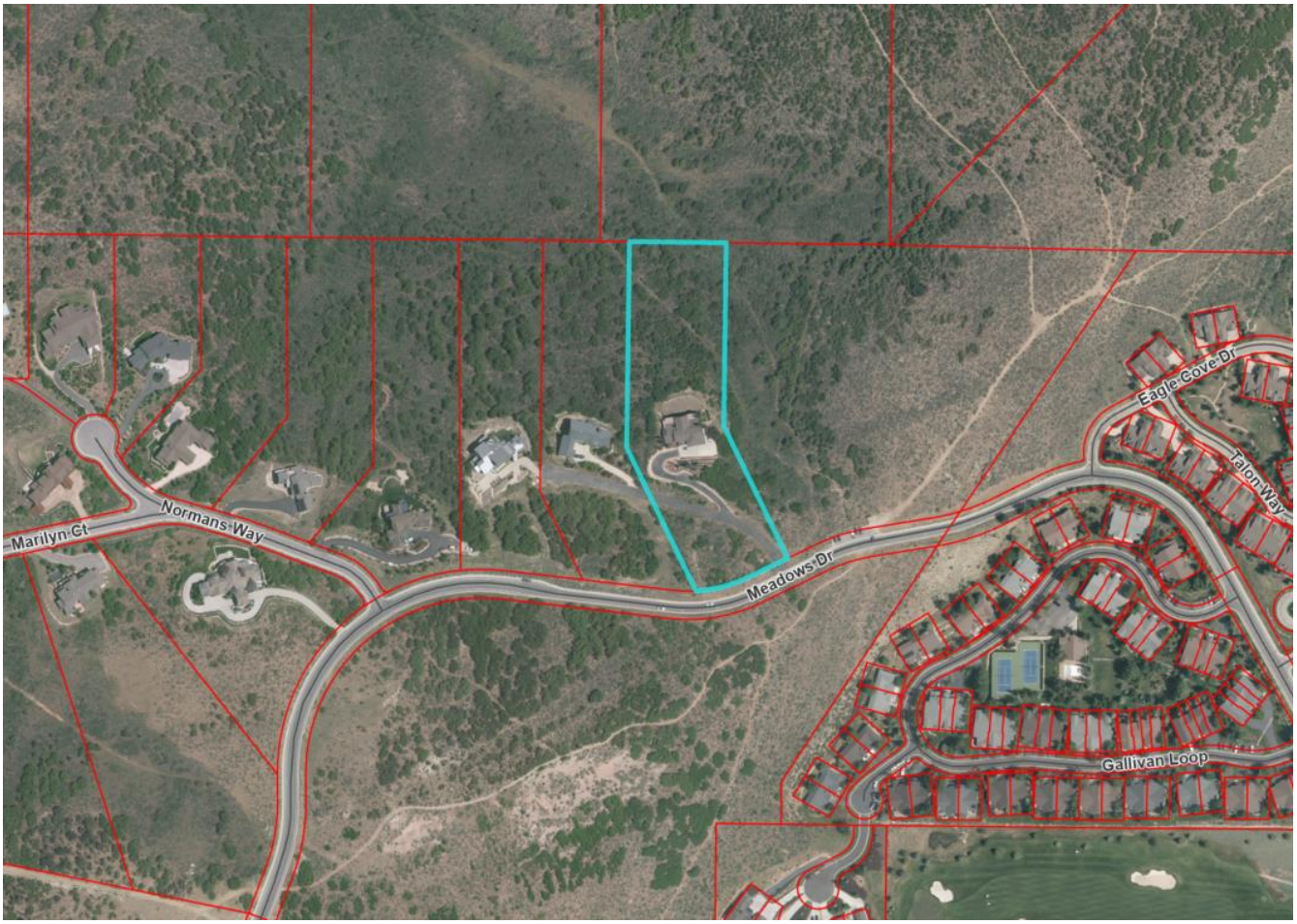


Figure 1: 3443 Meadows Drive, Lot 58 of the Eagle Point Phase IV Subdivision, Highlighted in Blue

On January 16, 2004 the Eagle Point Phase IV Subdivision Plat was recorded with Summit County (Recorder No. 685992). The Subdivision Plat created a building envelope and Limits of Disturbance (LOD). Plat note 8 states:

> "The Limits of Disturbance is defined as the area on a lot that construction activity, excavation, or vegetation removal is allowed. The location of the Limits of Disturbance is based upon a measurement from the house foundation, at-grade decks or patios once designed and located. Maximum LOD measurements will be restricted to 15 feet on side yards, 25 feet on rear yards and 30 feet on front yards…Driveway disturbance and utility access is permitted outside the Limits of Disturbance."

Therefore, once the Single-Family Dwelling at 3443 Meadows Drive was designed and constructed, the LOD was established, as shown on the approved building permit (Exhibit C).

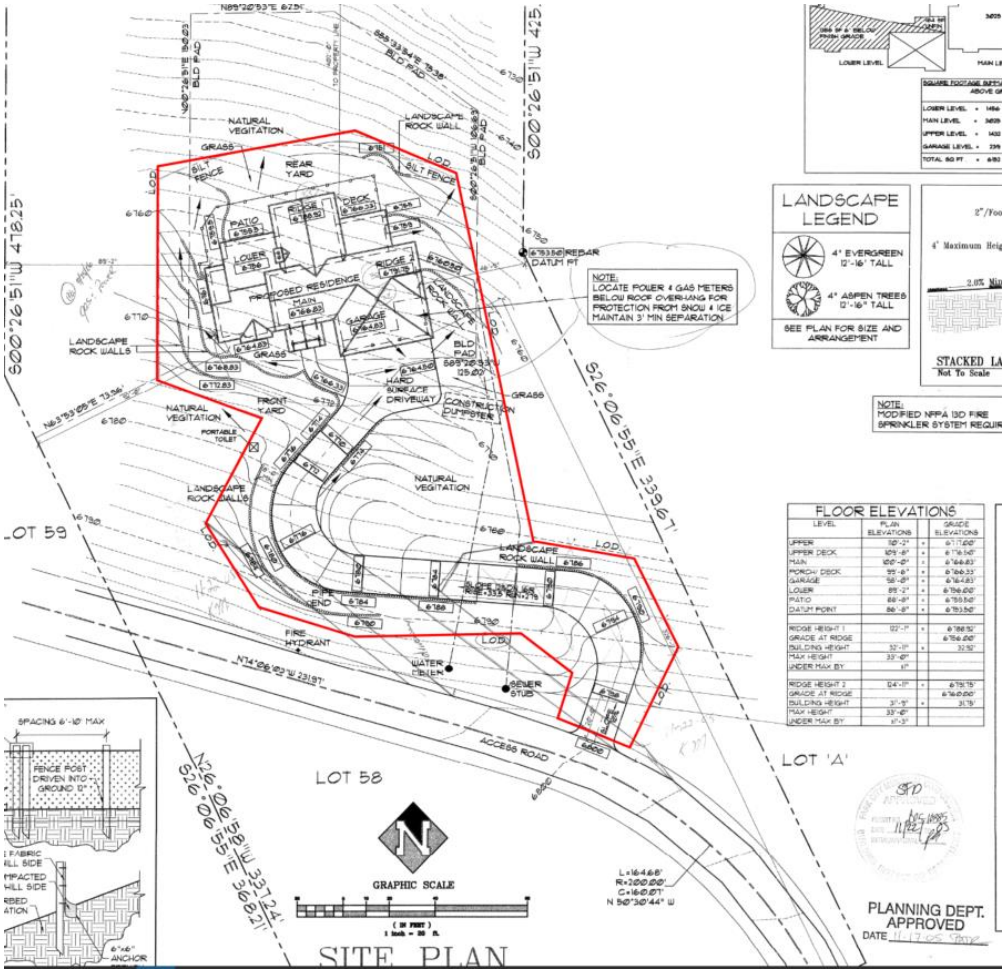


Figure 2: Approved Building Permit with LOD Shown in Red

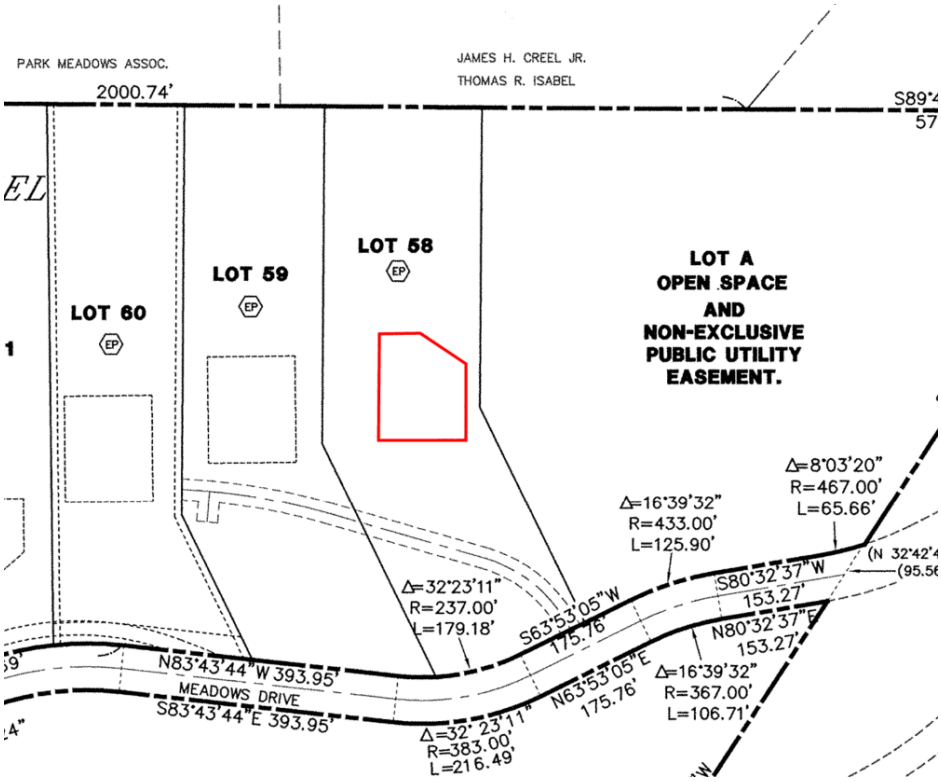


Figure 3: Lot 58 with Platted Building Envelope Shown in Red

The Applicant proposes to construct a 12-foot by 50-foot (600-square-foot) outdoor swimming pool ranging in depth from six inches to four feet on a flat surface within the LOD (Exhibit D).

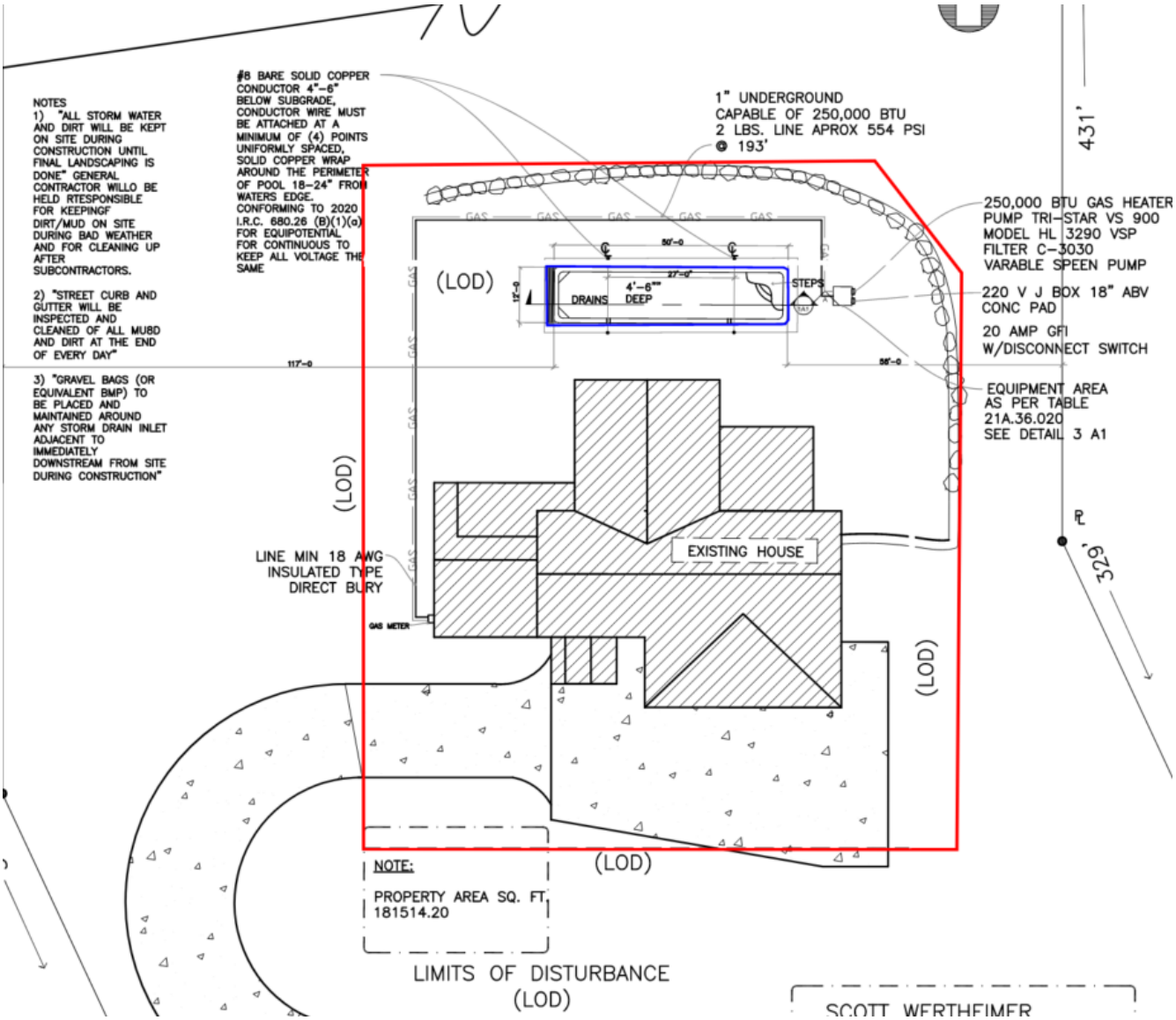


Figure 4: Proposed Pool In Blue, LOD in Red

Figure 5: Existing Conditions of Proposed Location of Pool

Analysis

The Land Management Code (LMC) identifies outdoor pools as Private Recreational Facilities, which are a Conditional Use in the Residential Development (RD) Zoning District.[2]

LMC § 15-15-1 defines Private Recreation Facilities:

> *Recreation facilities operated on private Property and not open to the general public, including Recreation Facilities such as swimming pools, tennis courts, outdoor Pickleball Courts, and similar facilities for the Use by Owners and guests*.

(I) The proposed outdoor pool complies with the Residential Development Zoning District requirements outlined in LMC Chapter 15-2.13.

The table below outlines the Lot and Site requirements for the RD Zoning District:[3]

[2] LMC § 15-2.13-2(B)
[3] LMC § 15-2.13-3

RD Requirement	Analysis of Proposal
Front Setback: 20 Feet	**Complies:** The proposed outdoor pool is greater than 100 feet from the front Lot Line.
Rear Setback: 15 Feet	**Complies:** The proposed outdoor pool is greater than 100 feet from the rear Lot Line.
Side Setback: 12 Feet	**Complies**: The proposed outdoor pool is 50 feet from the east side Lot Line, and 102 feet from the west side Lot Line.

Vegetation Protection: LMC § 15-2.13-10 states: "The Property Owner must protect Significant Vegetation during any Development activity." The Applicant's proposal does not remove any Significant Vegetation, see Figure 5 above.

(II) The proposed outdoor pool complies with the Phase IV Eagle Point Subdivision Plat requirements.

The Subdivision Plat created a Building Envelope and Limits of Disturbance. Plat note 8 states: "The Limits of Disturbance is defined as the area on a lot that construction activity, excavation, or vegetation removal is allowed. The location of the Limits of Disturbance is based upon a measurement from the house foundation, at-grade decks or patios once designed and located. Maximum LOD measurements will be restricted to 15 feet on side yards, 25 feet on rear yards and 30 feet on front yards…Driveway disturbance and utility access is permitted outside the Limits of Disturbance."

The proposed outdoor pool is 20 feet from the Single-Family Dwelling's foundation in the rear yard and is therefore within the platted building envelope and LOD (see Figure 4 above).

(III) The proposed outdoor pool complies with the Sensitive Land Overlay.

The Quarry Mountain MPD approved on April 28, 1994 created density for 200 parcels for Single-Family Dwellings.

The Phase IV Eagle Point Subdivision Plat created 16 Lots and building envelopes. The Quarry Mountain MPD and Phase IV Eagle Point Subdivision Plat addressed the visual impacts from Vantage Points, avoided Very Steep Slopes and Ridgelines, and reduced the Significant Vegetation to be removed. On December 4, 2003, the City Council approved Ordinance No. 03-48 (Exhibit E). The proposed outdoor pool complies with Conditions of Approval from Ordinance No. 03-48 and the Quarry

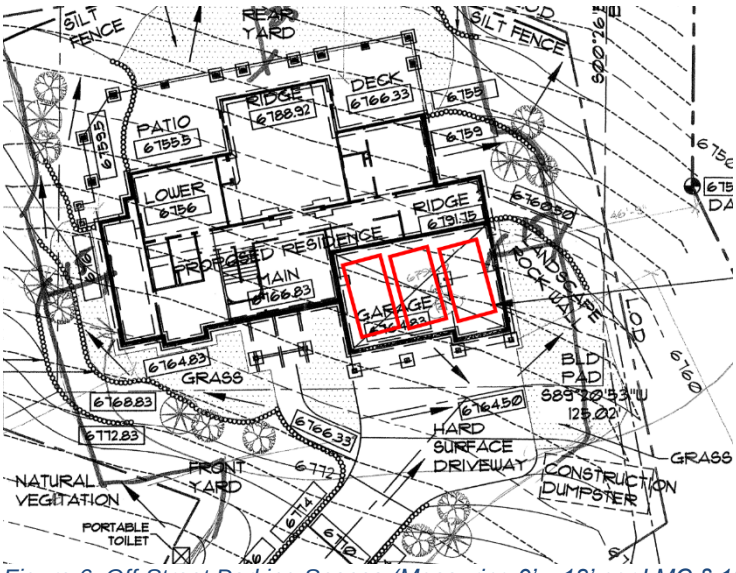
Mountain MPD, will be constructed within the platted building envelope and LOD for Lot 58, will not affect any Significant Vegetation, Steep Slopes, Ridgelines, Wetlands or Streams, and will not be visible from Designated Vantage points.

(IV) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

CUP Review Criteria	Analysis of Proposal
Size and location of the Site	**Complies:** 3443 Meadows Drive is Lot 58 of the Eagle Point Subdivision. The Lot contains 4.2 acres. The LOD is 14,382 square feet. The proposed outdoor pool will be located within the LOD.
Traffic considerations including capacity of the existing Streets in the Area	**Complies:** The proposed outdoor pool will not generate traffic beyond the property's primary Use of the Single-Family Dwelling.
Utility capacity, including Storm Water run-off	**Complies:** The Development Review Committee reviewed the proposal on December 17, 2024, and confirmed the proposal conforms with their requirements. The Snyderville Basin Water Reclamation District requires that the Applicant not hard pipe into the existing sewer system.
Emergency vehicle Access	**Complies:** The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements.

Location and amount of off-Street parking	**Complies:** LMC § 15-3-6(A) requires two off-street parking spaces per Dwelling Unit for a Single-Family Dwelling. LMC § 15-3-6(B) requires one off-street parking space per four persons maximum rated capacity for a Private Recreation Facility. LMC § 15-3-4(A)(1) requires double car garages to be at least 20 feet wide by 20 feet deep. The Applicant stated that the pool is a lap pool for swimming and has a maximum rated capacity of two swimmers, which requires one additional off-street Parking Space. The Applicant can park approximately three vehicles in the Single-Family Dwelling's attached garage. The interior dimensions of the garage are 36 feet wide by 22 feet deep.  *Figure 6: Off-Street Parking Spaces (Measuring 9' x 18' per LMC § 15-3-3(F)) in the Garage, Shown in Red*
Internal vehicular and pedestrian circulation system	**Complies:** The proposed outdoor pool will be used primarily by the property owner which will not change the Lot's vehicle and pedestrian circulation.
Fencing, Screening, and landscaping to separate the Use from adjoining Uses	**Complies:** The proposed outdoor pool will be screened by the existing Structure and Significant Vegetation

	surrounding the backyard. The neighboring Single-Family Dwellings are approximately 130 feet away.
Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots	**Complies:** The proposed outdoor pool will be constructed below finished Grade, located in the backyard of the Single-Family Dwelling. The depth of the pool will range from six inches to four feet.
Useable Open Space	**Complies:** The proposed outdoor pool will not decrease the required amount of Open Space for the Eagle Point Subdivision or Quarry Mountain MPD. The proposed pool is in the platted building envelope and LOD.
Signs and Lighting	**Complies**: No signs or exterior lighting are proposed with this application. If Outdoor Lighting is proposed to be installed, it requires compliance with the dark sky code (LMC Section 15-5-5(J)) and Planning Department review and approval (Condition of Approval 5).
Physical Design and Compatibility with Surrounding Structures	**Complies:** The proposed outdoor pool will be constructed below finished Grade and will not be visible from surrounding Structures.
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	**Complies:** Condition of Approval 3 requires adherence to Municipal Code of Park City Chapter 6-3 *Noise*.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	**Complies:** Vehicles for service and outdoor pool maintenance will access the property from the private driveway and Meadows Drive. No additional trash or recycling areas are proposed. All trash and recycling will be located inside the Single-Family Dwelling garage.
Expected Ownership and Management	**Complies:** 3443 Meadows Drive is owned and managed by the Applicant.

Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	**Complies:** The Quarry Mountain MPD approved on April 28, 1994 created density for 200 parcels for Single-Family Dwellings. The Phase IV Eagle Point Subdivision Plat created 16 Lots and building envelopes. The Quarry Mountain MPD and Phase IV Eagle Point Subdivision Plat addressed the visual impacts from Vantage Points, avoided Very Steep Slopes, Ridgelines, and reduced the amount of Significant Vegetation to be removed. On December 4, 2003, the City Council approved Ordinance 03-48 (Exhibit E). The proposed pool complies with all conditions of approval from Ordinance 03-48 and the Quarry Mountain MPD and will be constructed within the platted building envelope and LOD for Lot 58 and will not affect any Significant Vegetation, Steep Slopes, Ridgelines, Wetlands or Streams and will not be visible from any Designated Vantage points.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	**Complies:** Goal 7 of the General Plan states that the city strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and recreation.[4]

(V) The Development Review Committee reviewed the proposal on December 17, 2024 and the Snyderville Basin Water Reclamation District requires a Condition of Approval.[5]

Condition of Approval 4: The Applicant shall not hard pipe into the existing sewer system.

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

[4] Park City General Plan, Volume 1 P. 70

[5] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 29, 2025. Staff mailed courtesy notice to property owners within 300 feet on January 29, 2025. The *Park Record* published courtesy notice on January 29, 2025.[6]

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the CUP for an outdoor pool at 3443 Meadows Drive.
- The Planning Commission may deny the CUP for an outdoor pool at 3443 Meadows Drive and direct staff to make Findings for the denial.
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Eagle Point Phase IV Subdivision Plat
Exhibit C: Approved Building Permit B05-10885
Exhibit D: Proposed Plans and Applicant's Narrative
Exhibit E: Ordinance No. 03-48 Approving the Eagle Point Phase IV Subdivision Plat
Exhibit F: Quarry Mountain MPD Approved April 28, 1994

[6] LMC § 15-1-21

Planning Department

February 12, 2025

Scott Wertheimer
3443 Meadows Drive
Park City Utah, 84060

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	3443 Meadows Drive
Zoning District:	Residential Development, Sensitive Land Overlay
Application:	Conditional Use Permit
Project Number:	PL-24-06326
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	February 12, 2025
Project Summary:	The Applicant proposes to construct a 12-foot by 50-foot (600-square-foot) outdoor pool.

Action Taken

On February 12, 2025, the Planning Commission conducted a public hearing and approved the Conditional Use Permit for a 600-square-foot outdoor pool according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Applicant proposes constructing a 12-foot x 50-foot (600-square-foot) outdoor pool to the rear of 3443 Meadows Drive, a Single-Family Dwelling, for property owner use.
2. 3443 Meadows Drive is Lot 58 of the Eagle Point Phase IV Subdivision within the Quarry Mountain Master Planned Development (MPD).
3. On April 28, 1994, the City Council approved the Quarry Mountain MPD for 200 parcels for future Single-Family Dwellings.
4. On January 16, 2004 the Eagle Point Phase IV Subdivision Plat was recorded with Summit County (Recorder No. 685992). The Subdivision Plat created a

building envelope and Limits of Disturbance (LOD). Plat note 8 states: "The Limits of Disturbance is defined as the area on a lot that construction activity, excavation, or vegetation removal is allowed. The location of the Limits of Disturbance is based upon a measurement from the house foundation, at-grade decks or patios once designed and located. Maximum LOD measurements will be restricted to 15 feet on side yards, 25 feet on rear yards and 30 feet on front yards…Driveway disturbance and utility access is permitted outside the Limits of Disturbance."

5. Once the Single-Family Dwelling at 3443 Meadows Drive was designed and constructed, the LOD was established.
6. The Applicant proposes to construct a 12-foot by 50-foot (600-square-foot) outdoor swimming pool ranging in depth from six inches to four feet on a flat surface within the LOD.
7. The Land Management Code (LMC) identifies outdoor swimming pools as Private Recreational Facilities, which are a Conditional Use in the Residential Development (RD) Zoning District.
8. LMC § 15-15-1 defines Private Recreation Facilities:
    a. Recreation facilities operated on private Property and not open to the general public, including Recreation Facilities such as swimming pools, tennis courts, outdoor Pickleball Courts, and similar facilities for the Use by Owners and guests.
9. The proposed outdoor pool complies with the Residential Development Zoning District requirements outlined in LMC Chapter 15-2.13.
    a. Front Setback: 20 Feet
        i. The proposed outdoor pool is greater than 100 feet from the front Lot Line.
    b. Rear Setback: 15 Feet
        i. The proposed outdoor pool is greater than 100 feet from the rear Lot Line.
    c. Side Setback: 12 Feet
        i. The proposed outdoor pool is 50 feet from the east side Lot Line, and 102 feet from the west side Lot Line.
    d. Vegetation Protection: LMC § 15-2.13-10 states: "The Property Owner must protect Significant Vegetation during any Development activity."
        i. The Applicant's proposal does not remove any Significant Vegetation.

10. The proposed outdoor pool complies with the Phase IV Eagle Point Subdivision Plat requirements and the Quarry Mountain MPD.
    a. The Subdivision Plat created a Building Envelope and Limits of Disturbance. Plat note 8 states: “The Limits of Disturbance is defined as the area on a lot that construction activity, excavation, or vegetation removal is allowed. The location of the Limits of Disturbance is based upon a measurement from the house foundation, at-grade decks or patios once designed and located. Maximum LOD measurements will be restricted to 15 feet on side yards, 25 feet on rear yards and 30 feet on front yards…Driveway disturbance and utility access is permitted outside the Limits of Disturbance.”
    b. The proposed outdoor pool is 20 feet from the Single-Family Dwelling’s foundation in the rear yard and is therefore within the platted building envelope and LOD.
11. The proposed outdoor pool complies with the Sensitive Land Overlay.
    a. The Quarry Mountain MPD approved on April 28, 1994 created density for 200 parcels for Single-Family Dwellings.
    b. The Phase IV Eagle Point Subdivision Plat created 16 Lots and building envelopes. The Quarry Mountain MPD and Phase IV Eagle Point Subdivision Plat addressed the visual impacts from Vantage Points, avoided Very Steep Slopes and Ridgelines, and reduced the Significant Vegetation to be removed. On December 4, 2003, the City Council approved Ordinance No. 03-48. The proposed outdoor pool complies with Conditions of Approval from Ordinance No. 03-48 and the Quarry Mountain MPD, will be constructed within the platted building envelope and LOD for Lot 58, will not affect any Significant Vegetation, Steep Slopes, Ridgelines, Wetlands or Streams, and will not be visible from Designated Vantage points.
12. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
    a. There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

b. The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards.
c. Size and location of the Site
    i. 3443 Meadows Drive is Lot 58 of the Eagle Point Subdivision. The Lot contains 4.2 acres. The LOD is 14,382 square feet. The proposed outdoor pool will be located within the LOD.
d. Traffic considerations including capacity of the existing Streets in the Area
    i. The proposed outdoor pool will not generate traffic beyond the property's primary Use of the Single-Family Dwelling.
e. Utility capacity, including Storm Water run-off
    i. The Development Review Committee reviewed the proposal on December 17, 2024, and confirmed the proposal conforms with their requirements. The Snyderville Basin Water Reclamation District requires that the Applicant not hard pipe into the existing sewer system.
f. Emergency vehicle Access
    i. The Development Review Committee reviewed the proposal on December 17, 2024 and confirmed the proposal conforms with their requirements.
g. Location and amount of off-Street parking
    i. LMC § 15-3-6(A) requires two off-street parking spaces per Dwelling Unit for a Single-Family Dwelling.
    ii. LMC § 15-3-6(B) requires one off-street parking space per four persons maximum rated capacity for a Private Recreation Facility.
    iii. LMC § 15-3-4(A)(1) requires double car garages to be at least 20 feet wide by 20 feet deep.
    iv. The Applicant stated that the pool is a lap pool for swimming and has a maximum rated capacity of two swimmers, which requires one additional off-street Parking Space.

v. The Applicant can park approximately three vehicles in the Single-Family Dwelling's attached garage. The interior dimensions of the garage are 36 feet wide by 22 feet deep.

h. Internal vehicular and pedestrian circulation system
    i. The proposed outdoor pool will be used primarily by the property owner which will not change the Lot's vehicle and pedestrian circulation.

i. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
    i. The proposed outdoor pool will be screened by the existing Structure and Significant Vegetation surrounding the backyard. The neighboring Single-Family Dwellings are approximately 130 feet away.

j. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
    i. The proposed outdoor pool will be constructed below finished Grade, located in the backyard of the Single-Family Dwelling. The depth of the pool will range from six inches to four feet.

k. Useable Open Space
    i. The proposed outdoor pool will not decrease the required amount of Open Space for the Eagle Point Subdivision or Quarry Mountain MPD. The proposed pool is in the platted building envelope and LOD.

l. Signs and Lighting
    i. No signs or exterior lighting are proposed with this application.

m. Physical Design and Compatibility with Surrounding Structures
    i. The proposed outdoor pool will be constructed below finished Grade and will not be visible from surrounding Structures.

n. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
    i. Condition of Approval 3 requires adherence to Municipal Code of Park City Chapter 6-3 Noise.

o. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
    i. Vehicles for service and outdoor pool maintenance will access the property from the private driveway and Meadows Drive. No

additional trash or recycling areas are proposed. All trash and recycling will be located inside the Single-Family Dwelling garage.

p. Expected Ownership and Management
    i. 3443 Meadows Drive is owned and managed by the Applicant.
q. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site
    i. The Quarry Mountain MPD approved on April 28, 1994 created density for 200 parcels for Single-Family Dwellings.
    ii. The Phase IV Eagle Point Subdivision Plat created 16 Lots and building envelopes. The Quarry Mountain MPD and Phase IV Eagle Point Subdivision Plat addressed the visual impacts from Vantage Points, avoided Very Steep Slopes, Ridgelines, and reduced the amount of Significant Vegetation to be removed. On December 4, 2003, the City Council approved Ordinance 03-48. The proposed pool complies with conditions of approval from Ordinance 03-48 and the Quarry Mountain MPD and will be constructed within the platted building envelope and LOD for Lot 58 and will not affect any Significant Vegetation, Steep Slopes, Ridgelines, Wetlands or Streams and will not be visible from any Designated Vantage points.
r. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
    i. Goal 7 of the General Plan states that the city strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and recreation.

13. The Development Review Committee reviewed the proposal on December 17, 2024.
14. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 29, 2025.
15. Staff mailed courtesy notice to property owners within 300 feet on January 29, 2025.
16. The Park Record published courtesy notice on January 29, 2025.

Conclusions of Law

1. The proposed pool complies with the LMC requirements pursuant to Chapter 15-2.13 *Residential Development Zoning District*, Chapter 15-2.21 *Sensitive Land Overlay*, and Section 15-1-10 *Conditional Use Review Process*.
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

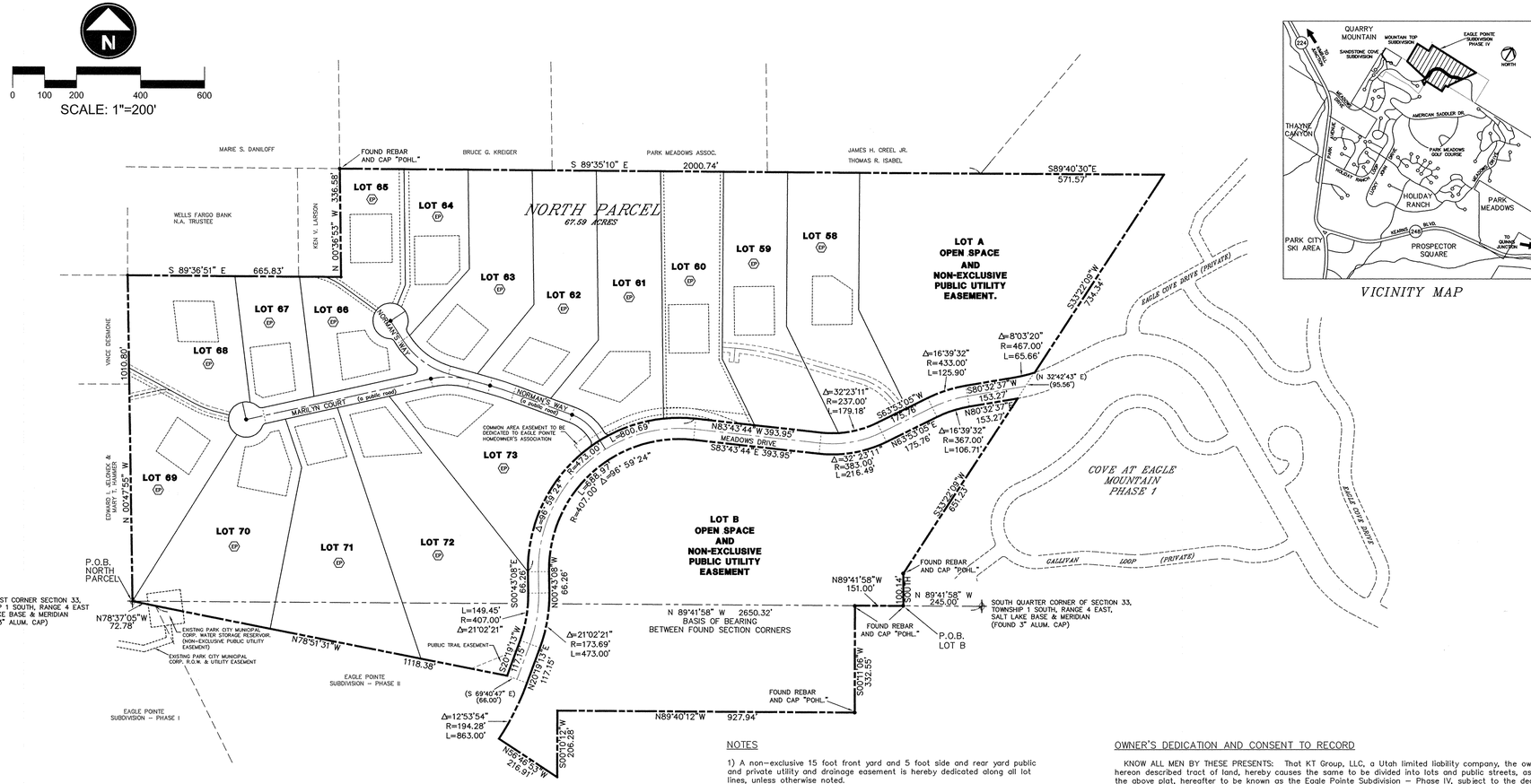
1. Final buildings plans and construction details shall reflect substantial compliance with the final plans dated November 20, 2024, submitted to the Planning Department and reviewed February 12, 2025, by the Planning Commission.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. The Applicant shall adhere to Municipal Code of Park City Chapter 6-3, Noise.
4. The Applicant shall not hard pipe into the existing sewer system.
5. If Outdoor Lighting is proposed to be installed, it requires compliance with the dark sky code (LMC Section 15-5-5(J)) and Planning Department review and approval.

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Virgil Lund



VICINITY MAP

BOUNDARY DESCRIPTION–NORTH PARCEL

Beginning at the Southwest Corner of Section 33, Township 1 South, Range 4 East, Salt Lake Base and Meridian, (Basis of Bearing being South 89°41'58" East 2650.34 feet between said Southwest Corner and the South Quarter Corner of said Section 33, both being found Aluminum Cap Monuments), and running thence North 00°47'55" West 1010.80 feet along the West line of said Section 33; thence South 89°36'51" East 665.83 feet; thence North 00°36'53" West 336.58 feet to the Northwest Corner of the Northeast quarter of the Southwest quarter of the Southwest quarter of said Section 33; thence South 89°35'10" East 2000.74 feet along the North line of said Southwest quarter of the Southwest quarter to and along the North line of the Southeast quarter of the Southwest quarter; thence South 89°40'30" East 571.57 feet along the North line of the Southwest quarter of the Southeast quarter of said Section 33 to the West line of The Cove at Eagle Mountain Phase II (Entry No. 592906); thence South 33°22'09" West 734.34 feet along said West line to the North line of Meadows Drive (as shown on the Meadows Drive Dedication Plat recorded as Entry No. 587521) and a point of curvature of a non–tangent 467.00 foot radius curve to the right, the center of which bears North 17°30'43" West, thence along the North and West line of said Meadows Drive the following ten (10) courses: 1) thence Westerly along the arc of said curve 65.66 feet through a central angle of 8°03'20"; 2) thence South 80°32'37" West 153.27 feet to a point of curvature of a 433.00 foot radius curve to the left, the center of which bears South 09°27'23" East; 3) thence Westerly along the arc of said curve 125.90 feet through a central angle of 16°39'32"; 4) thence South 63°53'05" West 175.76 feet to a point of curvature of a 317.00 foot radius curve to the right, the center of which bears North 26°06'55" West; 5) thence Westerly along the arc of said curve 179.18 feet through a central angle of 32°23'11"; 6) thence North 83°43'44" West 393.95 feet to a point of curvature of a 473.00 foot radius curve to the left, the center of which bears South 06°16'16" West; 7) thence Southwesterly along the arc of said curve 800.69 feet through a central angle of 96°59'24"; 8) thence South 00°43'08" East 66.26 feet to a point of curvature of a 407.00 foot radius curve to the right, the center of which bears South 89°16'52" West; 9) thence Southerly along the arc of said curve 149.45 feet through a central angle of 21°02'21"; 10) thence South 20°19'13" West 117.15 feet to the north line of Eagle Pointe Subdivision Phase II (Entry No. 562213); thence North 78°51'31" West 1118.38 feet along said North line to the north line of Eagle Pointe Subdivision Phase I (Entry No. 444358); thence North 78°37'05" West 72.78 feet along said north line to the point of beginning.

Containing 67.59 Acres, more or less.

BOUNDARY DESCRIPTION–LOT B OPEN SPACE

Beginning at a point on the South line of Section 33, said point being North 89°41'58" West 245.00 feet from the South Quarter Corner of said Section 33, Township 1 South, Range 4 East, Salt Lake Base and Meridian, (Basis of Bearing being North 89°41'58" West 2650.34 feet from said South Quarter Corner to the Southwest Corner of said Section 33, both being found Aluminum Cap Monuments), and running thence along the South line of said Section 33, North 89°41'58" West 151.00 feet; thence South 00°11'06" West 332.55 feet to the South line of the North half of the North half of the Northeast quarter of the Northwest quarter of Section 4, Township 2 South, Range 4 East, Salt Lake and Meridian; thence North 89°40'12" West 927.94 feet along said South line; thence South 00°10'12" West 206.28 feet to the Northeast Corner of Lot 31, Eagle Point Subdivision Phase II (Entry No. 562213); thence North 56°46'53" West 216.91 feet to the East line of Meadows Drive as shown on said Eagle Pointe Subdivision Phase II and the Meadows Drive Dedication Plat (Entry # 587521) and a non–tangent point of curvature of a 863.00 foot radius curve to the left, the center of which bears North 56°46'48" West; thence along the Easterly and Southerly line of said Meadows Drive the following ten (10) courses: 1) thence Northerly along the arc of said curve 194.28 feet through a central angle of 12°53'54"; 2) thence North 20°19'13" East 117.15 feet to a point of curvature of a 473.00 foot radius curve to the left, the center of which bears North 69°40'47" West; 3) thence Northerly along the arc of said curve 173.69 feet through a central angle of 21°02'21"; 4) thence North 00°43'08" West 66.26 feet to a point of curvature of a 407.00 foot radius curve to the right, the center of which bears North 89°16'52" East; 5) thence Northeasterly along the arc of said curve 688.97 feet through a central angle of 96°59'24"; 6) thence South 83°43'44" East 393.95 feet to a point of curvature of a 383.00 foot radius curve to the left, the center of which bears North 06°16'16" East; 7) thence Easterly along the arc of said curve 216.49 feet through a central angle of 32°23'11"; 8) thence North 63°53'05" East 175.76 feet to a point of curvature of a 367.00 foot radius curve to the right, the center of which bears South 26°06'55" East; 9) thence Easterly along the arc of said curve 106.71 feet through a central angle of 16°39'32"; 10) thence North 80°32'37" East 153.27 feet to the West line of The Cove at Eagle Mountain Phase I (Entry No. 477782); thence along said West line the following two (2) course: 1) thence South 33°22'09" West 651.23 feet; 2) thence South 100.14 feet to the point of beginning.

Containing 21.92 Acres, more or less.

NOTES

1) A non–exclusive 15 foot front yard and 5 foot side and rear yard public and private utility and drainage easement is hereby dedicated along all lot lines, unless otherwise noted.

2) A 10 foot public utility and snow storage easement along Norman's Way and Marilyn Court is hereby dedicated.

3) Park City will only assume responsibility for snow plowing upon completion of, and legal occupation of structures on at least 50% of the lots. Interim snow removal costs will occur to lot owners prior to 50% buildout.

4) External fire sprinklers and a Modified 13–D type interior fire sprinkling system are required for all residences constructed in Eagle Pointe Subdivision. Wood roofs are prohibited.

5) The maximum house square footage allowed shall be 7,000 sq. ft. The maximum unpenalized garage size is 600 sq. ft.; garage square footage over 600 sq. ft. shall be deducted from the maximum house square footage to determine the new adjusted maximum house square footage.

6) Each lot shall be provided with a minimum of 40 psi at the meter for water pressure in accordance with municipal specifications for Park City. Developer recommends investigation of a system to augment water pressure by installation of a booster pump at homeowner's option.

7) Building Envelopes have been identified and shown on each lot. The building Envelope provides the boundary in which all building structures are to be located within. Once structures have been located within the Building Envelope, Limits of Disturbance apply as defined in Note #8 hereon.

8) The Limits of Disturbance, LOD, will be required for each lot and will be shown on all site/building permit plans. The Limits of Disturbance is defined as the area on a lot that construction activity, excavation, or vegetation removal is allowed. The location of the Limits of Disturbance is based upon a measurement from the house foundation, at–grade decks or patios once designed & located. Maximum LOD measurements will be restricted to 15 feet on side yards, 25 feet on rear yards and 30 feet on front yards. The Limits of Disturbance can extend to the lot property line when the house foundation is within the measurements to the lot line as listed above. Driveway disturbance and utility access is permitted outside the Limits of Disturbance. Some exceptions to this standard may be given by the Park City Planning Department if necessary due to unique characteristics of the site and if the exception does not result in more disturbed area than would otherwise be allowed. All non–hard–surface disturbed areas will be considered as irrigated. Landscaped irrigation is only permitted within the Limits of Disturbance of which a maximum of 20% of the total irrigated area may be sod.

9) All lots require a private residential sanitary sewer ejection pump, and are noted on this plat. The lot owner should contact S.B.W.R.D. for as–built sanitary sewer lateral invert elevations. Installation, operation, maintenance, repair and the eventual replacement thereof shall be the sole responsibility of the lot owner.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That KT Group, LLC, a Utah limited liability company, the owner of the hereon described tract of land, hereby causes the same to be divided into lots and public streets, as set forth in the above plat, hereafter to be known as the Eagle Pointe Subdivision – Phase IV, subject to the declaration of covenants, conditions, restrictions and reservation of easements for the Eagle Pointe Subdivision – Phase IV, which will be recorded in the offices of the County Recorder of Summit County, Utah, concurrently with the recording of this plat. The Owner, or his representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication. The Owner hereby dedicates to Park City Municipal Corporation Lots 'A' and 'B', the trail easements, and the city streets as shown hereon. The city streets and trail easements are dedicated for the use of the general public. The Owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Service District, and Summit County, a non–exclusive easement over streets, driveways and utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement and to provide emergency services to said Eagle Pointe Subdivision–Phase IV. The owner also hereby dedicates the common area easement to the Eagle Pointe Homeowners Association on Lot 73, as shown hereon, for landscaping purposes.

EXECUTED this 19 day of Dec., 2003.

KT GROUP, LLC, a Utah limited liability company,

Nancy A. Rossman, Manager

ACKNOWLEDGMENT

State of Florida }

County of Orange }

On the 19 day of Dec., 2003 personally appeared before me Nancy A. Rossman who, being by me duly sworn, did say that she is Manager of KT GROUP, LLC, a Utah limited liability company and that the within and forgoing Owner's Dedication and Consent to Record was signed on behalf of said KT GROUP, LLC, and said Nancy A. Rossman duly acknowledged that said Company executed the same.

Notary Public My commission expires:

Karen M Eaton
My Commission DD087129
Expires March 01, 2006

SURVEYOR'S CERTIFICATE:

I, Randy J. Sorenson, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 155696 as prescribed under the laws of the State of Utah. I further certify that a survey has been made of the land shown on this plat and described hereon, and that this plat is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

Randy J. Sorenson

Dec. 16, 2003
Date

LICENSED PROF. LAND SURVEYOR
No. 155696
RANDY J. SORENSON
STATE OF UTAH

GIS–BASIS OF BEARING TRANSLATION:

BASIS OF BEARING: N 89°41'58" W 2650.32 FEET BETWEEN THE SOUTH QUARTER CORNER AND THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BOTH BEING FOUND MONUMENTS.
SITE BENCHMARK: EXISTING 3" ALUM. CAP IN CONCRETE AT SAID SOUTH QUARTER CORNER; ELEVATION = 6722.66' USGS NGVD '29.

SOUTHWEST CORNER SECTION 33:
PROJECT COORDINATE=
N 9998.53
E 9997.97

STATE PLANE COORDINATE=
N 7417515.467
E 1637404.373
UTAH CENTRAL ZONE, NAD 83,
US SURVEY FOOT

SOUTH 1/4 CORNER SECTION 33:
PROJECT COORDINATE=
N 9984.62
E 12648.26

STATE PLANE COORDINATE=
N 7417496.838
E 1640053.794
UTAH CENTRAL ZONE, NAD 83
US SURVEY FOOT

COMBINED SCALE FACTOR :0.99967929
ROTATION ANGLE: –00°05'43"; TRANSLATION AT SOUTH QUARTER CORNER

EAGLE POINTE SUBDIVISION PHASE IV

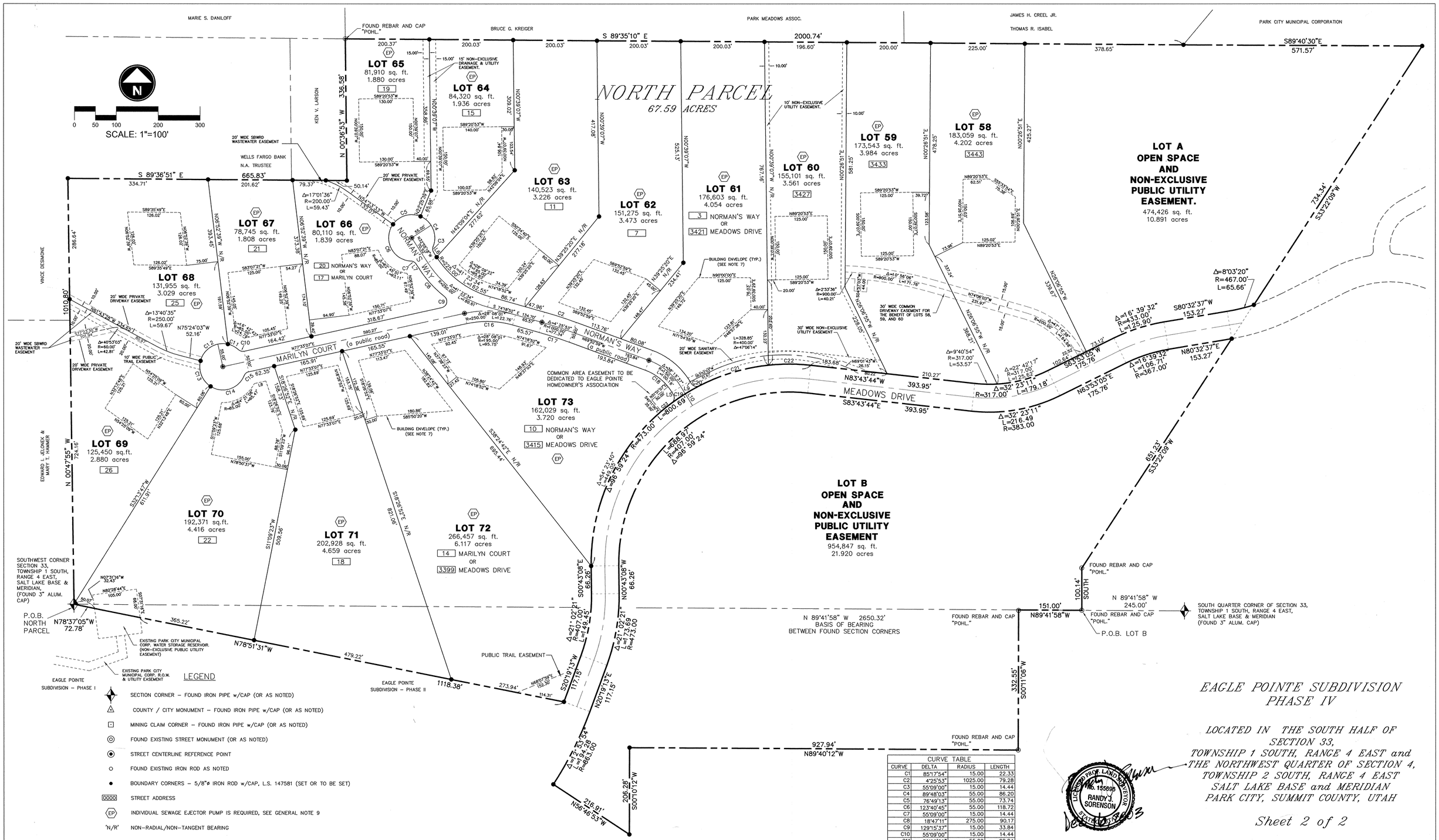
LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST and THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE and MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

Sheet 1 of 2

CITY PLANNING COMMISSION	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CITY ENGINEER	CITY COUNCIL	APPROVAL AS TO FORM	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION, THIS 5th DAY OF January, 2004. PLANNING COMMISSION CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS 23rd DAY OF December, 2003. By S.B.W.R.D.	I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE. JAN 2 2004 DATE PARK CITY ENGINEER	PRESENTED TO THE PARK CITY COUNCIL THIS 4TH DAY OF DECEMBER, 2003, AT WHICH TIME THIS PLAT WAS APPROVED. MAYOR CITY RECORDER	APPROVED AS TO FORM ON THIS 5th DAY OF JANUARY, 2004. CITY ATTORNEY	ENTRY NO. 685992, BOOK —, PAGE —. STATE OF UTAH, COUNTY OF SUMMIT DATE 1-16-2004 TIME 15:37 p.m RECORDED AND FILED AT THE REQUEST OF: First American Title Company $78.00 COUNTY RECORDER

JACK JOHNSON COMPANY
Designing World Destinations
In-Person - 1777 Sun Peak Drive - Park City - Utah 84098
Telephone - 435.645.9000 – Facsimile - 435.649.1620
www.jackjohnson.com

V:\Survey-Projects\072-Rossman\EP-4\Drawings\Final Plats\Plats Revised 12-8-03\EP4-PLAT sht1 rev 12-08-03.dwg, 12/16/2003 12:15:26 PM, R Sorenson



NOTES – ALL PROPERTY CORNERS AND LOT CORNERS SHALL BE 5/8" IRON ROD w/CAP, UNLESS OTHERWISE NOTED.

ALL ROADWAY CENTERLINE CURVES AND BEARINGS ARE RADIAL OR TANGENT UNLESS OTHERWISE NOTED 'N/R'.

ALL LOT LINES ARE PERPENDICULAR AND/OR RADIAL TO ROADWAY CENTERLINES, UNLESS OTHERWISE NOTED 'N/R'.

WHEN NO BEARING IS SPECIFIED FOR A BUILDING ENVELOPE THE LINE HAS THE SAME BEARING AS THE ADJACENT PARALLEL LOT LINE. ALL BUILDING ENVELOPE TIES ARE PERPENDICULAR TO ADJACENT LOT LINE.

LINE TABLE		
LINE	LENGTH	BEARING
L1	64.26	N83°43'44"W
L2	38.85	N65°35'47"W
L3	20.00	N24°24'13"E
L4	99.92	S65°35'47"E
L5	6.38	N31°37'22"W
L6	13.07	S32°55'18"E
L7	13.07	S32°55'18"E
L9	6.38	N31°37'22"W
L10	46.36	N31°37'22"W

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	85°17'54"	15.00	22.33
C2	4°25'53"	1025.00	79.28
C3	55°09'00"	15.00	14.44
C4	89°48'03"	55.00	86.20
C5	76°49'13"	55.00	73.74
C6	123°40'45"	55.00	118.72
C7	55°09'00"	15.00	14.44
C8	18°47'11"	275.00	90.17
C9	129°15'37"	15.00	33.84
C10	55°09'00"	15.00	14.44
C11	30°02'50"	55.00	28.84
C12	88°03'20"	55.00	84.53
C13	72°22'10"	55.00	69.47
C14	99°49'40"	55.00	95.83
C15	55°09'00"	15.00	14.44
C16	28°08'01"	225.00	110.48
C17	4°25'53"	975.00	75.41
C18	38°15'37"	125.00	83.47
C19	85°17'54"	15.00	22.33
C20	85°17'54"	15.00	22.33
C21	20°55'16"	473.00	172.71
C22	12°16'16"	473.00	101.30
C23	3°51'32"	473.00	31.86

EAGLE POINTE SUBDIVISION PHASE IV

LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST and THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE and MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

LICENSED PROF. LAND SURVEYOR No. 155696 RANDY J. SORENSON STATE OF UTAH

Sheet 2 of 2

RECORDED

ENTRY NO. 685998 , BOOK — , PAGE —.
STATE OF UTAH , COUNTY OF SUMMIT
DATE 1-16-2004 TIME 15:37 p.m.
RECORDED AND FILED AT THE REQUEST OF:
First American Title Company
Daniel D Bowen, Deputy
COUNTY RECORDER

JACK JOHNSON COMPANY
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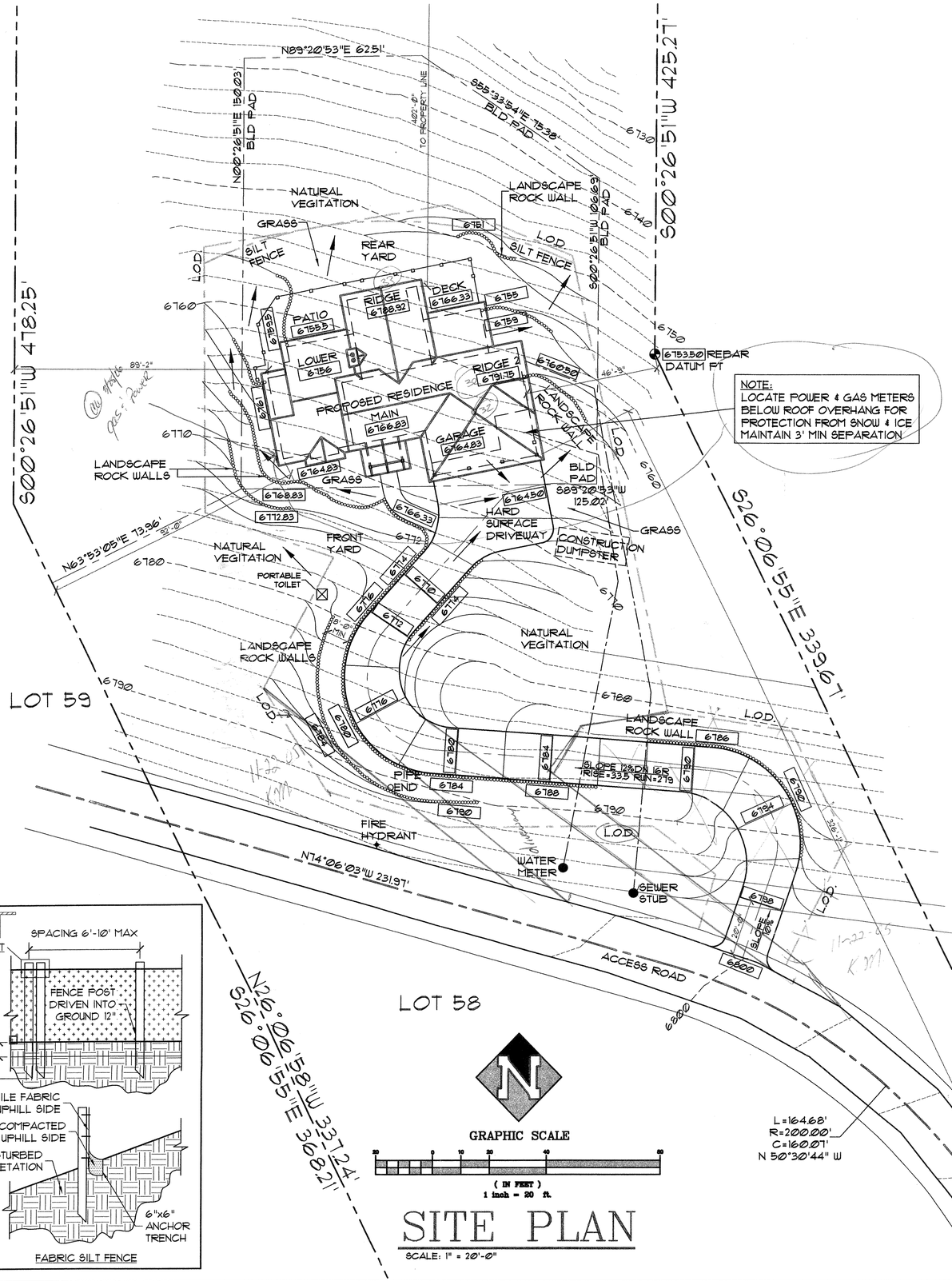
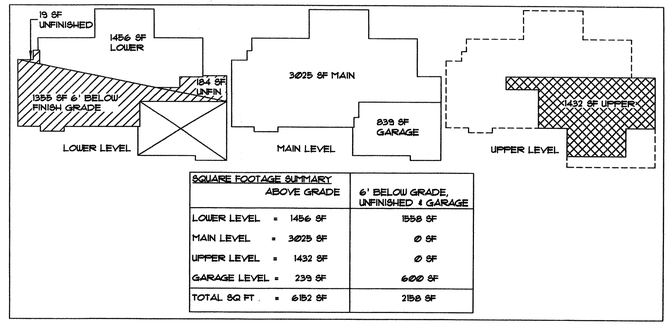


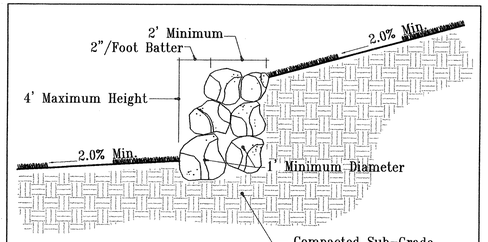


SQUARE FOOTAGE SUMMARY	ABOVE GRADE	6' BELOW GRADE, UNFINISHED & GARAGE
LOWER LEVEL =	1456 SF	1558 SF
MAIN LEVEL =	3025 SF	0 SF
UPPER LEVEL =	1432 SF	0 SF
GARAGE LEVEL =	239 SF	600 SF
TOTAL SQ FT =	6152 SF	2158 SF

LANDSCAPE LEGEND

- 4" EVERGREEN 12'-16' TALL
- 4" ASPEN TREES 12'-16" TALL

SEE PLAN FOR SIZE AND ARRANGEMENT



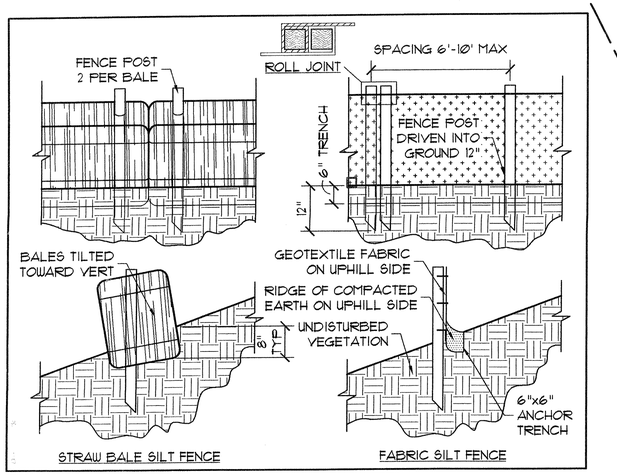
STACKED LANDSCAPE ROCK RETAINING WALL
Not To Scale

NOTE: MODIFIED NFPA 13D FIRE SPRINKLER SYSTEM REQUIRED.

NOTE: PROVIDE GROUND SLOPE OF 2% AWAY FROM BUILDING. BACK SLOPE AS NECESSARY TO PREVENT FLOW OVER PROPERTY LINE. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET.
——→ INDICATES DRAINAGE

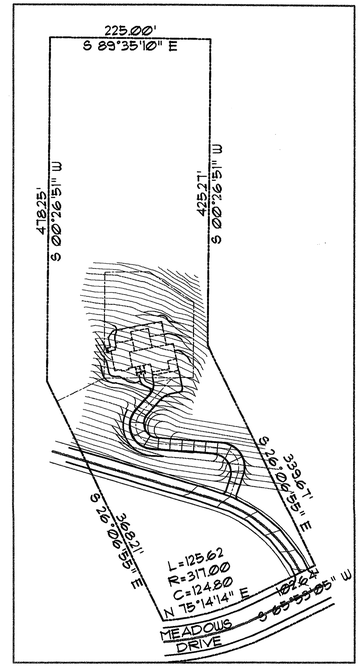
FLOOR ELEVATIONS

LEVEL	PLAN ELEVATIONS		GRADE ELEVATIONS
UPPER	110'-2"	±	6777.00'
UPPER DECK	109'-8"	±	6776.50'
MAIN	100'-0"	±	6766.83'
PORCH/ DECK	99'-6"	±	6766.33'
GARAGE	98'-0"	±	6764.83'
LOWER	89'-2"	±	6756.00'
PATIO	88'-8"	±	6755.50'
DATUM POINT	86'-8"	±	6753.50'
RIDGE HEIGHT 1	122'-1"	±	6788.92'
GRADE AT RIDGE			6756.00'
BUILDING HEIGHT	32'-11"	±	32.92'
MAX HEIGHT	33'-0"		
UNDER MAX BY	±1"		
RIDGE HEIGHT 2	124'-11"	±	6791.75'
GRADE AT RIDGE			6760.00'
BUILDING HEIGHT	31'-9"	±	31.75'
MAX HEIGHT	33'-0"		
UNDER MAX BY	±1'-3"		



SITE PLAN
SCALE: 1" = 20'-0"

PLANNING DEPT. APPROVED
DATE 11.17.05



SITE PLAN
SCALE: 1" = 100'-0"

BRAHMAN BLUEPRINTS
RESIDENTIAL DRAFTING & DESIGN
181 W 100 S * PO BOX 756
MIDWAY, UT 84049 * (435) 654-5334

#	REVISIONS	DATE

ROOFPLAN ON TOPO

LARRY HANSEN
PROPOSED RESIDENCE
EAGLE POINTE LOT 58
PARK CITY, UTAH

Z:\BrahmanBlueprints\PROJECTS\BRAHMAN\2005 Projects\05-04_HANSEN-EP58\DWG\LH-EP58_SITE.DWG NOV 08, 2005

05-04_HANSEN

A1.2

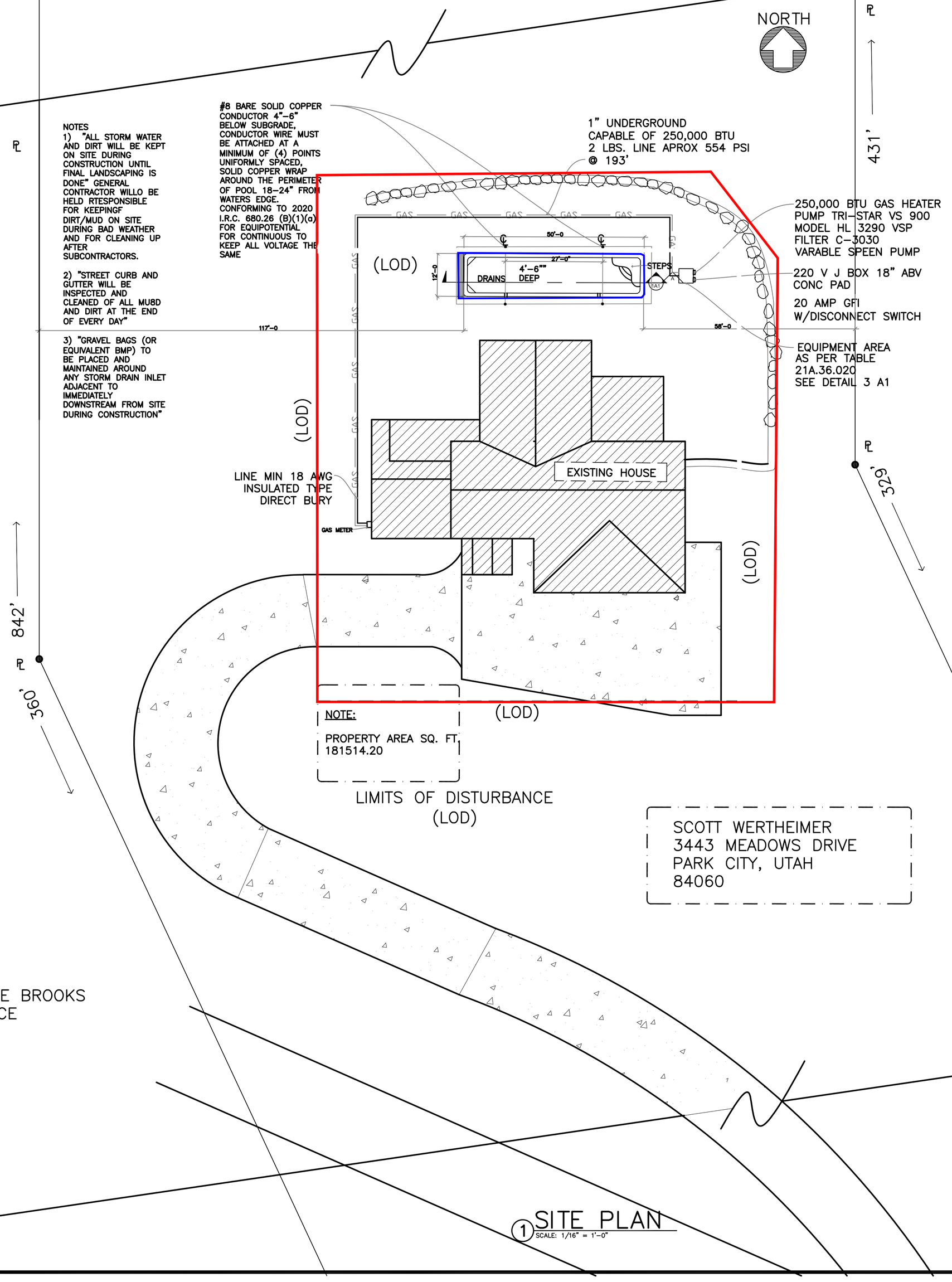
B05-10885

NOTES
1) "ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE" GENERAL CONTRACTOR WILLO BE HELD RTESPONSIBLE FOR KEEPINGF DIRT/MUD ON SITE DURING BAD WEATHER AND FOR CLEANING UP AFTER SUBCONTRACTORS.

2) "STREET CURB AND GUTTER WILL BE INSPECTED AND CLEANED OF ALL MU8D AND DIRT AT THE END OF EVERY DAY"

3) "GRAVEL BAGS (OR EQUIVALENT BMP) TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN INLET ADJACENT TO IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION"

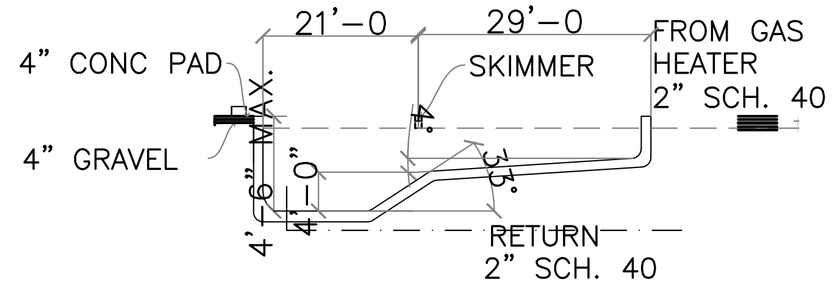
④ SITE NOTES
N.T.S.



① SITE PLAN
SCALE: 1/16" = 1'-0"

OPEN SPACE
NO RESIDENCE

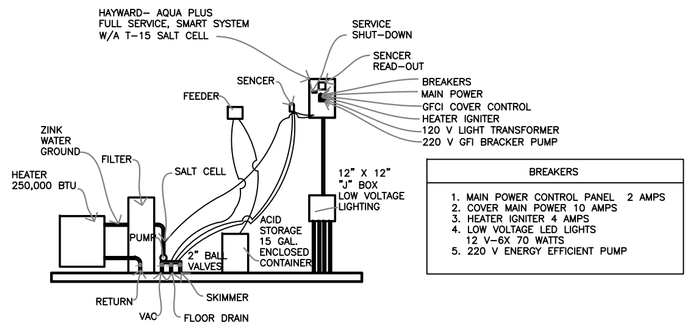
REFER TO ENGINEERING FOR STRUCTURAL DETAIL



② POOL DETAIL
SCALE N.T.S..

NOTE:

"PVC" PIPING OUTSIDE SHALL BE PROTECTED FROM "U.V." OR BE LISTED FOR SUCH EXPOSURE.



EQUIP. AREA
③ EQUIPMENT AREA DETAIL
SCALE: N.T.S.

General Notes

ROBERT LANTHEIR
CONTRACTOR

Revision/Issue	Date
ADDED "LOD"	11/19/24

Ron Mace designs — PLANNING DRAFTING
2019 W. 1800 N.
PROVO, Utah 84601
(435) 632-0568
radour@xtremenet.com

Project Name and Address
SCOTT WERTHEIMER
3443 MEADOWS DRIVE
PARK CITY, UTAH
84060

JOB NUMBER: --
DATE: AUG. 22,2024
DRAWN BY: R.L.MACE
Scale: AS NOTED
SHEET: A-1A

Project Description

- The project is constructing a 50 x 12 inground swimming pool at my private residence at 3443 Meadows Drive in Park City.

- The residence is in a residential neighborhood with only one, distant neighbor and the pool will fit in perfectly with the surroundings.

- Constructing a pool is consistent with my property's zoning district and general plan, as well as the Eagle Point HOA.

- There are other homes in my neighborhood / HOA with an inground pool. I have seen one, with which my proposed pool would be consistent with / similar to.

- A pool would be entirely suitable for my property, which has over 4 acres and an abundant amount of space surrounding the planned pool location.

- The pool's heater and filter will periodically emit a low level of noise, which will be undetectable to my one and only neighbor given the equipment will be located on the side of my house that is opposite his house.

- Neither the pool or its mechanical equipment will emit any glare, dust, pollutants or odor.

- The pool will be for my periodic personal use, there will be no employees.

- There are no known special issues that need to be mitigated. The pool contractor believes it will be a relatively straight forward project.

Ordinance No. 03-48

AN ORDINANCE APPROVING A FINAL SUBDIVISION FOR EAGLE POINTE IV, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Eagle Pointe IV have petitioned the City Council for approval of the subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 12, 2003, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on November 12, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 4, 2003 the City Council approved the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located along Meadows Drive and is also known as the North Slope of the Quarry Mountain Master Planned Development (MPD). The property is zoned Residential Development - RD-MPD. The property is vacant.
2. On April 28, 1994, the Quarry Mountain MPD was approved along with the North Slope Preliminary Plat.
3. The April 28, 1994 preliminary plat approved 19 lots. The June 25, 2003 amended preliminary plat is for 16 development lots and two open space lots that will be dedicated to Park City Municipal Corporation.
4. The Planning Commission approved the amended preliminary plat on June 25, 2003.
5. Access from Meadows Drive is on a single road terminating in two cul-de-sacs. These streets will be dedicated to the City.
6. The streets exceed the recommended 650 foot length.

7. The decrease in the amount of grading and visual impact with the changed road configuration and fire sprinkling to a modified 13-D standard mitigates the over-length street.
8. Vehicular access to four adjoining property owners is granted by deed. A 20-foot wide easement is dedicated for abutting property owners.
9. Building pad sites are situated so that a standard height house for the zone (33 feet with a pitched roof) will not break the ridgeline from the designated vantage point.
10. Open Space Parcels One and Two are proposed to be dedicated to the City.
11. The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Conclusions of Law:
1. There is good cause for the subdivision.
2. Neither the public nor any person will be materially injured by the proposed subdivision.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.
4. The proposed final subdivision plat is consistent with the preliminary plat approved by the Planning Commission on June 25, 2003.

Conditions of Approval:
1. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. This approval shall expire one year from the date of City Council approval, unless this subdivision is recorded prior to that date.
3. A note shall be added to the plat requiring all homes to be fire sprinklered to the Modified 13-D standard.
4. The Conditions of Approval for the Quarry Mountain Master Planned Development remain in full force and effect.
5. Lots 58, 59, and 60 are to have a shared driveway.
6. Access to the four adjacent properties is by 20-foot wide easements. Access to the Desimone property shall closely follow the historical access in a manner acceptable to the City Engineer and Fire Marshall.

All trails identified in the Quarry Mountain MPD are required to be installed or financially secured for installation prior to first building permit of this last phase of the MPD.

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

PASSED AND ADOPTED this 4th day of December, 2003.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Janet M. Scott, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney

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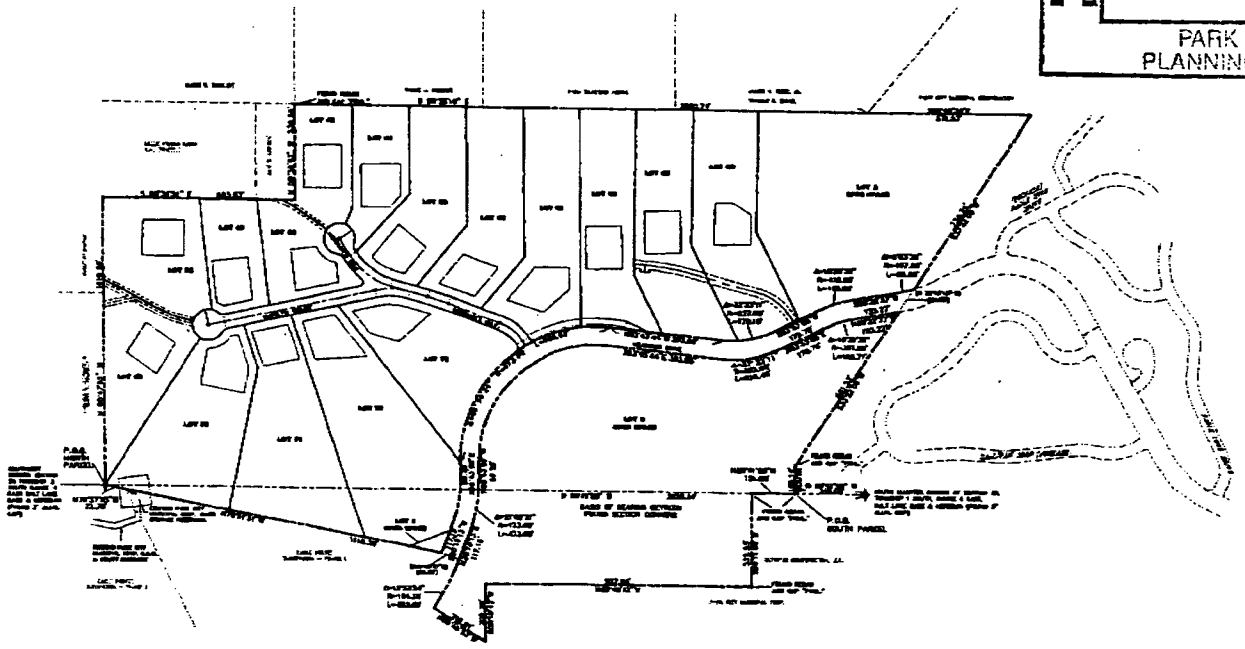
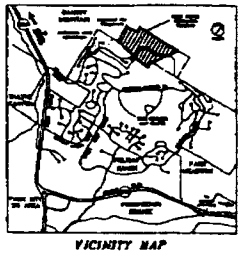
PARK CITY
PLANNING DEPT.





VICINITY MAP

SCALE: 1"=60'

MAXIMUM HOUSE SQUARE FOOTAGE TABLE

LOT NO.	SITE AREA	MAX. H. FOOTAGE
1	13,000	7,000
2	13,000	7,000
3	13,000	7,000
4	13,000	7,000
5	13,000	7,000

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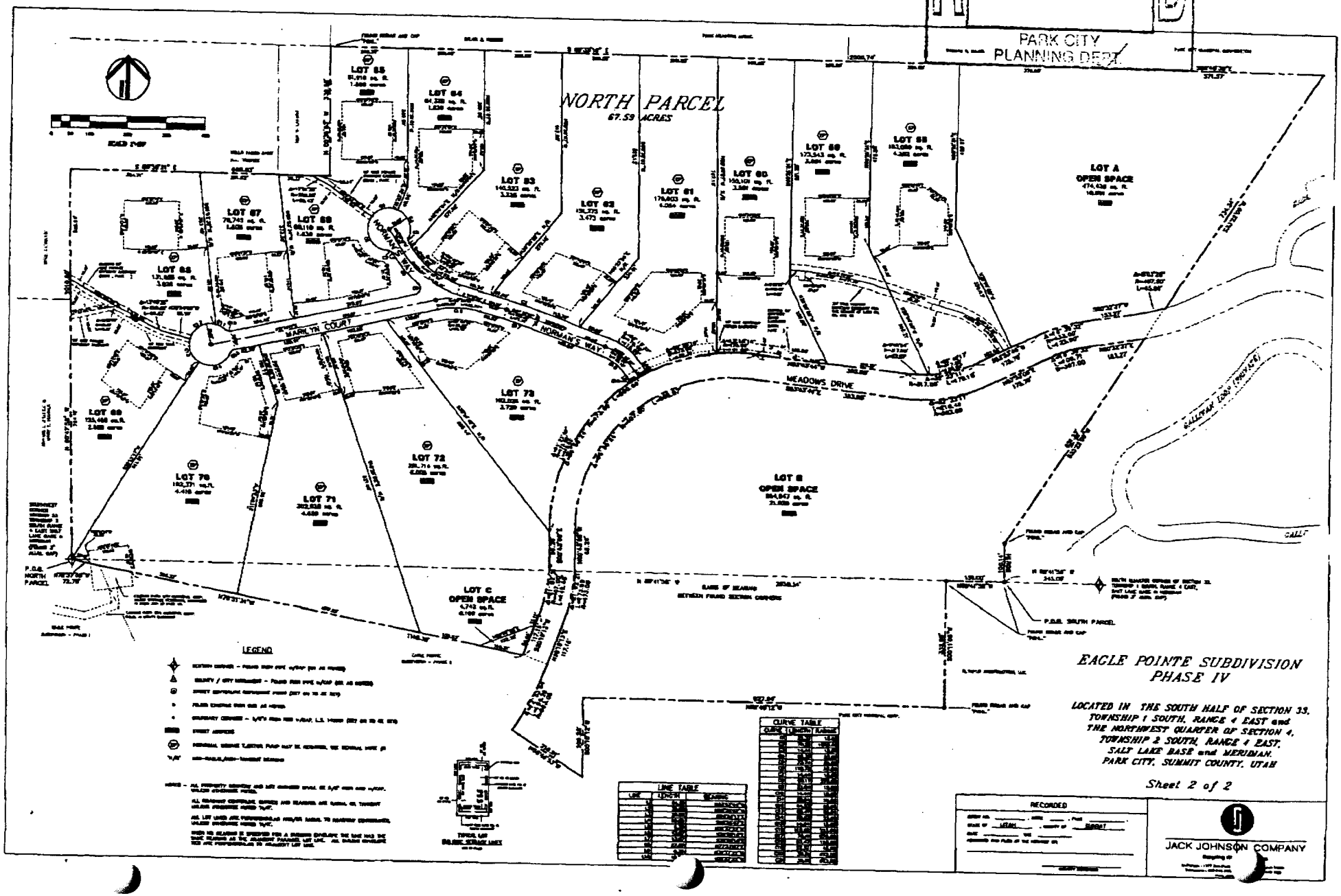
PARK CITY
PLANNING DEPT.



EAGLE POINTE SUBDIVISION PHASE IV

LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST and THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE and MERIDIAN. PARK CITY, SUMMIT COUNTY, UTAH

Sheet 2 of 2

EXHIBIT B

Nora Seltenrich clarified amendments to the conditions. For the record, the revised conditions are as follows:

QUARRY MOUNTAIN - FINDINGS AND CONDITIONS FOR ALTERNATIVE 4B - MODIFY THE PLANNING COMMISSION ACTION

APPROVED BY CITY COUNCIL, APRIL 28, 1994

Findings:

1. The requested appeal has been duly noticed, public input provided for and opportunity given for the applicant to present the appeal; and

2. In the interest of salvaging the time and energy spent on, and the progress reflected in, the November 1993 settlement agreement, the City has attempted to accommodate all technical deficiencies presented by alternative 4 by imposing several specific conditions of approval on the project. While staff would like a greater commitment from the developer in several aspects, given the time constraints on the process, we have built in flexibility for lot layout and unit configurations in the interest of seeing the settlement process come to fruition; and

3. This approval addresses the criteria set forth in Section 10 of the Land Management Code.

Conditions:

1. This approval is for a maximum of:

-63 single family parcels in the South Slope area which shall be subject to Floor Area Ratios consistent with the surrounding neighborhoods and shall be determined at the time of preliminary plat review

-19 single family parcels in the North Slope area

-118 multi-family parcels in the East Cove area

Variations to this configuration may be considered under the following terms:

-The East Cove area may be allowed increased density above 118 units in a multifamily configuration if density is transferred from the North Slope area. For every parcel eliminated in the North Slope area, 2 multifamily units may occur in East Cove. If density transfer is to occur, the first lots to be eliminated in the North Slope area shall be lots 1, 4, 5 and 6 (in that order). Any areas not developed as a result of

density transfer shall remain as open space.

The final configuration of the density shall be decided prior to plat recordation for any portion of the development.

2. Prior to plat recordation for any portion of this development, final subdivision layout, lot size, building envelope, lighting restrictions and standards and house size shall be reviewed and approved by the Planning Commission. Visual analysis shall be required for the South Slope and North Slope areas and ridgeline encroachment shall not occur in accordance with the sensitive lands ordinance and the visual analysis submitted by the applicant.

3. The MPD shall be required to be phased. A final phasing plan shall be required to be submitted and approved by the Planning Commission prior to plat recordation for any portion of the project. The phasing plan shall include provisions requiring minimum buildout or % sales prior to moving on the subsequent phases. The phasing plan must insure the efficient extension of City services and facilities.

4. Meadows Drive shall be completed by the developer when it is necessary for fire access reasons. Based upon the phasing plan now under review, phase 1 can be developed without completion of this road. The applicant will be required to provide a 20 foot wide emergency connection concurrent with construction of phase 2. This connection shall be improved to provide adequate year round access, subject to approval of the Park City Fire Marshall. The developer will be required to maintain the road to the satisfaction of the Fire Marshall, which shall include snow removal. The full improvement of Meadows Drive will be required no later than concurrently with what is now being shown as Phase 3. The precise schedule shall be determined in the final phasing plan.

5. Prior to plat recordation for any portion of the development, the applicant will address access to adjacent property owners. Access will be provided when there is a legal right to such access and as provided in the Park City Land Management Code.

6. During the site specific review of the South Slope area, every attempt will be made by the developer to provide adequate access for fire purposes. Dwellings shall be required to have interior and exterior fire sprinklers. No wood roofs will be allowed in the Quarry Mountain MPD.

7. The developer must demonstrate adequate water pressure and storage for culinary and fire protection purposes prior to site specific approval and plat recordation for any portion of the MPD. The culinary standard shall be 40 pounds per square inch unless a lower pressure is specifically authorized by the Public Works

Director. If a water tank is required to meet this standard, it shall be a minimum of 500,000 gallons. The water system shall be designed to the satisfaction of the Public Works Director and the City Engineer. Consistent with current City requirements, any new tank must be buried.

8. Sewer shall be provided in such a way as to minimize visual impact. Further, the sewerage plan must be reviewed and approved by the Snyderville Basin Sewer Improvement District prior to plat recordation for any portion of the MPD.

9. A final trails plan shall be submitted which shall be consistent with the Trails Master Plan and approved prior to site specific approval and plat recordation for any portion of the project. All trails shall be non-motorized. That trails plan shall provide:

-A major trail (8 ft of hard surface and 2 ft of soft surface) connecting the west side of Meadows Drive to the east side. This trail shall connect to existing trails and dirt roads and shall connect to the Risner Ridge subdivision via the access easement which exists at the end of Ashley Ave. The public access easement for this trail shall be 25 feet in width when practical.

-A major soft surface trail (8 ft in width) which runs north and south through the property and connects to the Park Meadows Golf Course and existing dirt trails leading to Round Valley and Old Ranch Road. The public access easement for this trail shall be a minimum of 25 feet where practical. An additional open space easement shall be required for an additional 10 feet on each side which shall restrict the construction of fences or structures.

All trail easements shall be dedicated prior or concurrent with plat recordation for any portion of the MPD.

10. As a part of site specific review and plat review for the South Slope area, the Planning Commission and developer shall agree to existing grade in the Quarry area for purposes of measuring building height.

11. Concurrent with the development in the South Slope area, the intersection of American Saddler Drive and Meadows Drive shall be reconstructed to City standards.

12. Park City will credit prepaid water connection and water development fees for a maximum of 200 units. These prepaid fees shall not be transferable outside the development and shall replace the 588 culinary waivers held by the developer. To the extent the

applicant transfers densities as allowed in the approval, the applicant shall pay the usual and customary water connection and development fees for all units in excess of 200.

13. Lot 19 in the North Slope will be decreased in size to 5 acres and the developer shall dedicated the remaining 14 acres to the City as Open Space.

Ruth Gezelius, "I move that we uphold the basic Planning Commission approval of the MPD on the Quarry Mountain, adopting the modifications suggested by staff as dated today, Option 4C clarifying that a total number of units not to exceed 200 which will be in the configuration and density allocation outlined in the condition with all of the Conditions 1 through 13 with one additional sentence on Condition No. 4 after the word "Fire Marshal", the developer would maintain road and provide snow removal to a standard acceptable to the Park City Fire Marshal". Leslie Miller seconded. City Attorney Hoffman stated that it is the intent to allow transfers at a 1:2 ratio from the north slope to the east cove and Ms. Gezelius indicated that she would strike the 200 unit limit language from her the motion. Leslie Miller seconded the amended motion. Motion carried unanimously.

XII ADJOURNMENT

With no further business, the meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

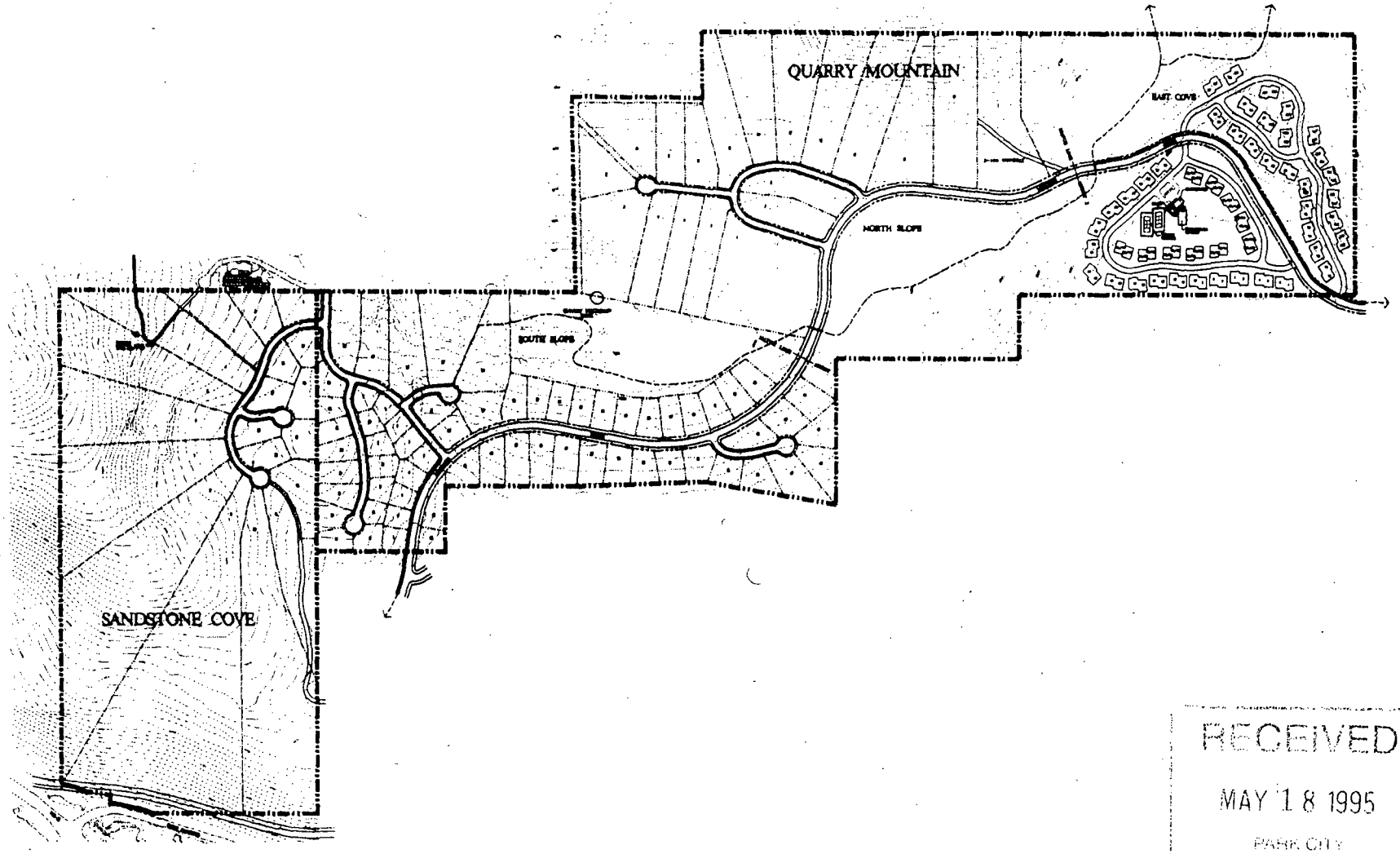
The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; Rick Lewis, Community Development Director; and Jodi Hoffman, City Attorney. Special counsel David Olson, Mark Gaylord and Gordon Strachan attended portions of the closed session. Ruth Gezelius, "I move to close the meeting to discuss litigation". Roger Harlan seconded. Motion unanimously carried.

The meeting opened at approximately 4:15 p.m.

* * * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



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MAY 18 1995
PARK CITY
PLANNING DEPT

THE JACK JOHNSON COMPANY

QUARRY MOUNTAIN & SANDSTONE COVE

PROPOSED MASTER DEVELOPMENT PLANS

NORTH

Planning Commission
Staff Report

Subject: **Parcels PCA-S-79-B and PCA-S-79-C**
Application: **PL-24-06306**
Author: **Virgil Lund, Planner II**
Date: **February 12, 2025**
Type of Item: **Extension of Rezone Approval**

Recommendation

(I) Review the request to:

- Amend Ordinance No. 2023-03 Condition of Approval 13 to extend for two years the sunset clause to rezone a six-acre pod within Parcel PCA-S-79-C (also known as a Bransford Parcel) from Recreation and Open Space to Estate.

- If the extension is granted, consider whether final Subdivision review should be the Planning Commission or City Council.

- Amend Ordinance No. 2023-03 Conditions of Approval 3, 4, 7, and 8 to allow approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on Parcels PCA-S-79-B and PCA-S-79-C (the Bransford Parcels).

(II) Conduct a public hearing.

(III) Consider forwarding a positive recommendation for City Council review on February 27, 2025, to extend the sunset clause.

(IV) Consider forwarding a recommendation for City Council review on February 27, 2025, regarding final Subdivision review.

(V) Consider forwarding a recommendation for City Council review on February 27, 2025, regarding the Applicant's request to allow approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on Parcels PCA-S-79-B and PCA-S-79-C.

Description

Applicant:	Bransford Land Company
Location:	Parcels PCA-S-79-B and PCA-S-79-C
Zoning District:	Recreation and Open Space with a potential rezone to Estate for a limited six-acre pod within Parcel PCA-S-79-C if certain conditions are met before the sunset clause.

Adjacent Land Uses:	Recreation Open Space
Reason for Review:	Ordinance amendments related to rezones require a recommendation by the Planning Commission and Final Action by City Council.[1]

LMC	Land Management Code
ROS	Recreation and Open Space

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

Parcels PCA-S-79-B (~19 acres) and PCA-S-79-C (~19 acres), known as the Bransford Parcels, were included in the 1,750 acres of property annexed into Park City Municipal under the 1999 Flagstaff Development Agreement (1999 DA). At the time of annexation, the Bransford Parcels were zoned Recreation and Open Space (ROS).

In 2021, the Bransford's requested a rezone for six acres within Parcel PCA-S-79-C from ROS to Estate to allow for a two-lot Subdivision and development of two Single-Family Dwellings.

The Planning Commission discussed the rezone during five meetings in 2022:

- April 13, 2022 work session: Staff and the Applicant presented preliminary and background information pertinent to the requested rezone. The discussion was focused on utilities, access, private road construction, and easements (Packet, Item 5A; Minutes, p. 4).
- June 15, 2022 public hearing: The Applicant presented conceptual plans which included private road options, conservation easements, utility locations, and proposed locations for Single-Family Dwellings. The Commission opened a public hearing and continued the discussion to August 10, 2022 (Packet, Item 4B; Minutes, p. 12).
- August 10, 2022 work session: Staff introduced the Condition of Approval regarding the sunset clause and the Applicant agreed but mentioned that given the challenges with access, they may seek an extension. The Commission raised additional concerns regarding access, density, slopes, and the size of the Single-Family Dwellings (Packet, Item 6A; Minutes p. 4).
- November 9, 2022 public hearing: Staff recommended a Condition of Approval that the sunset clause be three years, with an opportunity for one two-year extension. The Applicant agreed. The Commission discussed with the Applicant the issue surrounding access to the parcel and the proposed Subdivision. The Commission continued the rezone for more discussion at a subsequent meeting (Packet, Item 5E; Minutes, p. 51).
- December 14, 2022 public hearing: The Commission expressed concern regarding residential development without access and provided input that they would prefer to review the Subdivision within a reasonable timeframe, so a new

[1] LMC § 15-1-8

Commission did not have to review a Subdivision for this property without background. The Commission preferred that a sunset clause not have an outright extension guaranteed, but that the Applicant should be required to come before the Commission and City Council and explain why an extension is required. The Commission forwarded a positive recommendation to the City Council with the Condition of Approval that the sunset clause be set for two years from the date of City Council Final Action (Packet, Item 7A; Minutes, p. 4).

The City Council held two meetings.

- January 24, 2023 public hearing: The City Council requested information on other instances where a rezone was approved prior to Subdivision approval (Packet, Item 5.1; Minutes, p. 5).
- April 27, 2023 public hearing: The staff report included a summary of the process by which properties that are annexed into the City often undergo a rezone request and then approval of a Subdivision. The City Council approved Ordinance No. 2023-03 with no changes to the sunset clause (Packet, Item 7.3; Minutes, p. 14).

The map below shows the six-acre pod approved to be rezoned from ROS to Estate if certain conditions are met before the sunset clause, the remaining ROS areas to be included in a conservation easement, and the areas dedicated as a ski easement.

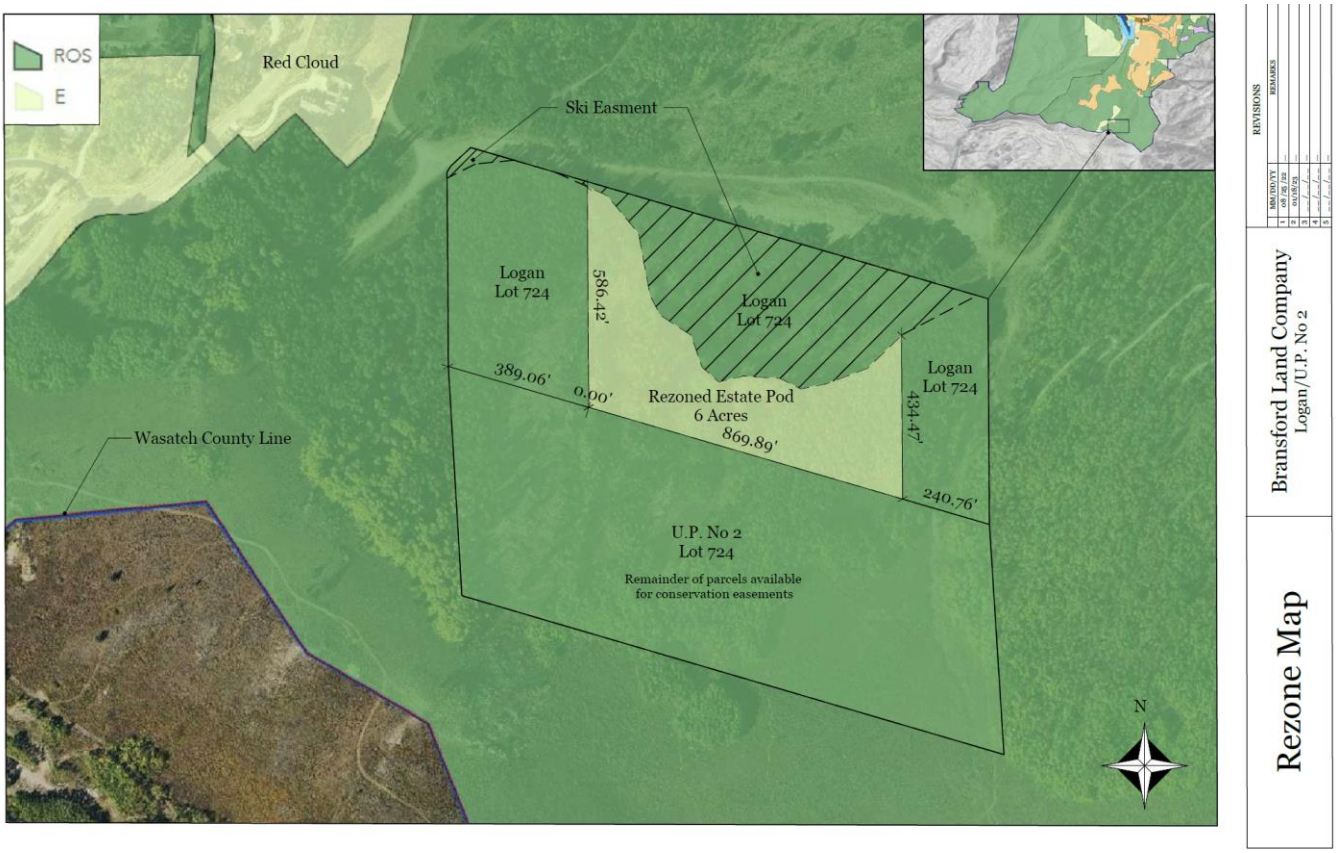


Figure 1: Rezone Map from April 27, 2023, City Council Staff Report

Analysis

(I) The Applicant requests amending Ordinance No. 2023-03 Condition of Approval 13 to extend for two years the sunset clause to rezone a six-acre pod within Parcel PCA-S-79-C (also known as a Bransford Parcel) from Recreation and Open Space to Estate.

For the rezone to take effect prior to the sunset clause, Ordinance 2023-03 required the Applicant to:

- Secure access (Condition of Approval 2).
- Record a Conservation Easement for the remaining ROS acreage for Parcel PCA-S-79-B and PCA-S-79-C (Condition of Approval 3).
- Submit a Tree Preservation and Replacement Plan from a licensed Arborist is required (Condition of Approval 4).
- Submit a Subdivision to be approved and recorded within two years of the rezone approval (Condition of Approval 13).

The Applicant explains they were not able to finalize plans for access during the past 18 months due to pending litigation. The Applicant's narrative notes the litigation is over, and the Applicant is hopeful they will be able to work out access to the six-acre pod across neighboring property. Without an extension granted by the City Council, the zoning for the six-acre pod within Parcel PCA-S-79-C will revert to ROS on April 27, 2025.The Applicant requests a two-year extension of the sunset clause by adding the language below in red:

Condition of Approval 13:

> "The approval of this Zone Change is subject to a two-year Sunset Clause. If the Applicant has not received an extension of the Sunset Clause and/or an approval for a Subdivision Plat by City Council within the allotted amount of time from date of City Council action, the Zoning will revert back to Recreation and Open Space (ROS)."

(II) If the extension is granted, staff recommends the Planning Commission consider whether final Subdivision review should be the Planning Commission or City Council.

Since Ordinance No. 2023-03 approving the rezone was adopted, the City Council enacted Ordinance 2023-49 shifting final Subdivision review from City Council to the Planning Commission. The Planning Commission may recommend to the City Council that if an extension is granted, Condition of Approval 13 be modified to shift final Subdivision review for Parcels PCA-S-79-B and PCA-S-79-C from the City Council to the Planning Commission.

(III) The Applicant requests amending Ordinance No. 2023-03 Conditions of

Approval 3, 4, 7, and 8 to allow approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on Parcels PCA-S-79-B and PCA-S-79-C (the Bransford Parcels).

The Application requests amendments to Conditions of Approval 3, 4, 7, and 8 to allow approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of (a tipping site) on Parcels PCA-S-79-B and PCA-S-79-C (Exhibit C).

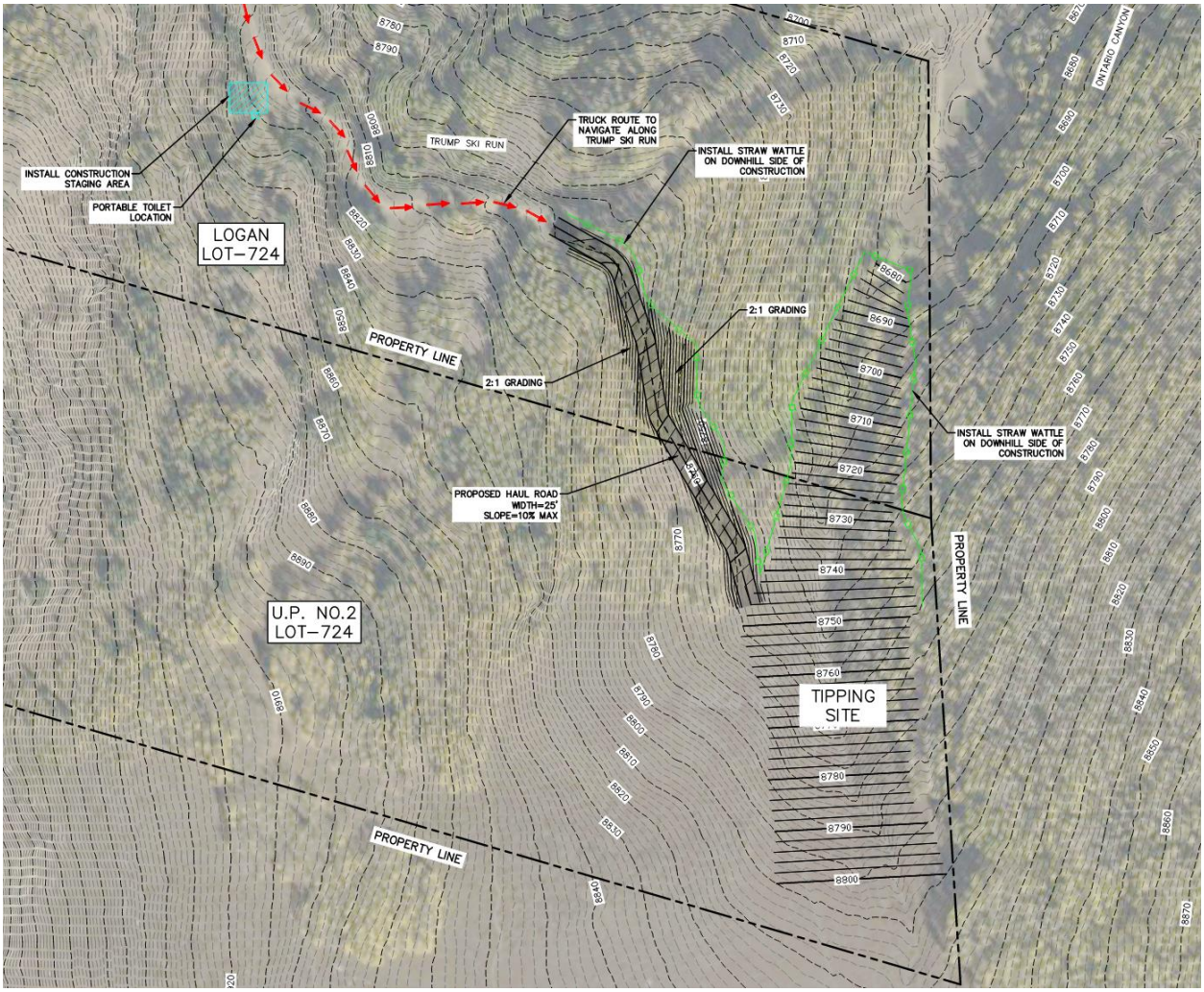


Figure 2: Proposed Tipping Site

Currently, Parcels PCA-S-79-B and PCA-S-79-C are in the ROS Zoning District.

ROS Zoned Tipping Sites:

- Two Parcels located off Twisted Branch Road, known as the “Hot Creek” site
- Period No. 1 and No. 5 Mining Claim – MS 6567 (Ontario Ski run, on the boundary with the Bransford Parcels)
- O.K. and LE Mining Claims (Just south of the existing Deer Valley snow making

pond)
- City water tank site in lower Empire Canyon

RD Zoned Tipping Sites:
- VEPN Lot 1 (now developed as the Moonshadow condominiums)
- B2 East subdivision (now developed and under construction as the Sommet Blanc Condominiums)

Ordinance 2023-03 Condition of Approval 2 states:

> "The maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been approved by City Council and recorded."

The Flagstaff Technical Report #15 requires a building permit for grading to be submitted for all tipping sites, with the following information:
- Existing conditions survey and topography
- Grading plans
- Storm water and drainage plans
- Erosion control plans consistent with SWPP requirements
- Significant Vegetation and re-vegetation plans
- Certified forester or arborist report if applicable
- City approval for any relocated public trails
- Access routes

The Applicant proposes the following amendments to Conditions of Approval 3, 4, 7, 8 to enable the tipping site:

Condition of Approval 3:

> "Consistent with the permitted Uses of the ROS zone, this approval, and the potential approval of new tipping sites and potential development of new Ski Runs (proposed by The Empire Pass Master Owners Association that are consistent the relevant portions of the recorded Flagstaff Annexation Agreement), the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six Estate zoned acres prior to Subdivision recordation; such Conservation Easement may permit relocating soil pursuant to Tipping and/or Grading permits issued by the City or may exclude the property intended for such soil relocation (the "Tipping Sites"). Limits of any other Disturbance are limited to the 6-acres and the Tipping Sites and shall include the driveway area. Minor adjustments to the Conservation Easement and Zoning Map shall conform to the final Subdivision Approval. Lot lines on the attached map shall be eliminated."

Condition of Approval 4 proposed amendments:

> "The Applicant shall submit a Tree Preservation and Replacement Plan from a licensed Arborist to the Planning Director with the subdivision plat application that identifies Significant Vegetation in the Estate zoned portion of the lot and any Significant Vegetation to be removed for development, and the Engineered plans for the proposed Tipping Sites and the associated construction mitigation requirements, including for access and driveway areas."

Condition of Approval 7 proposed amendments:

> "The Applicant shall maintain and grant easements for existing bike and ski trails located on the property as well as any potential new ski trails that may be proposed at the time of plat recording. Existing and/or new bike and ski trails shall not be impacted by development or access. If any bike trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager and must be approved with the Subdivision Plat."

Condition of Approval 8 proposed amendments:

> "The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD) as well as any proposed Tipping Sites."

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 8, 2025. Staff mailed courtesy notice to property owners within 300 feet on January 8, 2025. The *Park Record* published courtesy notice on January 8, 2025.[2]

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

Rezone Extension Request

- The Commission may forward a positive recommendation for City Council review on February 27, 2025, to amend Conditions of Approval to extend the sunset clause for two years.
- The Commission may forward a negative recommendation for City Council review on February 27, 2025, to amend Conditions of Approval to extend the sunset clause extension and direct staff to draft Findings for this recommendation.

[2] LMC § 15-1-21

- The Commission may request additional information and continue the discussion to a later date.

Subdivision Final Action

- The Commission may forward a positive recommendation for City Council review on February 27, 2025, to shift Subdivision final review from the City Council to the Planning Commission.
- The Commission may forward a negative recommendation for City Council review on February 27, 2025, to shift Subdivision final review from the City Council to the Planning Commission and direct staff to draft Findings for this recommendation.
- The Commission may request additional information and continue the discussion to a later date.

Tipping Site Modifications

- The Commission may forward a positive recommendation for City Council review on February 27, 2025, to amend Conditions of Approval to allow approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on Parcels PCA-S-79-B and PCA-S-79-C.
- The Commission may forward a negative recommendation for City Council review on February 27, 2025, to amend Conditions of Approval to allow approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on Parcels PCA-S-79-B and PCA-S-79-C, and direct staff to draft Findings for this recommendation.
- The Commission may request additional information and continue the discussion to a later date.

Exhibits

Exhibit A: Draft Ordinance 2025-XX
Exhibit B: Applicant's Narrative
Exhibit C: Proposed Tipping Site

Ordinance No. 2025-XX

AN ORDINANCE APPROVING AN AMENDMENT TO AND EXTENSION OF ORDINANCE NO. 2023-03, A ZONING MAP AMENDMENT TO REZONE A SIX (6) ACRE POD FROM RECREATION AND OPEN SPACE (ROS) TO ESTATE (E) FROM A PORTION OF PCA-S-79-C (THE BRANSFORD PROPERTY, ALSO KNOWN AS THE LOGAN PARCEL), PARK CITY, UTAH, SUBJECT TO SUBDIVISION PLAT APPROVAL PRIOR TO APRIL 27, 2027

WHEREAS, Parcel PCA-S-79-C, a 19.8-acre parcel, and Parcel PCA-S-79-B, and 19.8-acre parcel, are owned by the Bransford Land Company;

WHEREAS, the Bransford Land Company petitioned the City Council to rezone six acres of Parcel PCA-S-79-C from Recreation and Open Space to Estate, to create two three-acre pods for the future construction of two Single-Family Dwellings, with each Single-Family Dwelling located on one three-acre pod;

WHEREAS, on April 13, 2022, June 15, 2022, and August 10, 2022, the Planning Commission conducted duly noticed work sessions to review the proposed rezone;

WHEREAS, on November 9, 2022, and December 14, 2022, the Planning Commission held a duly noticed public hearing;

WHEREAS, on December 14, 2022, the Planning Commission forwarded a positive recommendation to the City Council;

WHEREAS, on January 24, 2023, and April 27, 2023, the City Council held public hearings and on April 27, 2023, the City Council adopted Ordinance No. 2023-03 approving the rezone;

WHEREAS, on October 10, 2024, the Applicant requested to modify the sunset clause to allow for an additional two years to receive approval of and record a Subdivision Plat for the six-acre pod,

WHEREAS, the Applicant proposes amendments to Conditions of Approval to allow for approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on Parcels PCA-S-79-B and PCA-S-79-C (a tipping site),

WHEREAS, on February 12, 2025, the Planning Commission held a duly noticed public hearing and forwarded a _____ recommendation to the City Council to approve the two-year extension of the sunset clause and amend the Conditions of Approval to allow for a tipping site,

WHEREAS, the City Council held a public hearing on February 27, 2025 to consider the Ordinance approving the two-year extension of the sunset clause and the modification to Conditions of Approval 3, 4, 7, 8 and to allow a tipping site,

WHEREAS, the proposed zoning map amendment is consistent with the purposes of the Utah Municipal Land Use, Development, and Management Act, Utah Code Section 10-9a-102:

The purposes of this chapter are to:

a. provide for the health, safety, and welfare;
b. promote the prosperity;
c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
d. protect the tax base;
e. secure economy in government expenditures;
f. foster the state's agricultural and other industries;
g. protect both urban and nonurban development;
h. protect and ensure access to sunlight for solar energy devices;
i. provide fundamental fairness in land use regulation;
j. facilitate orderly growth and allow growth in a variety of housing types; and
k. protect property values.

WHEREAS, it is in the best interest of Park City, Utah to rezone a six-acre pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C in Park City, Utah, as conditioned;

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

SECTION 1. APPROVAL. The Conceptual Zoning Map Amendment to rezone a six-acre pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Parcel PCA-S-79-C (the Bransford Parcel, also known as the Logan Parcel) contains 19.8 acres and is currently zoned Recreation Open Space.
2. The Applicant proposes to rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate to create two (2) three-acre pods to accommodate the development of two Single-Family Dwellings, one for each three-acre pod.
3. Parcel PCA-S-79-C is in the Sensitive Land Overlay Zone and development must comply with the regulations of Land Management Code Chapter 15-2.21.
4. Prior to the annexation into Park City in 1998, the Snyderville Basin Development Code located the existing parcels in the West Mountain neighborhood within the Mountain/Remote Area.

5. The Bransford Parcels were included in the 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement.
6. After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.
7. The Applicant's proposed Zone Change to Estate (E) will allow the development of two Single Family Dwellings.

Conclusions of Law:

1. The Zoning Map Amendment request is consistent with the Park City General Plan and the Land Management Code, including Section 15-1-7(B)(2).
2. The Zoning Map Amendment is consistent with applicable state law.
3. The Zoning Map Amendment furthers the purposes of Utah Code Section 10-9a-102.

Conditions of Approval:

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. The maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been approved by City Council and recorded.
3. Consistent with the permitted Uses of the ROS zone, this approval, and the potential approval of new tipping sites and potential development of new Ski Runs (proposed by The Empire Pass Master Owners Association that are consistent the relevant portions of the recorded Flagstaff Annexation Agreement), the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six Estate zoned acres prior to Subdivision recordation; such Conservation Easement may permit relocating soil pursuant to Tipping and/or Grading permits issued by the City or may exclude the property intended for such soil relocation (the "Tipping Sites"). Limits of any other Disturbance are limited to the 6-acres and the Tipping Sites and shall include the driveway area. Minor adjustments to the Conservation Easement and Zoning Map shall conform to the final Subdivision Approval. Lot lines on the attached map shall be eliminated.
4. The Applicant shall submit a Tree Preservation and Replacement Plan from a licensed Arborist to the Planning Director with the subdivision plat application that identifies Significant Vegetation in the Estate zoned portion of the lot and any Significant Vegetation to be removed for development, and the Engineered plans

for the proposed Tipping Sites and the associated construction mitigation requirements, including for access and driveway areas.

5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes and Very Steep Slopes is prohibited. Access shall be prohibited from Steep and Very Steep Slopes.
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to prevent Significant Vegetation disruption and steep slope disturbance. Driveway width shall be the minimum required by the Park City Fire District.
7. The Applicant shall maintain and grant easements for existing bike and ski trails located on the property as well as any potential new ski trails that may be proposed at the time of plat recording. Existing and/or new bike and ski trails shall not be impacted by development or access. If any bike trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager and must be approved with the Subdivision Plat.
8. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD) as well as any proposed Tipping Sites.
9. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet of Gross Floor Area.
10. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
11. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on any future subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.
12. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.
13. The approval of this Zone Change is subject to a two-year Sunset Clause. If the Applicant has not received an extension of the Sunset Clause and/or an approval

for a Subdivision Plat by Planning Commission by April 27, 2027, the Zoning will revert back to Recreation and Open Space (ROS).

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

PASSED AND ADOPTED this 27th day of February 2025.

PARK CITY MUNICIPAL CORPORATION

_____
MAYOR

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

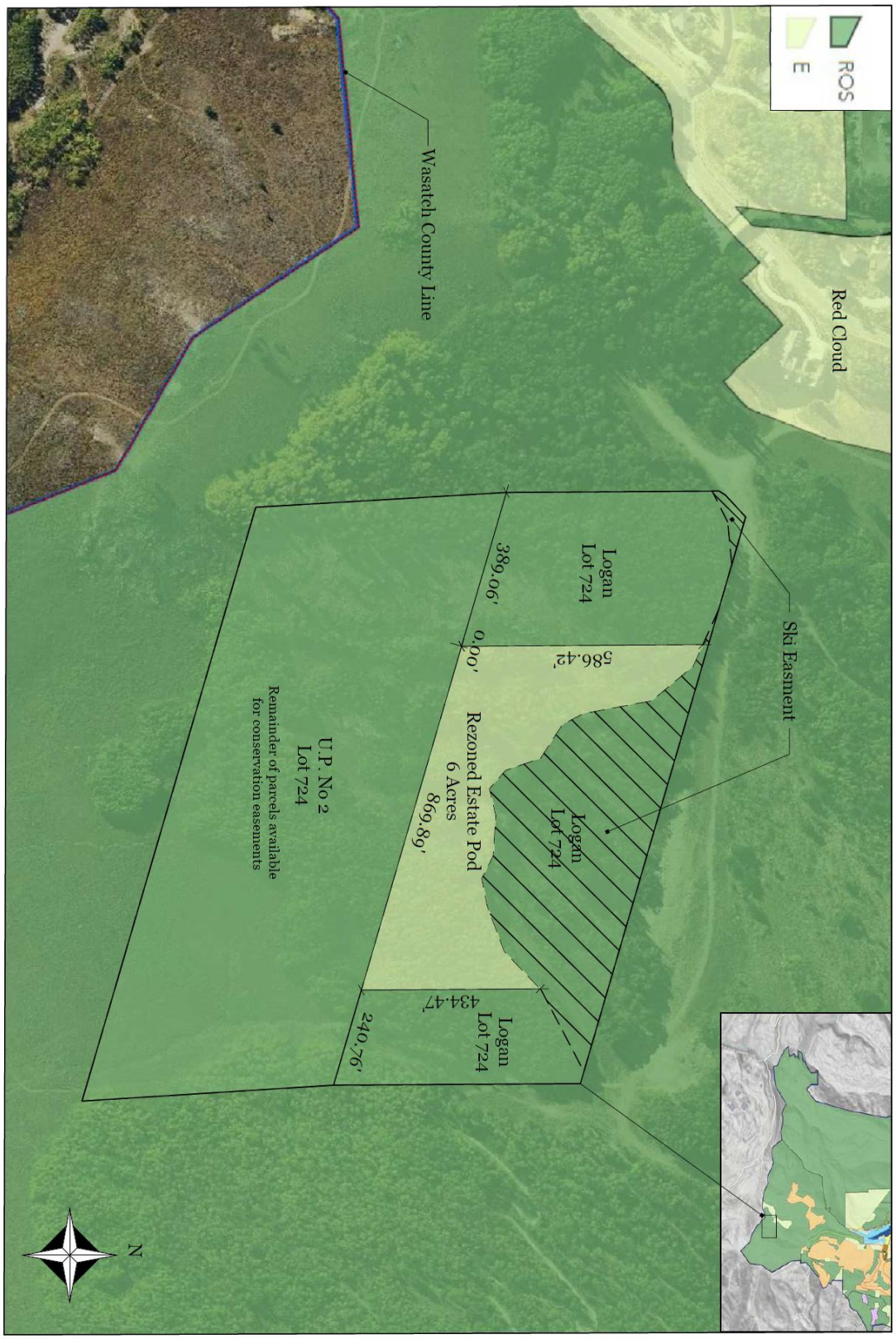
_____
City Attorney

Attachment 1: Conceptual Zoning Map Amendment

Legal Description

The Logan Patented Lode Mining Claim, Lot No. 724, as the same is more particularly described in that certain Patent recorded November 30, 1892 in Book C of Mining Patents at Page 29 of the official records in the office of the Summit County Recorder.

Summit County Tax Serial Number: PCA-S-79-C



Rezone Map

Bransford Land Company
Logan/U.P. No 2

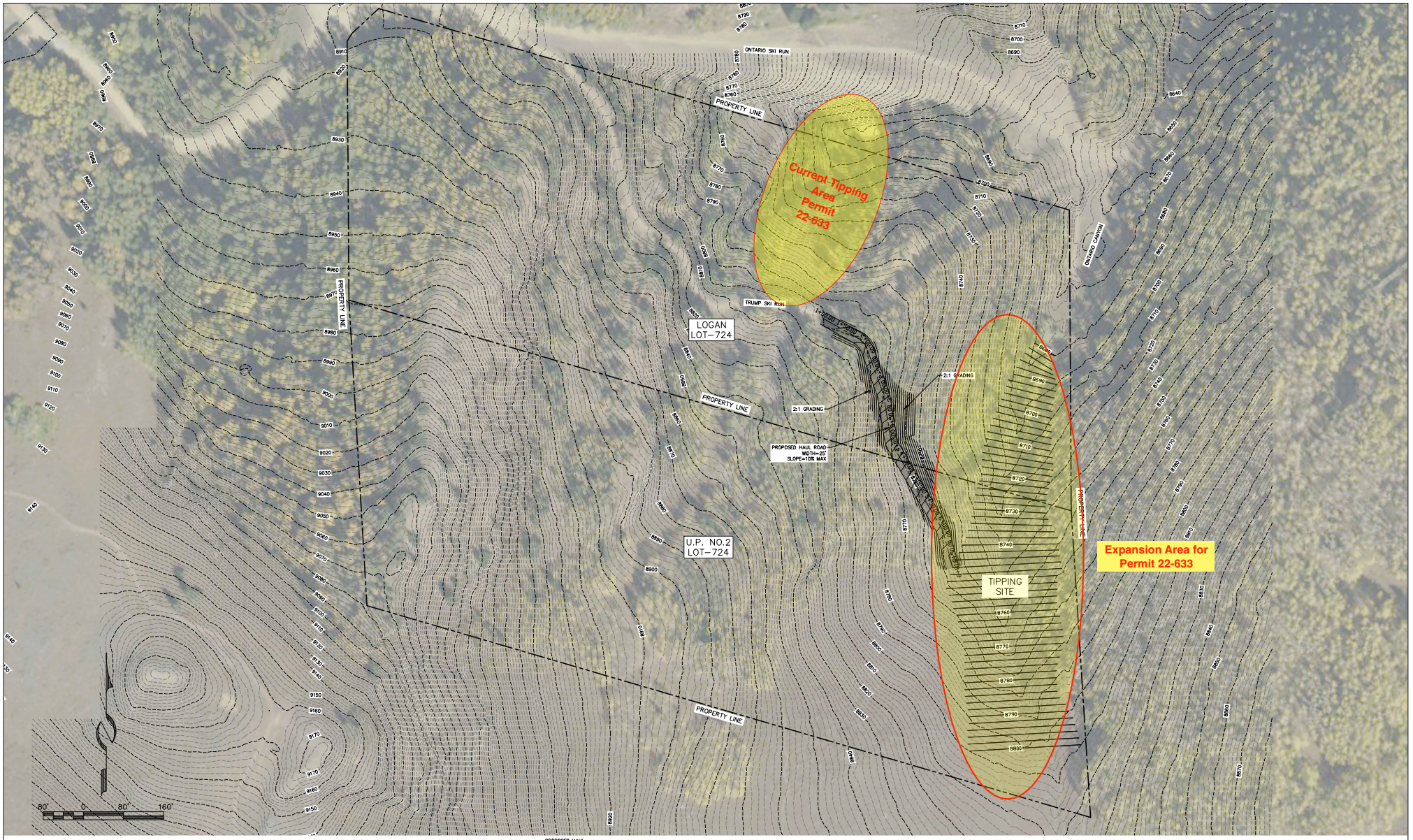
REVISIONS

	MM/DD/YY	REMARKS
1	08/25/22	...
2	01/18/23	...
3	__/__/__	...
4	__/__/__	...
5	__/__/__	...

Request for Extension of Sunset Clause
Bransford Land Company, LLC
RE: Parcel PCA-S-79-B
Ordinance No. 2023-03

Application Page 3, Item 1: General description of Project Proposal.

On April 27, 2023, Mayor Nann Worel adopted Ordinance No. 2023-03. (See attachment) This ordinance approved a zoning map amendment to rezone a six (6) acre pod from the Recreation and Open Space (ROS) to Estate (E) from a portion of PCA-S-79-C, property owned by Bransford Land Company, LLC. The Approval of this rezone is subject to seven (7) Findings of Fact, three (3) Conclusions of Law and twelve (12) Conditions of Approval. The Conditions of Approval require Bransford Land to hire Surveyors, Architects, Arborists, the Park City Fire District, and perform Sensitive Land Studies and Sustainable Development Studies to name a few. Since the signing of the Ordinance, Bransford Land Company has been unable to access the property due to a lawsuit with RH Mayflower LLC, 32 Dom Mayflower LLC, BLX Lease LLC, and BLX Lease 2, LLC. They have denied Bransford Land Company owners to cross property owned by them to access Parcel PCA-S-79-B. Therefore, Bransford has been unable to move forward on The Conditions of Approval. This case was officially dismissed on September 4, 2024. The Approval of this Zone Change is subject to a two-year Sunset Clause. (ending April 27, 2025). With not having access the last seventeen (17) months, and the 2024/2025 ski season approaching; Bransford is asking for a two (2) year extension to April 2027 to meet the Conditions of Approval for the Zone Change.

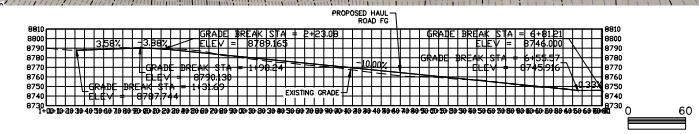


EARTHWORK QUANTITIES

CUT=46,184 CUYD
FILL=542 CUYD

NET=45,642 CUYD (FILL)

PROFESSIONAL ENGINEER No. 12213305 MARTIN CONNOR DINSMORE STATE OF UTAH



Alliance Engineering (435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

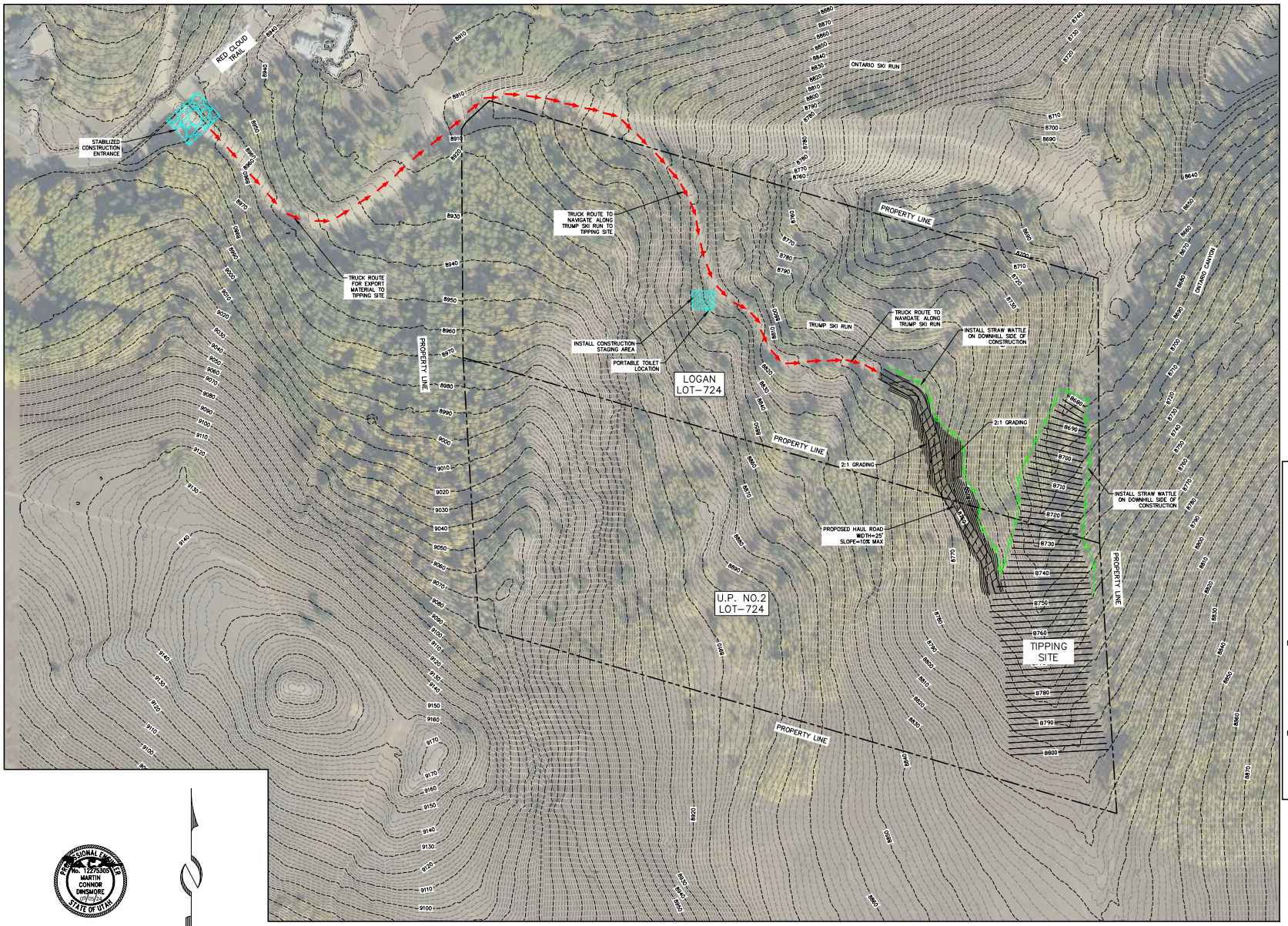
STAFF: CONNOR DINSMORE

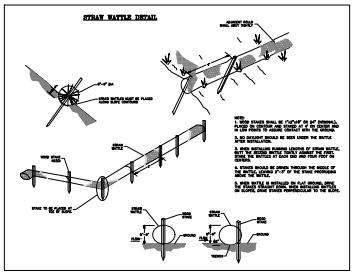
DATE: 09/05/2024

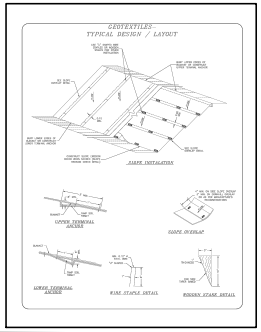
TIPPING SITE
MINE CLAIM LOT–724: LOGAN & U.P NO.2

FOR: REDUS
JOB NO.: 12-2-16
FILE: X:\Empire\dwg\Bransford\130719-Grading Plan.dwg

SHEET 1 OF 2

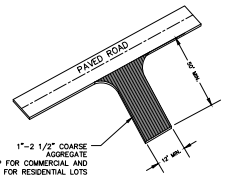






STABILIZED CONSTRUCTION ENTRANCE

TYPICAL DESIGN LAYOUT



NOTES:

1. INSTALL AT ANY POINT OF INGRESS OR EGRESS AT A CONSTRUCTION SITE WHERE ADJACENT TRAVELED WAY IS PAVED.
2. CLEAR AND GRUB AREA AND GRADE TO PROVIDE SLOPE SHOWN FOR DRIVEWAY, OR ACCESS/INTERSECTION. IF ADJACENT TO WATERWAY, USE A MAXIMUM SLOPE OF 2%.
3. COMPACT SUBGRADE AND PLACE FILTER FABRIC IF REQUIRED.
4. PLACE COARSE AGGREGATE, 1 TO 2 1/2 INCHES SIZE, TO A MINIMUM DEPTH OF 6 INCHES FOR COMMERCIAL PROJECTS, AND 4 INCHES FOR RESIDENTIAL PROJECTS.

MAINTENANCE:

1. INSPECT DAILY FOR LOSS OF GRAVEL OR SEDIMENT BUILDUP.
2. INSPECT ADJACENT ROADWAY FOR SEDIMENT DEPOSIT AND CLEAN BY SWEEPING OR SHOVELING.
3. REPAIR ENTRANCE AND REPLACE GRAVEL AS REQUIRED TO MAINTAIN CONTROL IN GOOD WORKING CONDITION.
4. EXPAND STABILIZED AREA AS REQUIRED TO ACCOMMODATE TRAFFIC, AND OFFSITE STREE PARKING AND PREVENT EROSION AT DRIVEWAY.

CONSTRUCTION STAGING AREA

STRAW WATTLE LOCATION

PROFESSIONAL ENGINEER
No. 12276305
MARTIN CONNOR DINSMORE
Registered
STATE OF UTAH

100' 0 100' 200'

Alliance Engineering Inc. (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CONNOR DINSMORE DATE: 09/05/2024	CMP & SWPPP MINE CLAIM LOT-724: LOGAN & U.P NO.2 FOR: REDUS JOB NO.: 12-2-16 FILE: X:\Empire\dwg\Bransford\130719-Grading Plan.dwg	SHEET 2 OF 2

Planning Commission
Staff Report

Subject: **Parcels PCA-S-79-B and PCA-S-79-C**
Application: **PL-24-06403**
Author: **Virgil Lund, Planner II**
Date: **February 12, 2025**
Type of Item: **Amendment to Flagstaff Technical Report 15 *Construction Mitigation Plan***

Recommendation

(I) Review the request to:

- Amend the Flagstaff Development Agreement Technical Report 15 *Construction Mitigation Plan* to allow approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of on approximately four acres within Parcels PCA-S-79-B and PCA-S-79-C (the Bransford Parcels).

(II) Conduct a public hearing.

(III) Consider the Applicant's request to amend the Flagstaff Development Agreement Technical Report #15 *Construction Mitigation Plan*.

Description

Applicant:	Douglas Ogilvy Empire Pass Master Owner's Association
Location:	Parcels PCA-S-79-B and PCA-S-79-C
Zoning District:	Recreation Open Space
Adjacent Land Uses:	Recreation and Resort Open Space
Reason for Review:	Amendments to the Flagstaff Development Agreement Technical Reports require Final Action by the Planning Commission.[1]

CUP	Conditional Use Permit
LMC	Land Management Code
MPD	Master Planned Development
ROS	Recreation and Open Space
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

[1] LMC § 15-1-8

Background

On May 10, 1997, the City Council approved Ordinance No. 99-30 annexing approximately 1,750 acres in the Flagstaff Mountain/Empire Pass area into Park City. Pursuant to the Flagstaff/Empire Pass Master Planned Development (MPD) outlining development within the annexed area, the Applicant was required to submit 14 technical reports/studies to address utilities, impacts to wildlife, open space management, project phasing, and construction mitigation. In December of 2001, the Planning Commission approved the 14 technical reports.

On February 25, 2004, the Planning Commission approved an amendment to the Construction Mitigation Plan. This amendment addressed routing of construction trucks and soils processing (Exhibit B).

On September 10, 2008, the Planning Commission approved an amendment to the Construction Mitigation Plan. This amendment approved Bonanza Flats as a receiving site for excavated materials (Exhibit C).

On August 8, 2018, the Planning Commission approved an amendment to the Construction Mitigation Plan (Exhibit D). This amendment specified locations for tipping sites for clean, excavated soils, subject to grading permits and property owner approval. The following locations were approved as tipping sites:

- Two Parcels located off Twisted Branch Road, known as the “Hot Creek” site.
- VEPN Lot 1 (now developed as the Moonshadow Condominiums)
- Period No. 1 and No. 5 Mining Claim – MS 6567 (Ontario ski run, on the boundary with the Bransford Parcels)
- O.K. and LE Mining Claims (just south of the existing Deer Valley snow making pond)
- B2 East Subdivision (now developed and under construction for the Sommet Blanc Condominiums)
- City water tank site in lower Empire Canyon

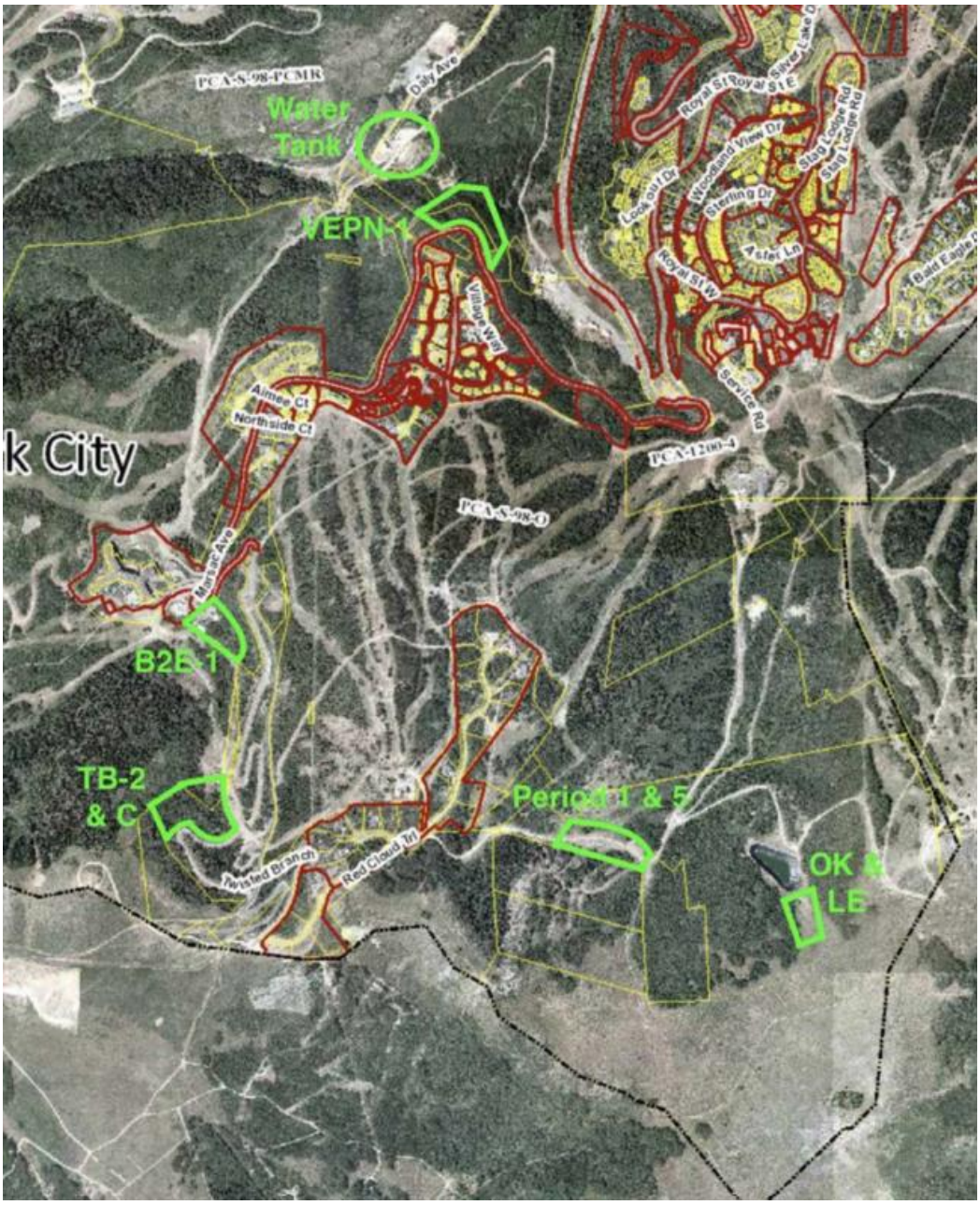


Figure 1: 2018 Approved Tipping Site Locations Highlighted in Green

The Applicant proposes amending Technical Report 15 *Construction Mitigation Plan* to add a 4-acre location to the approved tipping sites for approximately 46,000 cubic yards of excavated materials generated within the Empire Pass area to be disposed of.

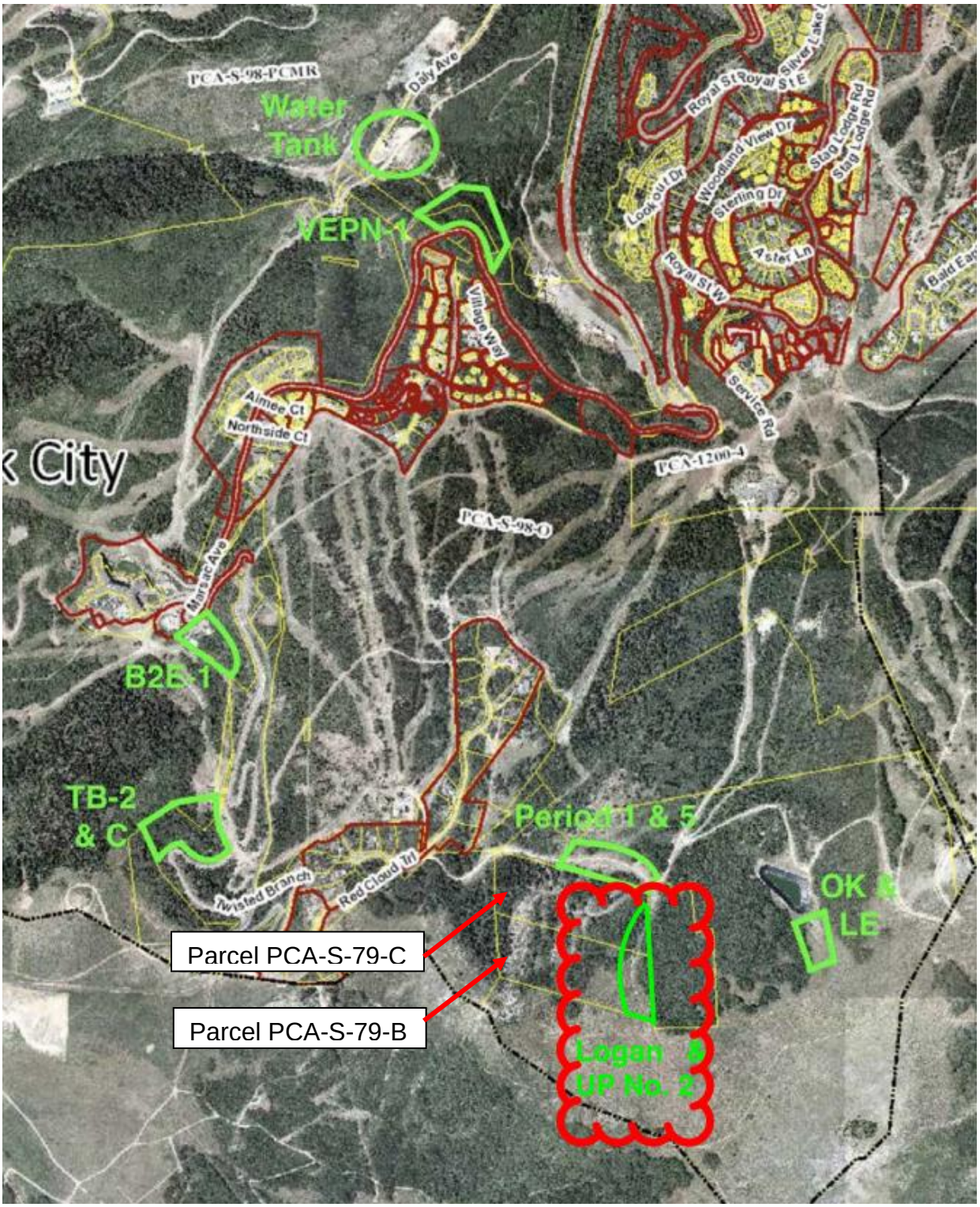


Figure 2: Proposed Tipping Site, Clouded in Red by Staff

Parcels PCA-S-79-C (~19 acres) and PCA-S-79-B (~19 acres), known as the Bransford Parcels, were included in the 1,750 acres of property annexed into Park City Municipal under the 1999 Flagstaff Development Agreement (1999 DA). At the time of annexation,

the Bransford Parcels were zoned Recreation and Open Space (ROS).

In 2021, the Bransford's requested a zone change for six acres of Parcel PCA-S-79-C from ROS to Estate to allow for a two-lot Subdivision and development of two Single-Family Dwellings. On April 27, 2023, the City Council approved the Zone Change (Ordinance No. 2023-03). Concurrently with this proposal for a new tipping site, Ordinance No. 2023-03 is proposed to be amended. See Staff Report and Draft Ordinance included with the packet.

Analysis

(I) The proposed Flagstaff Technical Report Amendment complies with the Recreation and Open Space Zoning District Requirements.

The purpose of the ROS District is to:

1. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
2. permit recreational Uses and preserve recreational Open Space land,
3. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
4. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
5. encourage sustainability, conservation, and renewable energy

According to the Applicant, the proposed amendment to Technical Report 15 *Construction Mitigation Plan* helps to preserve acreage in the Flagstaff Annexation area from development and provides an additional location for the storage of clean, excavated soil from the on-going construction within Flagstaff Mountain and reduces truck trips. The Applicant proposes to fill and re-grade the tipping site to blend with the existing terrain and will harvest topsoil from the tipping site prior to any disturbance. Upon completion of the fill operation, the tipping site will be hydroseeded with native grasses (Exhibit J: Applicant's Narrative).

Vegetation Protection: The Property Owner must protect Significant Vegetation. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.[2]

The Applicant proposes to remove 2.04 acres of Significant Vegetation. The Forestry Board reviewed the proposal on February 4, 2025 and requires the Applicant to remove

[2] LMC § 15-2.7-5

all the dead and dying Significant Vegetation in an equivalent acreage to what is being removed.

Figure 3: Existing Conditions Image of Proposed Tipping Site

(II) The proposed amendment to Technical Report 15 *Construction Mitigation Plan* complies with the Flagstaff Development Agreement.

Section 2.10.4.2 of the 2007 Amended Development Agreement requires the Applicant to keep all excavated materials within the Annexation area.

Page 12 of the 2018 Amended *Construction Mitigation Plan* (Exhibit D) states: "Excavated materials generated from the project will be processed and reused or disposed of within the annexation area, or at Bonanza Flats, unless otherwise approved by the City Council. Materials will be processed by sorting the material into structural fill and top soil… Final locations for waste material storage shall be designated in areas which eliminate or substantially reduce haul trips down Marsac Ave below Pod A."

"Structural fill and top soil that are surplus to the project will be subject to grading permit approval by the City. All fill and fill sites will be subject to appropriate geotechnical engineering and testing and be the subject of a grading permit as required by the IBC. Placement of this material will be covered under separate permit and is the

responsibility of United Park City Mines Co (UPK)."

The Applicant's proposed tipping site is within the Flagstaff Annexation Area and will help reduce the truck trips down Marsac Avenue below development Pod A.

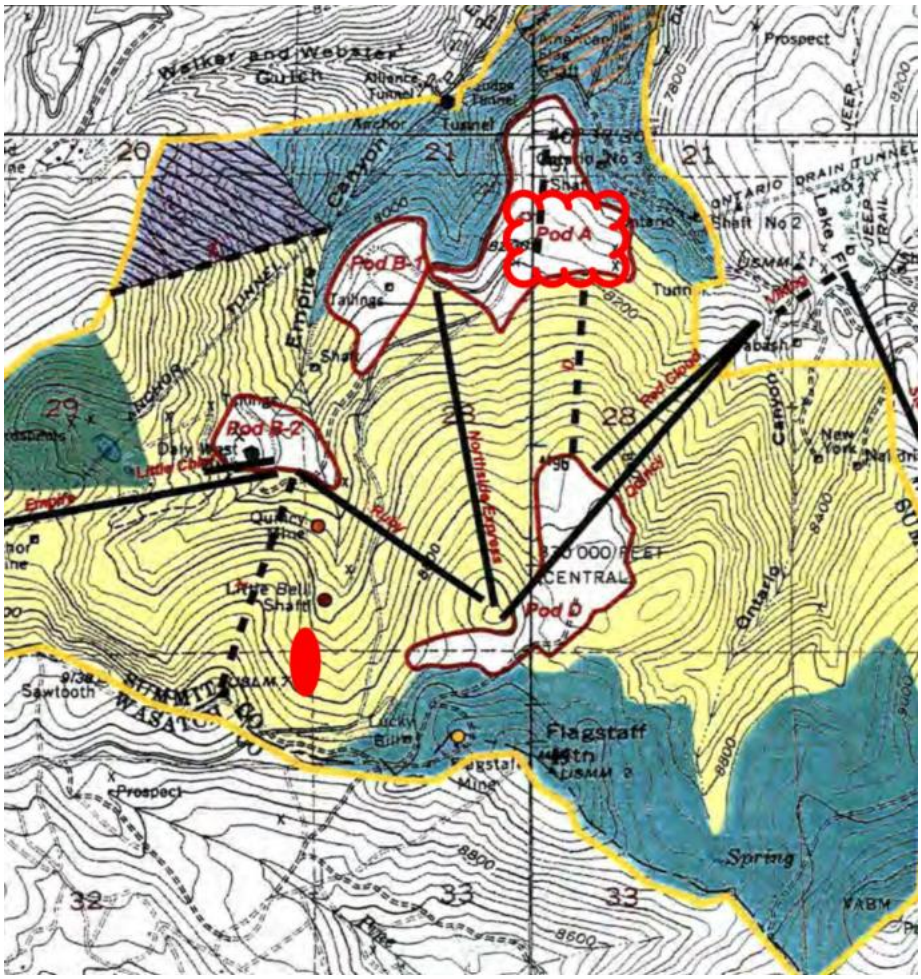


Figure 4: Approximate Tipping Site Location (Red Circle) In Relation To Development Pod A

(III) The Proposed Tipping Site Complies with the Sensitive Land Overlay Requirements.

LMC § 15-2.21-2(A) requires Applicants proposing construction within the SLO to submit a Sensitive Lands Analysis, including sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Crest of Hills, wetlands, Stream Corridors, Wildland interface, and wildland habitat Areas

On January 22, 2025, the Applicant received permission from Deer Valley Resort representatives to submit their Lift 7 CUP SLO materials for Wetlands/Stream Corridors and Wildlife Habitat, covering the same general area as the proposed tipping site.

The purpose of the Sensitive Land Overlay (SLO) is to:

1. require dedicated Open Space in aesthetically and environmentally sensitive Areas,
2. encourage preservation of large expanses of Open Space and wildlife habitat,
3. cluster Development while allowing a reasonable use of Property,
4. prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands, and
5. protect and preserve environmentally sensitive land.[3]

Steep Slopes – LMC § 15-15-1 defines Very Steep Slopes as those greater than 40% and Steep Slopes as those greater than 15%. LMC § 15-2.21-4(A) prohibits Development on or within fifty feet, map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. An Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet vertically, upslope or downslope, and fifty feet horizontally in any direction to be subject to this prohibition.[4]

The Applicant's Slope Map shows the proposed tipping site located on Steep Slopes between 15 and 30 percent. The Applicant proposes to fill and re-grade the tipping site to match natural grade. After tipping site activity has completed, the tipping site will maintain a slope between 15 and 30 percent.

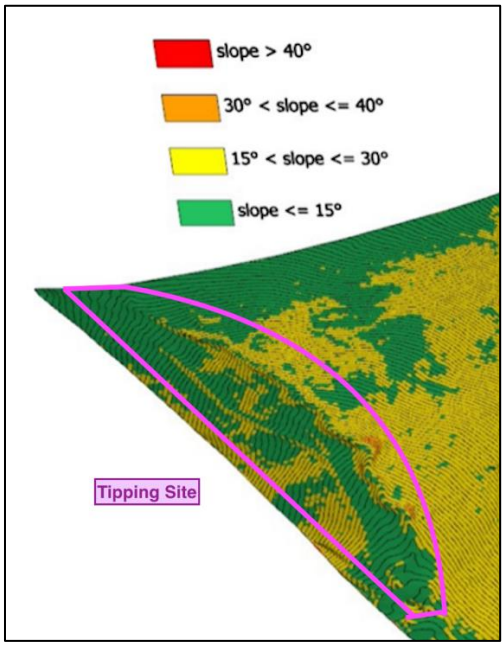


Figure 5: Applicant's Slope Map

Landscaping and Revegetation: LMC § 15-2.21-4(F) requires the Applicant must commit to landscaping or re-vegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

[3] LMC § 15-2.21-1
[4] LMC § 15-2.21-4

The Applicant proposes to fill and re-grade the tipping site to blend with the existing terrain. The Applicant will harvest topsoil from the tipping site prior to any disturbance, and upon completion of the fill operation, the tipping site will be hydroseeded with native grasses (Exhibit J, Applicant's Narrative).

Ridge Line Area Protection and Visual Assessment – LMC § 15-15-1 defines a Ridge Line Area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet on both sides of the top, crest, or ridge. LMC § 15-2.21-5(A) states the intent of Ridge Line Area Protections within the SLO is to ensure Development blends with the natural contour of these land forms and that Development should be sited so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated Vantage Points. LMC § 15-2.21-5(C) requires Ridge Line Areas to remain Open Space.

The map below shows the proposed tipping site (red circle) in relation to the designated ridgelines (yellow).

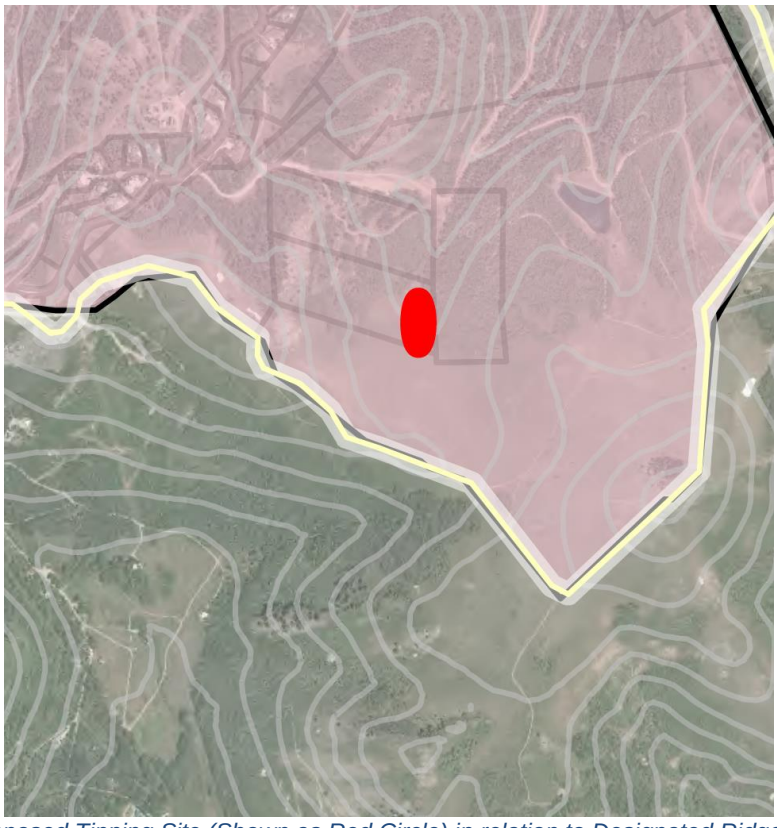


Figure 6: Proposed Tipping Site (Shown as Red Circle) in relation to Designated Ridgeline (Yellow)

The proposed tipping site is approximately 850 feet from the nearest designated ridgeline. The proposed tipping site will not be visible from any Designated Vantage Points (See Exhibit E, Ski Lift 7 CUP Visual Assessment).

Wetlands and Stream Protection – According to the Applicant's Sensitive Lands

Analysis, the Utah Department of Environmental Quality data does not identify any wetlands within or near the proposed tipping site. However, the Utah Department of Environmental Quality identifies an intermittent or ephemeral stream channel.

LMC § 15-2.21-6 requires Setbacks for designated Stream Corridors: “Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.”

On November 6, 2023, Daren Rasmussen, an Environmental Scientist – Dam Safety & Stream Alterations with the Utah Department of Natural Resources Division of Water Rights outlined the designated stream channel as a natural stream and therefore will not require special permitting for stream alteration (Exhibit F). The proposed tipping site is greater than 500 feet from the beginning of the natural stream.

Figure 7: Beginning Location of Natural Stream

Wildlife and Wildlife Habitat Protection – LMC § 15-2.21-8 establishes the intent of the Wildlife and Wildlife Habitat Protection to “promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.” The LMC explains further: "[i]f the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.”

Technical Report #13 from the Flagstaff Development Agreement outlines that “there are no federally listed threatened or endangered species likely to make substantive use of the Plan Area.” The proposed tipping site is not located within a Sensitive Wildlife Area as designated on Appendix B of Technical Report #13 (Exhibit G).

The Utah Division of Wildlife Resources has compiled a list of all Sensitive and Specially Valued Species in the State of Utah. The Applicant submitted analysis to show there are no Sensitive or Specially Valued species occupying or using on-Site and adjacent Areas where the tipping site is proposed. Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection. See Exhibit H for all species located in the project area.

The Flagstaff Development Agreement Technical Report #13 “Wildlife Management Plan” describes the major habitat types that occur within the Plan Area and provides information on common wildlife species that have the potential to occur within these habitats. The goal of the Wildlife Management Plan is to preserve wildlife habitat values within the Plan Area by minimizing habitat loss and human/wildlife conflicts. The proposed tipping site is located near a potential wildlife movement corridor, see image below:

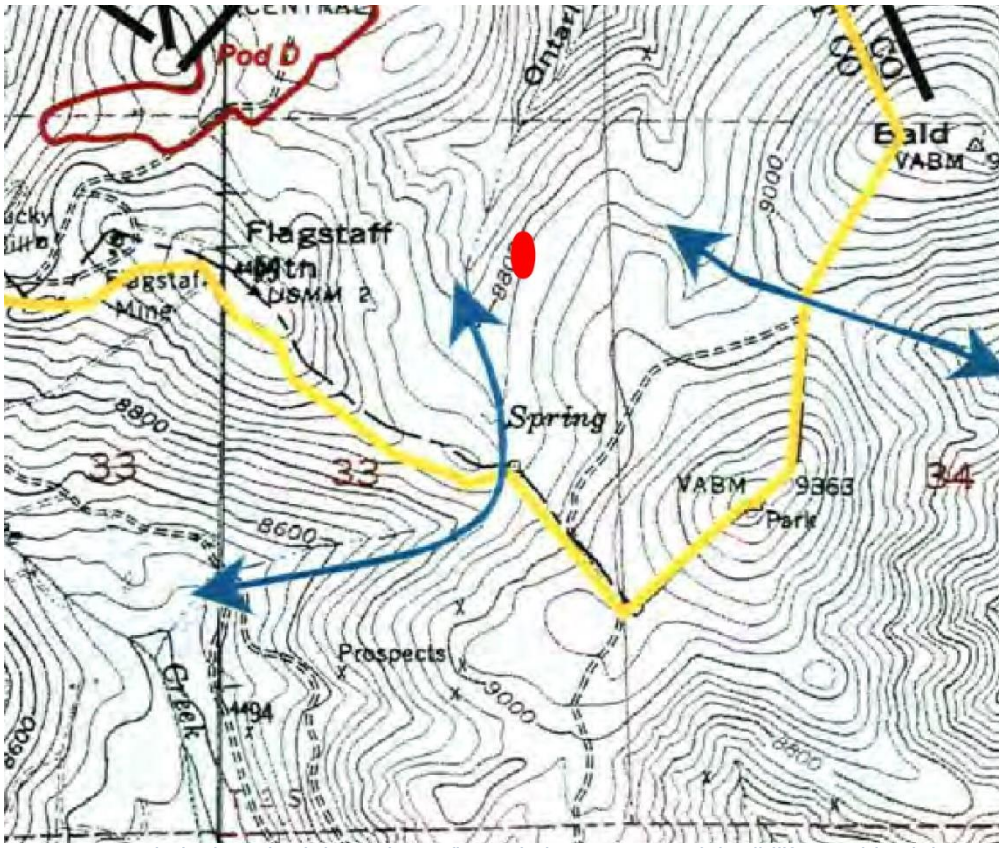


Figure 8: Proposed Tipping Site (Shown in Red) In relation to a Potential Wildlife Corridor (Blue Arrows)

The Wildlife Management Plan explains "Accordingly, habitat modifications should be minimized, fencing prohibited, and recreationists should be directed away from these areas in the spring and fall migration periods." The Lift 7 Conditional Use Permit Final Action Letter imposed specific Conditions of Approval for wildlife habitat protection within this area. See Exhibit I, Lift 7 CUP Final Action Letter Conditions of Approval 17-25. The Applicant will work with wildlife consultant Bio West to ensure that no wildlife habitat will be affected by the proposed tipping site (Exhibit K). A field visit in the spring after the snow melts will be required by the wildlife consultant.

(IV) The Development Review Committee reviewed the proposal on January 21, 2025, and confirmed the proposal conforms with their requirements.[5]

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

[5] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 29, 2025. Staff mailed courtesy notice to property owners within 300 feet on January 29, 2025. The *Park Record* published courtesy notice on January 29, 2025.[6]

Public Input

Staff did not receive any public input at the time this report was published.

Next Steps

If the City Council approves the Applicant's requested amendments to Ordinance No. 2023-03 regarding the Bransford Parcels, staff will return to the Planning Commission at a later date to review the requested amendment to Technical Report 15 *Construction Mitigation Plan*.

Exhibits

Exhibit A: Amended Flagstaff Development Agreement Technical Report #15 Construction Mitigation Plan
Exhibit B: 2004 Construction Mitigation Plan Amendment Staff Report
Exhibit C: 2008 Construction Mitigation Plan Amendment Staff Report
Exhibit D: 2018 Amendment to Flagstaff Development Agreement Technical Report #15 Construction Mitigation Plan
Exhibit E: Sensitive Lands Analysis, Vantage Points
Exhibit F: Utah Division of Water rights Stream Corridor Determination
Exhibit G: Appendix B of Technical Report #13 Wildlife Management Plan
Exhibit H: Wildlife Habitat
Exhibit I: Lift 7 CUP Final Action Letter
Exhibit J: Applicant's Narrative
Exhibit K: Wildlife Consultant Proposal

[6] LMC § 15-1-21

CONSTRUCTION MITIGATION PLAN
FOR
FLAGSTAFF MOUNTAIN RESORT PARK CITY, SUMMIT COUNTY, UTAH also known as EMPIRE PASS

EXHIBIT 15

Prepared by:
United Park City Mines Company

May 2001
Revised and Approved December 2001
Revised February 2004
Revised June and September 2008
Revised and Approved on August 8, 2018
Revised February 2025

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Exhibits

Exhibit A — Off-site Road Improvement Plan
Exhibit B1-B2 — Emergency Access Plan (revised 1/2004)
Exhibit C — Road Cross Sections (revised 1/2004)
Exhibit E — Ontario #3 Mine Building Complex Staging Area

(Exhibits D and F were deleted with the 2008 Amendments)

I. INTRODUCTION, GOALS OBJECTIVES

This study is one of several reports that have been prepared to support the Flagstaff Mountain Resort's Large Scale Master Plan Development (LSMPD) application. As LSMPDs are programmatic in nature and subject to refinement at subsequent Master Planned Development (MPD) or Conditional Use Permit (CUP) stages, correspondingly, the contents of this report should be viewed as conceptual in nature and subject to change as specific plans are developed. Details developed at the MPD or CUP stage will not require a modification of this plan provided that they comply with the Goals and Objectives of this Plan.

General Description of the Property

Flagstaff Mountain Resort (the "Resort") is an assemblage of mining claims totaling approximately 1,655 acres of land (the "Annexation Area" located at the southwestern corner of Summit County, Utah. The Annexation Area is bordered by Deer Valley Resort to the east and State Highway 224 (Marsac Avenue) to the northeast. The southern boundary coincides with the Summit County/Wasatch County line. The Park City Mountain Resort borders the Annexation Area to the west and northwest. The Resort was annexed into the corporate limits of Park City, Utah on June 24, 1999 (refer to Exhibit "A" attached).

The proposed areas of development will be restricted to a) the "Mountain Village" consisting of three Development Pods ("A", "B-1" and "B-2") limited to: a) maximum of 84 acres and b) the "Northside Neighborhood" (Development Pod "D") limited to a maximum of 63 acres.

The maximum density allowed within the Mountain Village includes 785 Unit Equivalents configured in no more than 550 dwelling units and 192 hotel rooms. The residential units may be multi-family units, hotel room units or PUD units. In addition, the Mountain Village may also contain a maximum of: i) 16 single-family home sites; and, ii) 75,000 sf of resort support commercial uses. The Flagstaff Development Agreement was amended and recorded in March of 2007 and is referred to as the Amended Agreement.

The Northside Neighborhood (aka Red Cloud) may contain a maximum of 38 single-family home sites of which 30 are currently entitled and 8 are subject to further requirements under the Development Agreement. In addition to the Deer Valley Resort "Empire" Day Lodge near the Daly West waste rock pile, uses for the Resort are intended to include hotel lodging facilities, resort support commercial, multi-family residential units, PUD-style residential units and single-family home sites. Recreational uses will remain similar to the

current uses described above, with the exception of commercial snowmobiling, which will be discontinued.

Construction and Potential Construction Impacts

Development of the Resort will include two (2) basic types of construction, infrastructure which includes roads, utilities, etc. and the actual residential and commercial buildings themselves. This Construction Mitigation Plan primarily addresses the infrastructure development of the Resort, although the guidelines set forth herein will be incorporated into the individual construction mitigation plans that will be required for each of the building development projects.

The proposed infrastructure development includes construction of: i) roadways, with the associated bridges and tunnels; ii) storm water drainage facilities; and, iii) utility systems including sanitary sewer, water storage & pumping, water distribution, natural gas, electric power transmission and telecommunication systems along with trail systems, ski lifts and other Resort improvements.

As stated above, each individual building project will be required to submit a site-specific construction mitigation plan prior to commencement of construction. These individual building construction mitigation plans will supplement and be consistent with this Plan. Section VI, “Construction Mitigation Plan Management” addresses this supplemental process to ensure compliance and implementation of these Plans.

Construction Mitigation Planning Goals and Objectives

The primary goal and objective of this Construction Mitigation Plan is to identify and mitigate the impacts of infrastructure construction associated with the Resort, adhering to the standard Park City Municipal Corporation (“Park City”) required construction impact mitigation measures along with additional site-specific mitigation measures required by the Development Agreement.

In addition, a complete Storm Water Pollution Prevention Plan (“SWPPP”) will be prepared and implemented separately for the Resort in strict accordance with local, State and Federal guidelines. The primary goals of the SWPPP will be: i) to limit the areas of disturbance of the existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practicable through the selection, installation and maintenance of storm water control measures in accordance with good engineering practices; and, iii) to prevent construction litter, debris and chemicals from becoming a pollutant source of storm water discharges. The SWPPP will also be designed to protect Park City’s water sources and their designated water source protection areas.

For purposes of this Construction Mitigation Plan, and inasmuch as most of the issues and concerns addressed are identical, portions of the SWPPP will be

incorporated into the individual sections of the Plan as they apply.

II. EXISTING CONDITIONS

Existing Access

Access to the approximately 1,655-acre Annexation Area is via either Guardsman Pass Road or Daly Avenue. Guardsman Pass Road through the site is a narrow and steep minimally maintained road with a surface of either deteriorating asphalt or gravel. Guardsman Pass Road is not maintained or plowed in the winter and is closed to vehicles after the first significant snowfall of the season at a gate located approximately one-quarter mile south of the Guardsman Connection. Daly Avenue provides gated access to the mouth of Empire Canyon below Development Pod A.

Existing Uses

The Annexation Area has historically been a popular recreational site used by area residents and visitors alike. Winter uses include both lift-served resort skiing as well as backcountry skiing, snowshoeing and snowmobiling. Summer uses include mountain biking, hiking and equestrian uses.

Within the Annexation Area portion of Deer Valley Resort, there are six existing ski lifts and approximately 36 ski runs, many of which have been cut through forest stands, graded, and revegetated. Four additional lifts are currently planned for the Annexation Area. One of these will serve the ski in/ski out needs of Development Pod A, one will access existing terrain between the Red Cloud and Northside Lifts (Ski Pod D) and the other two will access new intermediate and advanced Ski terrain in Empire Canyon (future Ski Pods X and Z).

A snowmobile concession, located just east of the Guardsman Connection at the horse stable has been discontinued.

Numerous trails currently exist within the Annexation Area, which include improved roadways, jeep trails, single-track trails, and undeveloped game trails. Many of the undeveloped trails are used on a limited basis by local hikers and equestrians. Other trails receive more frequent use and are recognized as serving a broader spectrum of the public. The “Trails Master Plan for Flagstaff Mountain Resort” provides a detailed description of the existing trail system.

Mining Operations

Although active mining operations ceased in 1982, more than a century of intensive mining activities within the Annexation Area have left a number of mining-related features ranging from bits of debris and subtle landscape alterations to massive mine waste rock overburden sites and standing structures.

As mentioned above, the Historic Preservation Plan provides specific information regarding the current status of mining related structures and features within the Annexation Area.

Existing Utilities

Utilities as outlined in the Utility Master Plan have been installed in Marsac Avenue. Water, Electrical and telephone are connected to the service providers. The second sewer outfall down Marsac Avenue is partially complete and will be finished in the summer of 2004.

Existing Emergency Services

Existing and proposed Emergency Services are detailed in the Emergency Response Plan for the project.

III. SCOPE OF INFRASTRUCTURE CONSTRUCTION WORK

Improvements to Marsac Avenue and Mine Road section of State Route 224

As required by the Development Agreement, the Resort will make certain improvements to Marsac Avenue beginning at the Deer Valley Drive "Roundabout," continuing south on Marsac Avenue and the Mine Road to the Guardsman Connection. Included as part of these improvements was the construction of a runaway truck ramp, which was completed in 2001. The balance of the improvements to this section of road include rebuilding the travel surface, adding curb and gutter, and the addition of a short uphill passing lane which is schedule to be completed by the end of 2004.

Realigned Guardsman Pass Road

Guardsman Pass Road from the Guardsman Connection through Development Pods A and B-1 to Development Pod B-2 has been realigned and accepted by the State.

Private Road

A private road, constructed to the same cross-section described above for the re-aligned portion of Guardsman Pass Road, will be built to serve Development Pod D and the proposed Bonanza Mountain Resort located in Wasatch County on a year-round basis (refer to Exhibit "G" attached). Access to this private road will be limited to the residents of Flagstaff Mountain Resort and Bonanza Mountain Resort along with their respective visitors, guests, employees and service personnel (refer to the Private Road Access Limitation Procedures for Flagstaff Mountain Resort). A private street may be dedicated to the City with City Council approval. An emergency secondary access road will be built from Pod D to Pod A.

Development Pod Infrastructure

Roads within the Development Pods will be constructed to cross-sections similar to those described for the re-aligned Guardsman Pass Road (refer to Exhibit "B" attached). These roads will include all of the required utilities, which, for the most part, will be installed within the road platform. Parking will not be allowed on either side of these roads.

Bridges and tunnels will be constructed to provide grade separation of vehicles and recreational users (hikers, bikers & skiers). These structures will be designed to incorporate so-called "dry crossings" to provide access during construction as well as emergency vehicular access around these structures in the event of a structural failure.

Utilities

Water:

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

Water will be delivered to the 1,000,000 gallon storage tank (Water Tank #1) that UPK constructed on the east side of Guardsman Road, just above the Empire Day Lodge. The primary source of water for Tank #1 is planned to be the Spiro Water Treatment Plant via the 13th Street Pump Station and the Woodside Tank. After necessary upgrades to the existing system are completed, water will be pumped from the Woodside Tank up Empire Canyon to the Pod B-2 Tank via a 10" ductile iron water line.

The secondary source that presently supplies Tank #1 is the existing Bald Eagle Tank at the Deer Valley Resort. Water gravity flows to Tank #1 from the Bald Eagle Tank through the water line that feeds the Empire Day Lodge at Pod B-2 via a 10" ductile iron water line that runs along the Banner Ski Trail and across the Northside Ski Runs. Tank #1 is located at an operating elevation of approximately 8,450 feet above sea level and provides approximately 540,000 gallons of fire storage for Pods A, B-1 and B-2. This

storage capacity has been calculated to provide the necessary 3,000 gallons per minute for the three-hour duration in accordance with the requirements of the Park City Building Department.

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

Sewer:

Flagstaff Mountain Resort will enter into the necessary Line Extension Agreements with the Snyderville Basin Water Reclamation District in order to secure adequate sanitary sewer service for the Resort.

Flagstaff Mountain Resort will construct a wastewater collection system throughout the Resort area.

Beginning at Development Pod D at the top of Flagstaff Mountain, wastewater will be collected and transported downhill via two separate sewers. The first will follow the alignment of the proposed private road that connects Development Pods D and B-2 and will collect wastewater from those single-family lots located on the west side of Flagstaff Mountain. This sewer system will then collect wastewater from Development Pods B-2 and B-1 and convey it to the sewer line constructed in Empire Canyon during 2001. This is the sewer line that extends from the Empire Day Lodge to upper Daly Avenue.

The second sewer will collect wastewater from the balance of the single-family lots within Development Pod D and convey it along the Northside ski runs to Development Pod A.

A system of sewers within Development Pod A will collect the wastewater conveyed from Development Pod D, along with the wastewater generated in Development Pod A and convey it to Prospect Ridge.

From Prospect Ridge, a sewer will convey the wastewater down to one of two

connections to the existing sanitary sewer system.

One is the existing sewer that was extended up Marsac Avenue by the City to a point just above the new Deer Valley Drive “roundabout” in Ontario Canyon. This line has the capacity to accept all of the wastewater generated by the Resort and will be the primary receiver of the Resorts wastewater.

The other outfall is the connection that will be made to the existing sewer at the top of Daly Avenue in Empire Canyon. The capacity of this line is restricted due to existing conditions within Main Street, so this line can only accommodate a portion of the overall requirements of the Resort.

Electric Power:

The source of electric power for the Resort will be the existing Judge Tunnel switch and the recently realigned Olmsted line. Power will be distributed from this point throughout the Resort via an underground distribution system located within either the proposed street rights-of-way or utility easements.

Telecommunications:

Allwest Communications will provide fiber optic lines for Internet, cable and phone.

Natural Gas:

Questar Natural Gas Company has extended a transmission line to a regulator station in the pod B1 area. Distribution line have been installed in the realign Marsac Ave

For additional information relating to the proposed construction associated with development of Flagstaff Mountain Resort, please refer to the following Resort master plan documents:

- The Construction and Development Phasing Plan
- The Utilities Master Plan
- The Drainage Master Plan
- The Private Road Access Limitation Procedures
- The Emergency Response Plan

IV. CONSTRUCTION IMPACTS AND MITIGATION MEASURES

Construction Phasing

Detailed anticipated timeline of construction activities are described in the “Construction and Development Phasing Plan for Flagstaff Mountain Resort”. A

Construction Mitigation Plan is required at the time of Conditional Use Permit application.

Traffic Impacts

The primary impacts to traffic on the roadways adjacent to the Annexation Area relate to construction personnel commutes and deliveries of construction materials and supplies.

As stated above, the primary access to the Annexation Area will be via Marsac Avenue and the Mine Road. The vast majority of construction personnel and material handling traffic to and from the Annexation Area will travel along this route. To a much lesser extent, there will be some minimal construction related traffic along Main Street and Daly Avenue associated with the limited construction activity located in the lower portions of Empire Canyon.

Roadways potentially impacted by construction traffic will include the following:

- SR 224 from Kimball Junction to Deer Valley Drive
- SR 248 from Quinn's Junction at Highway 40 to SR 224 (Park Avenue)
- Bonanza Drive
- Park Avenue to Deer Valley Drive
- Deer Valley Drive to Marsac Avenue
- Marsac Avenue from the roundabout to Hillside Avenue
- The Mine Road from Hillside Avenue to the Guardsman Connection
- Daly Avenue and Main Street

Potential construction traffic impacts include:

- Increased traffic associated with construction personnel arriving and leaving the Annexation Area
- Deliveries of construction materials, primarily loaded trucks moving slowly uphill
- Temporary traffic restrictions associated with the required improvement of Marsac Avenue and the Mine Road

A variety of traffic related mitigation methods will be implemented to minimize the above referenced traffic impacts.

Since the majority of the construction activities will take place during the late spring, summer and early fall construction season, and during long periods of daylight, the majority of the construction personnel will be arriving and departing the Annexation Area at traditionally non-peak time periods. This will help to mitigate traffic congestion during the normal morning and afternoon peak travel times. Although there is no formal system proposed construction personnel will be strongly encouraged to car pool to and from the Annexation Area to reduce traffic impacts.

The Resort will develop and implement a detailed program to mitigate traffic impacts related to the delivery of materials and supplies to the Resort and the haul-off of excess and waste materials from the Annexation Area.

This program will include, but not be limited to, the following components:

Delivery Schedules

In general deliveries will be restricted to follow the schedule set out in this section which is designed to minimize conflicts with tourist and holiday traffic. Deliveries that cannot accommodate this schedule will be the subject of a specific delivery plan that will be submitted and approved by the Building Department.

Deliveries to the site are of varying types and uses. General construction material will originate from SLC and will be at predictable times and frequency. These deliveries will be scheduled to not coincide with peak winter tourist traffic patterns and will avoid holidays. In the winter peak ski season (Christmas through Presidents Day) these deliveries will be scheduled to arrive during week days after 9:30 AM and before 3:30 PM and will be direct to the construction site. Saturday deliveries are possible but will be the exception and will be further restricted to after 10:00 AM and before 3:00 PM. Sunday and holiday deliveries will be prohibited. In the balance of the year the delivery schedule will also avoid holidays and Sunday, but will generally be permitted over the normal construction hours. Summer traffic conflicts can occur on non-holiday times when festivals are scheduled outside of weekends and holidays. The Master Owners Association will verify with the City the festival schedule to the project identifying areas of concern. The developer will coordinate with the City to minimize conflicts with these dates and times.

Just-in-time deliveries consist of materials fabricated off site such as structural steel, pre-cast concrete and trusses. These materials are shipped by common carrier and are offloaded from the truck and placed directly on the building during normal working hours. While their arrival in town is random and not schedulable like routine deliveries from SLC, they are few in number and will have limited impact.

Concrete deliveries are the most demanding from a schedule point of view. Small pours can be scheduled to respect the off peak delivery schedule set out for routine deliveries. However large pours will occur year-around and may need to be scheduled for the full day. These deliveries schedules will be submitted to the Building Department for approval as previously noted.

Directions and Travel Routes

Deliveries and traffic routes will be monitored and recorded by the Master

Homeowners Association (MHA) who has the ability to levy fines on contractors and owners who fail to comply with the approved project CMP. See MHA mitigation plan for details of requirements and coordination of CMPs throughout the project.

A Delivery Route Map providing suppliers with directions to the Resort from 1-80 and US 40 including detailed information related to travel conditions and construction detours along the route(s) through Summit County and Park City. This map will be updated on a frequent basis to ensure deliveries do not get lost and cause undue impacts on other parts of Park City. The maps will not require that downhill truck traffic use Royal Street. Downhill truck traffic is at the discretion of the Chief Building Official or the Chief of Police:

(i) Over-length trucks that cannot stay in their lane on the turns on Royal Street may be allowed to go down the mine Road/Marsac Avenue; and
(ii) Trucks may be routed down the Mine Road/Marsac Avenue when weather or other conditions make travel down Royal Street unsafe or impractical.

- Deliveries will be required to be scheduled in advance to ensure that: i) they arrive during non-peak Park City travel periods; ii) equipment is available to quickly off-load the shipment; and, ill) a storage area is available. With the approval of Park City, deliveries may be scheduled outside of normal working hours to minimize traffic impacts.

- Deliveries will be timed to coincide with the installation of the materials to ensure that the Resort's storage areas do not become overcrowded.

- Deliveries will be prohibited during area special events including, but not limited to, the Fourth of July celebration, the Arts Festival and the Miner's Day celebration.

- Appropriate directional signal will be installed to clearly direct deliveries to their appropriate destination.

With regard to the improvements associated with the reconstruction of Marsac Avenue and the Mine Road, the Resort will work with Park City to develop an approved construction phasing and implementation plan. This plan will include various elements including, but not limited to, a phasing plan and schedule, a detour plan, a construction signage plan, and a public information program all similar to the one implemented on the construction of the sewer in lower Marsac Avenue.

Hours of Operation

Although for the most part construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to these

residential areas that may transmit sound over a great distance, hours of construction is a concern.

In accordance with the Park City Construction Mitigation Guidelines, construction operations will be limited to the hours of 7:00 AM to 9:00 PM Monday through Saturday and 9:00 AM — 6:00 PM on Sunday. These restrictions will be strictly enforced whenever noise and disruption from construction operations may create a public concern. In more remote areas of the Annexation Area that will not affect neighboring residential areas, extended hours of operation may be requested, subject to the approval of the Park City Community Development Department.

Construction Personnel Vehicle Parking

Due to the considerable size of the Resort, the high number of anticipated construction personnel, the need to keep Marsac Ave open to the public, the restrictive nature of the terrain and the vegetation which must be protected, construction personnel vehicle parking is a concern.

The Resort will designate, construct, maintain and manage specific construction personnel vehicle-parking areas located throughout the Annexation Area. Parking is prohibited on Marsac Ave. The Ontario Mine site is the primary area for this work. Land uses for the Ontario Bench may be subject to a Conditional Use Permit. This site is of an appropriate size and is well situated to accommodate the large numbers of construction personnel that will be working in the lower portions of the Resort in and around Development Pod A. The site is already improved with storm drainage related facilities and asphalt paving. The removal of the mill buildings has increased the area available for staging at this location.

There will be a number of smaller “site specific” construction vehicle parking areas established throughout the Annexation Area. These sites will be located only in areas slated for future construction to ensure that no new vegetation is disturbed. These sites will again be graded and treated to control storm water run- off, mud and dust.

Construction Staging and Material Storage Areas

Similar to the above referenced construction personnel vehicle parking, due to the size of the Resort, the need to keep Guardsman Pass Road open to the public, the potential for changing weather conditions, the restrictive nature of the terrain and the vegetation which must be protected, construction staging and material storage is a significant concern.

The Resort will again designate, construct, maintain and manage specific construction staging and storage areas located throughout the Annexation Area. The same two sites referenced above will play significant roles to mitigating these impacts.

The existing Ontario No. 3 Mine Building Complex will act as the primary staging and material storage site for the Resort. The existing buildings located on this site will provide opportunities to house construction field offices. The exterior portions of the site are of an appropriate size and are well situated to accommodate the long-term storage of large quantities of construction materials required by the Resort.

Excavated materials generated from the project will be processed and reused or disposed of within the annexation area, or at Bonanza Flats, unless otherwise approved by the City Council. Materials will be processed by sorting the material into structural fill and top soil. The bulk of this processing will occur pursuant to a City approved Construction Mitigation Plan which reduces the overall number of haul trips necessary to transport the excavation waste material to its final approved location and minimizes impacts on existing neighborhoods and future residents within the project area. Final locations for waste material storage shall be designated in area which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Processed materials which are suitable for reuse as engineered fill, aggregate, or landscaping materials will be returned to the site as needed. This reuse will reduce offsite truck trips.

Structural fill and top soil that are surplus to the project will be subject to grading permit approval by the City. AU fill and fill sites will be subject to appropriate geotechnical engineering and testing and be the subject of a grading permit as required by the IBC. Placement of this material will be covered under separate permit and is the responsibility of United Park City Mines Co (UPK).

The Daly West waste rock pile will act as the primary storage area of on-site generated materials such as trees and vegetation. This site will also be designated as a secondary construction staging area and material storage site since it is well situated to service the mid-portions of the Resort in and around Development Pods B-1 and B-2. However, all work in and around the Daly West must be coordinated with the Mine Soil and Physical Hazards Mitigation Plan. Until the mitigation of Mine Soils is complete on this site, the area available for construction staging will be limited.

In an effort to re-use all suitable materials generated during the construction of the Resort, it is anticipated that several recycling operations will take place at the Daly West staging area. The first will be a wood chipping operation to process organic materials such as trees, slash, ground vegetation and scrap lumber into mulch. This material will be available for use in a variety of ways including mud & dust control, ground stabilization and re-vegetation & landscaping ground cover.

There will be a number of smaller “site specific” construction storage areas established throughout the Annexation Area. These sites will be located in areas slated for future construction to ensure that no new vegetation is disturbed.

In addition to having appropriate areas to stage construction activities and store

construction materials, it is very important to manage, these areas effectively. This management will begin at the entry to the Annexation Area.

As was stated earlier, a Resort entry “check-point” will be established in the area across from the existing stable facility at the Guardsman Connection. Resort personnel will monitor, direct and control all deliveries made to, and transported within, the Annexation Area. Materials requiring long-term storage will be directed to the Ontario #3 Mine Building Complex, while materials needed in the near-term will be directed to either the Daly West area or directly to the site of the construction.

Appropriate good housekeeping practices are also vitally important in the efficient and orderly storage of construction related materials. The Resort will exercise good housekeeping practices in compliance with all applicable Federal, State and local laws, regulations and ordinances to prevent exposure of stored materials to storm water.

The Resort will take special care in the handling and storage of potentially hazardous materials. Examples of hazardous materials include:

- Pesticides, insecticides and herbicides
- Petroleum products including oils, fuels, diesel oil, lubricating oils and grease
- Nutrients including soil additives and fertilizers
- Construction chemicals including paints, acids for cleaning masonry surfaces, cleaning solvents, asphalt products, concrete curing compounds

The storage and use of these materials will conform to the manufacturer’s recommendations and good housekeeping practices including:

- Providing locked, weather resistant storage areas
- Lining storage areas with plastic sheeting to contain any leaks
- Storing containers in a cool, dry location
- Keeping container lids tightly closed
- Monitoring all containers and storage facilities on a regular basis
- Maintaining an inventory of all products stored on-site

Any excess materials will be disposed of in compliance with all Federal, State and local laws, regulations and ordinances.

The Resort will construct security fences with gates around its stockpile and staging areas as required and will employ security personnel and services as necessary to protect these areas during off-hours.

Park City may require performance bonds to ensure compliance with specific Construction Mitigation Plans, which would be forfeited at the time of any

violation.

Temporary Utilities

The Resort has installed the basic utility infrastructure for sewer, power, natural gas, electricity and phone in Marsac Avenue. Construction utilities will extend from these services.

Health & Safety Plan

In accordance with Federal OSHA standards as well as requirements of State and City ordinances, the Resort will develop and implement an approved Health and Safety Plan that will govern all construction activities associated with the Resort.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, large quantities of waste, trash and construction by-products will be generated by the Resort. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment.

The Resort will develop and implement a trash management and recycling program to maintain clean construction sites, maximize material recycling, minimize disposal truck traffic impacts and minimize impacts to the local landfills. This program will control the storage and disposal of waste & trash and re-utilize recyclable materials, both organic and manufactured.

Trash collection stations will be established at all primary and secondary staging areas. The Resort will provide a sufficient number of dumpsters, designed specifically for the purpose of the storage of solid waste, and schedule timely haulage services to legal landfill disposal areas to ensure that the dumpsters do not become overfull. Haulage of partial loads will be prohibited in order to minimize truck trips. As was stated in the traffic impacts section, specific haul routes will be coordinated to minimize traffic impacts.

Recycling containers will be located near the dumpsters to facilitate separation of reusable and recyclable materials from the trash. Non-organic recyclable materials will be re-utilized on site as much as possible. The Resort will arrange for the removal of all recyclable materials that cannot be reused on-site. As was stated earlier, organic materials, such as scrap lumber, trees, slash and ground vegetation, are planned to be chipped on-site into mulch for use on-site.

Sanitary Waste Disposal

As is the case with any construction project with large numbers of construction personnel, sanitary waste disposal facilities are critical.

The Resort will provide adequate portable toilets for use by the construction personnel. These temporary toilets will be provided and maintained by a licensed provider who will dispose, of all waste in compliance with all applicable State and local laws, regulations and ordinances.

Sanitary facilities will be located a sufficient distance from any storm drainage systems to prevent contamination in the event of a spill. Any spill will be cleaned up immediately.

Grading and Excavation Impacts

Impacts from grading and excavation generally fall into to three categories. The first is the generation of fugitive dust and/or mud. The second relates to traffic impacts of hauling excess materials off-site. Finally, the third relates to erosion of exposed surfaces and storm water management.

Fugitive Dust and/or Mud:

Disturbance of the natural vegetation layer and earthwork/excavation activities results in the exposure of the natural soil to the elements. During dry periods, wind, trucks and equipment traveling across these disturbed areas create fugitive dust. This fugitive dust has the potential to negatively affect air quality. During wet periods, the dust turns into mud and, if left unchecked, can impact existing watercourses and can be tracked off-site onto public roadways.

To the extent possible, disturbed areas will be kept to a minimum. Earthwork activities will be scheduled so that the area to be disturbed and left unprotected from erosion will be as small as possible and exposed for the shortest time feasible.

Areas targeted for grading and excavation operations will be delineated by the use of silt fencing on the downhill side of slopes and limits of disturbance fencing in other locations. This fencing will generally be located within five feet of the limits of cuts and fill operations. These delineated limits of disturbance will be strictly enforced to minimize the areas of disturbance.

Temporary stabilization procedures including the establishment of temporary and/or permanent vegetation, mulching, geotextile fabrics, etc. will take place as required to prevent soil erosion. These measures will be installed as soon as practical after construction activities have been temporarily or permanently ceased.

Cut and fill slopes, utility corridors and other areas of disturbance will be covered with topsoil and revegetated as soon as practical to prevent erosion. Mulch and gravel generated from the previously referenced on-site recycling program will be used to control dust and stabilized wet areas.

Fugitive dust will be controlled with appropriate application of water as a palliative. One or more water trucks will be employed throughout the workday to water down haul roads and disturbed areas.

Most of the work associated with the Resort will occur on-site and out of existing public rights-of-way. However truck traffic traveling to and from the Resort has the potential of tracking dust onto public roadways.

Each project will establish a truck wash program. For most sites vehicle wash down areas will be at the entrance to all job sites off of Marsac Avenue. Single family projects will establish portable wash facilities as part of their individual plans. This wash down area will consist of temporary asphalt paving or clean, well-graded gravel with a water hose station and a catch basin to receive the wash water. All construction vehicles leaving the job sites will be inspected by Resort personnel, hosed down as required and have their loads covered or wetted if applicable.

Street Cleaning:

The truck wash at the entrance to the job site will eliminate most sediment transport from the job site to the City's storm water conveyance; however, the potential exists for incidental or accidental transport to Marsac Avenue. Consequently, the drop inlets downhill of the project will be equipped with silt traps of filter fabric or hay bales. These silt traps will be inspected on a weekly basis and prior to any forecast for precipitation and cleaned as needed. Streets will be swept as need depending on the effectiveness of the truck wash program. Streets will also be inspected and cleaned as needed prior to any forecasted precipitation.

Traffic Impacts:

The majority of all materials generated from on-site grading, excavation and other earthwork operations will be retained within the Annexation Area. This material will be used for such things as topsoil cover material, landscape berms and/or structural fills. This policy will reduce traffic impacts on City roads.

Storm Water Management:

The project construction is covered under a SWPPP issued by the State that is held in the name of the master developer, United Park City Mines Co. (UPK). This plan corresponds with the requirements of that permit. UPK will be responsible along with the MHA for enforcing that permit within the project.

The primary goals of the SWPPP are: i) to limit the areas of disturbance of existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practical through the selection, installation and maintenance of control measures in accordance with

good engineering practices; and iii) to prevent construction litter, debris and chemicals from becoming a pollutant source for storm water discharges.

In general, the Resort will institute the following good housekeeping practices:

- Protecting existing vegetation to remain from disturbance
- Minimizing slope lengths and steepness
- Preventing pollutant contact with precipitation and runoff
- Keeping pollutants off exposed surfaces
- Keeping materials out of storm drainage systems
- Reducing storm runoff velocities
- Minimizing generation of waste materials and dispose of all waste materials properly
- Storing all materials properly, including adequate covering
- Preventing leaks and spills, cleaning up any spills immediately
- Preventing concrete and cement mortars from entering storm drainages
- Applying fertilizers, pesticides and herbicides in accordance with the manufacturer's instructions
- Minimizing tracking of sediment off-site

All proposed staging and materials storage areas will incorporate storm run-off controls. Storm water collection, transmission and disposal faculties will be constructed to route storm water runoff around these areas. The storm water flows from these facilities will be discharged, where possible, through areas of natural vegetation so that filtering can occur. In areas where natural vegetation is not available, siltation basins will be constructed. Upon completion of the Resort, or when a staging area is no longer being used, these storm water run-off control facilities will be removed, re-graded and re-vegetated.

The Resort will install a variety of storm water run-off prevention measures whenever natural vegetation is disturbed including, but not limited to, straw bales, silt fences, silt basins, rock check dams, etc. to prevent silt and other construction related materials from entering the storm drain systems and/or water courses.

UPK and MHA personnel will routinely inspect the above-described erosion and sediment control facilities on a regular basis. These facilities will be maintained, repaired and supplemented as required to ensure effective operating conditions. Sediment will be cleared from the control facilities when the depth of the accumulated sediment reaches a maximum of 1/3 of the height of the structure.

Upon completion of construction, all temporary facilities will be removed from the site and re-vegetated after the disturbed areas have stabilized.

Noise Prevention

As stated earlier, although, for the most part, construction associated with the

Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to residential areas, noise impacts could be a concern. Obviously, work associated with the reconstruction of Marsac Avenue and the Mine Road could generate noise that may impact residential areas along this alignment.

All construction operations will be conducted in compliance with Park City's hours of operations and noise restriction guidelines and ordinances.'

In the event that any essential operation generates noise that consistently exceeds the 65-decibel limit set by Park City, Project representatives will meet with City Engineering Department and Building Department officials to determine the best method for mitigating the impact.

Engineering and Building Department officials will be notified of any proposed strong percussive noises, such as blasting activities, three days prior to the event taking place. Blasting contractors will be required to obtain necessary, permits prior to blasting.

Temporary Lighting

Since for the most part, construction associated with the Resort is isolated and will take place a significant distance from existing neighboring residential areas, impacts from lights associated with after-dark construction related activities or staging and storage areas is not anticipated to be a significant concern.

It is not anticipated that normal construction activities will occur after dark. It is, however, possible that certain special operations, such as utility tie-ins that can only be performed during "off hours," may necessitate work being completed after dark. The Resort will take great care to provide adequate lighting for the safety of the construction personnel while attempting to 'ensure that said lighting does not impact neighboring residents. An approved temporary lighting plan will be developed and submitted to the City for their approval at the City's discretion prior to commencement of any construction operations requiring exterior, temporary lighting.

Resort Identification and Notification Information

In accordance with Park City Construction Mitigation guidelines, Resort identification signs will be constructed and posted at the entries to the Annexation Area. These signs will include, at a minimum, the following Resort information:

- Name, address and telephone number of the developer
- Name, address and telephone number of person responsible for the Resort
- Name and telephone number of the party or parties to contact in case of

an emergency

In addition to the general Resort identification signs described above, and as stated previously, the Resort will develop construction signage plans as required to adequately inform the public of hazards related to construction activities, detours, etc. These signage plans will address construction activities associated with both roadways and trails.

Public Notification and Communication:

In light of the fact that the Annexation Area consists of approximately 1,650 acres used by a large segment of the population for recreational activities, keeping the public informed of the schedule and progress of the construction will be very important.

Meetings with neighboring property owners in particular and the public in general will be encouraged to keep everyone apprised of the current conditions.

The Resort will continually assess all operations that may adversely impact or Inconvenience residents and/or businesses in the area of the Resort or motorists, hikers, bikers and/or equestrians traveling throughout the Annexation Area so that proper notification and communication of impacts can be made in advance. These impacts may include road closures and detours, trail closures and detours, and night operations, etc. This notification process will be maintained throughout the entire construction process. All said notifications will be coordinated with representatives of Park City and communicated to the public via the local newspaper, radio stations and mass mailings.

Although every effort will be made to minimize the disruption of the existing trail system, some trails will be temporarily dosed or detoured, re-routed or permanently eliminated due to infrastructure construction. Detours and/or new permanent trails will be completed in a timely manner to minimize the Impact of Resort construction activities on the trail users.

Other Issues

Since dogs on active construction sites can be a distraction and a hazard to construction personnel as well as a threat to the well-being of the animal itself, dogs will be forbidden on construction sites at any time in accordance with Park City ordinances.

V. CONSTRUCTION PHASING

Phasing of the Resort will consist of an orderly and systematic construction and development plan, as approved by the Planning Commission in December of 2001.

This plan extends access and utility services to the Annexation Area in a timely fashion to facilitate the sale of a wide range of real estate product without undue impacts to Park City, its residents or the environment.

VI. CONSTRUCTION MITIGATION PLAN MANAGEMENT

FMP, the development entity overseeing the construction and development of the Resort, will have the overall responsibility for the implementation and enforcement of the requirements of this Construction Mitigation Plan.

Prior to commencement of any third party development project, and in accordance with the requirements of Park City's Master Planned Development approval process, the third party developer of said project will be required to submit a detailed, site-specific construction mitigation plan (CMP) to Park City Planning and Building Departments for their review and approval. A copy of these plans will also be submitted to the Resort's Master Homeowners Association for their review and approval.

The Resort's Developer and/or Master Homeowners Association will have overall responsibility to Park City Municipal Corporation to ensure the implementation and enforcement of the requirements of these individual construction mitigation plans as part of the approved Resort Covenants, Conditions and Restrictions (CC&R's) and Design Guidelines.

VII. ADDENDUM – AUGUST 2018 /FEBRUARY 2025

With development of the Mountain Village approximately 75% complete, this addendum addresses mitigation measures specific to the remaining, primarily residential, development. In 2004, the Planning Commission approved amendments to this Technical Report #15 Construction Mitigation Plan requiring site specific construction mitigation plans (CMPs) to be submitted with Conditional Use Permit (CUP) applications. All site specific CMPs shall be consistent with this Technical Report and require approval by the Planning Commission for CUPs and by the Chief Building Official and Planning Director, or their designees, for administrative CUPs and building permits.

Construction Access

Construction access for individual projects shall be addressed by the site specific CMP at the time of CUP and building permit review. With major road improvements complete, Marsac Avenue (the Mine Road) is the preferred route for downhill construction traffic, including construction workers, trucks delivering construction materials and trucks removing construction waste. The Empire

Pass Master Owners Association ("EPMOA") shall work directly with contractors to mitigate on-site traffic impacts related to the delivery of materials and supplies to construction sites.

Contractor Parking

EPMOA tightly regulates parking of construction personnel vehicles within the Annexation Area. Parking is prohibited on Marsac Avenue. Parking on construction sites within the Resort is limited and strictly monitored by the EPMOA. During non-winter months, EPMOA permits limited on-street parking on private roads. During winter months, contractors are generally required to park within construction sites to keep roads clear for snow removal and emergency vehicle access. Contractors with insufficient parking on site are required to shuttle workers from remote parking sites such as Richardson Flats, Deer Valley's Royal Street Connector lot, and the Mine Bench, subject to site specific CMP and property owner/Park City Municipal approval.

Construction Staging

Individual contractors coordinate with EPMOA regarding specific construction staging and storage areas. Contractors are generally required to stage materials on site. Based on land owner approval, off-site staging of materials on vacant development sites or at the Ontario Mine Bench or Royal Street Connector lot are acceptable alternatives, subject to permits, site specific CMP and property owner approvals.

Excavated Materials

Excavated materials generated from individual projects will be tested, processed and reused or disposed of within the Annexation Area, unless otherwise approved by the City Council to be disposed of outside of the Annexation Area. Materials will be processed by sorting the material into structural fill, top soil, rock and waste material. Final locations for placement of excavated material shall be specified in the site specific CMPs and shall be designated in areas which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Excavated materials that don't test clean (such as mine waste soils) are subject to State and Federal Regulations. Property owners shall coordinate with the appropriate State and Federal agencies. Completion of all requirements by State and Federal Agencies is required prior to building permit issuance for construction.

Structural fill and top soil surplus to individual construction projects will be hauled to approved tipping sites (see below) for placement subject to grading permit approval by the City. Grading permit applications shall require grading plans, storm water plans, City approval to relocate public trails, and site specific CMPs consistent with Technical Report #15. All fill and fill sites are subject to appropriate

geotechnical engineering and testing as part of a required grading permit.

Construction waste, rock, and other materials not suitable for placement at tipping sites shall be hauled off site for disposal at local landfills or other sites, as further specified in the approved site specific CMP.

Subject to grading permit approval, designated tipping sites include:

- Proposed Twisted Branch Subdivision Lot 2 (“Hot Creek”)
- Proposed Twisted Branch Subdivision Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs
- B2 East Subdivision
- City water tank site in lower Empire Canyon
- **Logan and UP. No. 2 Mining Claims - Lot 724**

See attachment A for map of Mining Claim sites.
See attachment B for general location map of these sites.

Additional tipping sites within the Annexation Area may be considered and approved by the Planning Commission. Twisted Branch Road Parcel C may be used for seasonal storage of excavated material when weather conditions preclude placement at other tipping sites, subject to grading permits, erosion control, and other safeguards and requirements consistent with this Technical Report.

Grading permit approval is required prior to placement of clean excavated materials at the identified tipping sites. Grading permit applications shall include the following items:

- existing conditions survey and topography,
- grading plans,
- storm water and drainage plans,
- erosion control plans consistent with SWPP requirements,
- significant vegetation and re-vegetation plans,
- certified forester or arborist report if applicable,
- City approval for any relocated public trails,
- access routes,
- time period of opening and date for closing of site,
- detailed construction mitigation plans consistent with Technical Report #15 and
- compliance with all standard City regulations for grading permits.

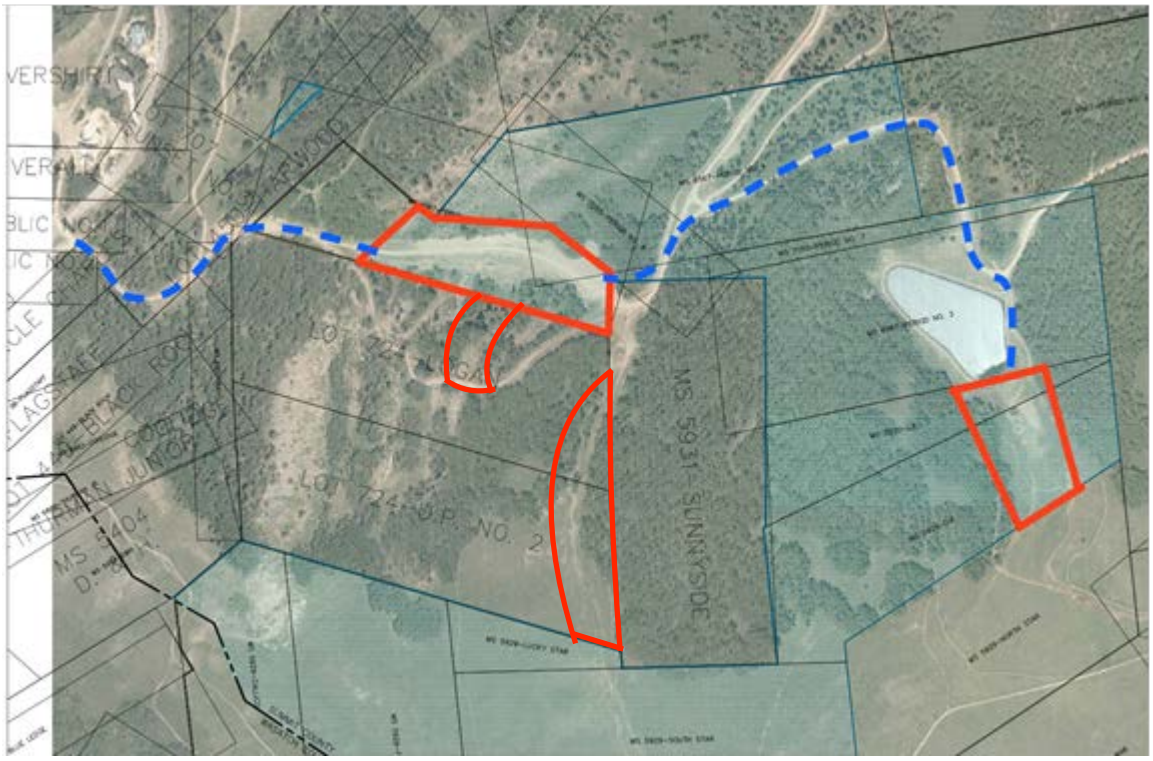
For sites with significant vegetation, a certified forester or arborist report will be required to identify and describe the health of significant vegetation on the site, to identify the best location for placement of clean excavated materials, to identify mitigation measures for removal of any significant trees and to provide best forest management practices to address dead and dying trees at the site.

The proposed sites are primarily located in the ROS zone and are generally in, or close to existing ski run areas. Access routes shall be shown on the plans and any access route that is not part of or required for ski area operations shall be reclaimed consistent with the approved grading permit.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, waste, trash and construction by-products will be generated by individual construction projects. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment. Site specific CMPs for individual projects will address waste and trash management and recycling of materials, consistent with this Technical Report. EPMOA will monitor contractor compliance with trash management on individual sites and surrounding properties.

Attachment A- Mine Claim Tipping Sites



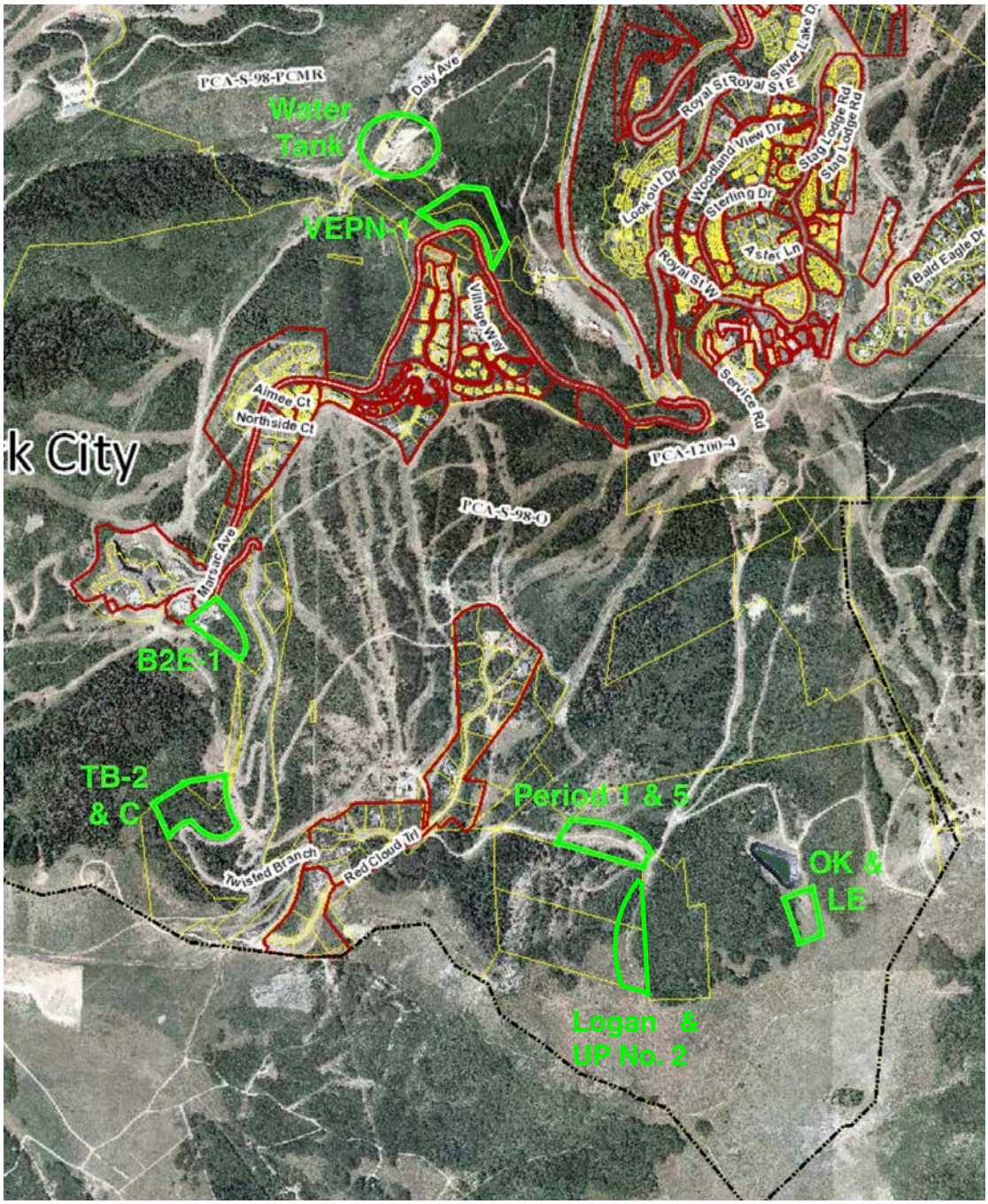
Blue dashed line is haul route off Red Cloud Trail. Red areas are tipping sites.

Site A- Period No. 1 and Period No. 5 **& Logan Mining Claims**

Site B- OK and LE (This site is upstream of the Deer Valley snowmaking reservoir).

Site C - Logan and UP No. 2 Mining Claims

Attachment B – General Location Map of Tipping Sites



Planning Commission
Staff Report

Author: **Brooks T. Robinson**
Subject: **Adoption of Revised and Updated Technical Reports 1, 7, 15**
Date: **February 25, 2004**
Type of Item: **Administrative**

PLANNING DEPARTMENT

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

A. Topic

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

B. Background

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

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

1. Mine/Soil Hazard Mitigation Plan
2. Detailed Design Guidelines
3. Specific Transit Plan
4. Parking Management Plan
5. Detailed Open Space Plan
6. Historic Preservation Plan

7. Emergency Response Plan
8. Trails Master Plan
9. Private Road Access Limitation Procedures
10. Construction Phasing
11. General Infrastructure and Public Improvements Design
12. Utilities Master Plan
13. Wildlife Management Plan
14. Affordable Housing Plan

In addition, a fifteenth report, Construction Mitigation was also approved and adopted.

As the development began to take shape, three reports became substantially out of date and needed to be updated. The three reports are: #1, the Mine/Soil Hazard Mitigation Plan, #7, the Emergency Response Plan, and #15 the Construction Mitigation Plan.

C. Analysis

There was general re-organization of the three reports and the elimination of redundant or out of date language. A summary of the major issues is outlined below.

The Mine Soil and Physical Mine Hazard Plan was updated to include the work being carried out under the United States Environmental Protection Agency Consent Agreement to remediate the hazardous levels of heavy metals located within the Annexation Area. A Soils Repository has been sited in the Daly West area of Empire Canyon. This site concerns the City in that it would be permanently located within the City Limits and, more importantly within the headwaters of a City water source. The City has proposed a second, preferred site at Richardson's Flat, if agreeable to the EPA.

The Emergency Response Plan (#7) has been updated to provide for a Police substation within the Pod A Village, specifically the Empire Club building, and a dedicated fire station site between Pod B-2 (Empire Canyon Lodge area) and Pod D (the single family, Red Cloud subdivision).

The Construction Mitigation Plan (#15) was needed additional clarification on several items. The major deletions were the batch plant and rock-processing operations at the Daly West site. An addition was the requirement for site-specific CMPs to be submitted with each Conditional Use Permit so that the impacts of each project are known and part of a public hearing process. Of importance with each CMP will be the location and disposition of excess excavated soil. The City is concerned with the possibility of multiple truck trips over public roads to temporary and then permanent soils repositories. In addition, the applicant is proposing to use the Ontario Mine bench for soils processing with excess material being moved around the Prospect Ridge drift road for deposit at the Judge landslide.

The other issue of concern is the requirement (on page 11) that downhill truck traffic use Royal Street. Staff requests that the Commission discuss this issue. As the

Mine Road is currently a State Highway, Park City has limited enforcement capability. The CMP envisions a checkpoint near the old stables building and for the developer to have some enforcement. Staff would prefer some flexibility to look at each site-specific CMP for traffic. Royal Street, of course, is a City street and the amount of heavy truck traffic will cause the City to undergo costly repairs at a date earlier than anticipated. Routing heavy truck traffic (for instance, the remediated mine soils trucks going to Richardson's Flat) down State Route 224 would shift the burden of repairs to the State. In addition, the runaway truck ramp is located on SR 224 and there is none on Royal Street. SR 224 is also shorter by a significant distance and would reduce the cost of trucking the remediated mine soils to Richardson's.

Department Review
This project has gone through an interdepartmental review. Outstanding issues are discussed above.

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

ALTERNATIVES

A. The Planning Commission may adopt the three updated and revised Technical Reports, or

B. The Planning Commission may deny the three updated and revised Technical Reports, and direct staff to prepare findings supporting this action, or

C. The Planning Commission may continue the discussion to a later date.

RECOMMENDATION

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

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

2. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain specified that the developer is granted an equivalent of a Large Master Planned Development.

3. Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain requires the developer to submit the following studies, prior to or concurrent with Small-Scale MPD process for City approval:

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

4. The Planning Commission held a public hearing on February 25, 2004, to review the studies. The Planning Commission provided for public input on the studies at this meeting.

Conclusions of Law:

1. The Planning Commission finds that the revised and updated Technical Reports 1, 7, and 15 required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain to be complete.
2. The Planning Commission finds that the revised and updated Technical Reports 1, 7, and 15 required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain to be consistent with the provisions and intent of the Annexation Resolution adopted by Council on June 24, 1999.
3. The revised and updated Technical Reports 1, 7, and 15 required pursuant to Ordinance 99-30, Section II, 2.1: Large Scale MPD–Flagstaff Mountain do not change or adversely affect the density, development locations, or project design as set forth in the Annexation Resolution adopted by Council on June 24, 1999.

Condition of Approval

1. Each site-specific Construction Mitigation Plan (CMP) must be submitted with the Conditional Use Permit.
2. Downhill truck traffic will be addressed with each site-specific CMP.

EXHIBITS

The Revised and Updated Technical Reports are provided to the Commissioners in a binder. Copies for review are available at the Planning Department.

Planning Commission
Staff Report

Building Department

Subject: **Flagstaff Construction Mitigation Plan Amendments**
Author: **Michelle Downard**
Date: **September 10, 2008**
Type of Item: **Administrative**

Summary Recommendations
Staff recommends the Planning Commission consider the Flagstaff Mountain Resort (Empire Pass) Construction Mitigation Plan amendments on the consent agenda. Staff has provided findings of fact, conclusions of law and conditions of approval for the Planning Commission's consideration.

Description

Applicant:	United Park City Mines Company
Location:	Flagstaff Mountain Resort, now Empire Pass
Zoning:	Residential Development (RD) and Estate (E) in the Flagstaff Master Planned Development (MPD), and Recreation Open Space outside of development areas.
Adjacent Land Uses:	Ski terrain for Deer Valley and PCMR, development areas of Empire Pass.
Reason for Review:	Amendments to the Master Plan Development Construction Mitigation Plan require Planning Commission review and approval

Background
June 24, 1999: City Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 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 amenities for each parcel and development conditions.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed. Technical Report #15 was the Construction Mitigation Plan for the Flagstaff Mountain Development.

August 7, 2008: The City received a completed application for the Flagstaff Construction Mitigation Plan Amendments. The applicant wishes to make 4 changes to the plan as outlined below:

Page 1: The acres and density included within the development area are being amended to be consistent with the actual approvals of the development.

The Amended and Restated Development Agreement (DA) for Flagstaff Mountain, recorded March 2, 2007, allows for 785 Unit Equivalents in no more than 550 dwelling units" (section 2.2.1.3 of the DA). Footnote 6 on page 9 of the DA further states that: "Hotel rooms of 500 square feet or less constitute ¼ unit equivalents. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at a rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units."

The increase in density allowed for the development of the Montage Resort and Spa in exchange for the annexation of approximately 2,800 acres of land owned by United Park City Mines Company and primarily leased to Park City Mountain Resort. This annexation area transferred all development rights to the Montage and was further restricted by easement. In addition, a park and ride lot is to be constructed by the developer at the Quinn's Junction Area and additional affordable/employee housing above that required by the City are considered community benefits.

Page 7: Propose water tank #2 for the project was increased in capacity from 500,000 gallons to 1,000,000 gallons in anticipation of the density of the development and provides emergency fire needs.

Page 11: Eliminate the requirement for a checkpoint station on the public highway as this requirement posed conflicts with Utah Department of Transportation (UDOT). (UDOT was not in favor of allowing a private party to regulate traffic down a state highway.)

Provide the Chief Building Official and Chief of Police the ability to approve large construction vehicle traffic to exit Flagstaff Mountain via Marsac Avenue/Ontario Canyon due to weather concerns or the size of the vehicle, which is now prohibited.

Page 13: Excavated material may be disposed of within the Flagstaff Mountain Development or at Bonanza Flats (a currently utilized fill site within Wasatch County). This would ensure that if excavated material can not be accommodated on the site, it can be disposed of at this location while not creating any additional traffic within Park City. (The site can be accessed from Hwy 224 over the top of Flagstaff Mountain.)

Analysis

The amendments are not in conflict with the Park City Municipal Code.

Staff finds good cause for this amendment as the amendments will more accurately reflect the current practices of the Flagstaff Construction Mitigation. It will not create significant impacts or effect the current operations of the development. These changes will further mitigate the impacts of the construction by providing staff with the ability to consider individual situations and have more ability to address concerns.

Department Review
This project has gone through an interdepartmental review by the Planning, Police and Engineering Departments. No further issues were brought up at that time.

Notice
Notice of the hearing was published in the Park Record, posted on site and in three established locations. There was no courtesy mailing as no specific properties are affected.

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

Alternatives

- The Planning Commission may approve the recommendations for the Flagstaff Mountain Resort amendments to the Construction Mitigation Plan; or
- The Planning Commission may deny the amendments for the Flagstaff Mountain Resort Development Construction Mitigation Plan ; or
- The Planning Commission may continue the discussion on the Flagstaff Mountain Resort Development Construction Mitigation Plan.

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

Consequences of not taking the Suggested Recommendation
The current Construction Mitigation Plan would remain in place and would be inconsistent with the current practices and limit the abilities of the Chief Building Official and Chief of Police.

Recommendation
Staff recommends the Planning Commission hold a public hearing for the Flagstaff Mountain Resort (Empire Pass) Construction Mitigation Plan amendments. Staff has provided findings of fact, conclusions of law and conditions of approval for the Planning Commission's consideration.

Findings of Fact:
1. The property is located in the Flagstaff Mountain Resort.
2. The zoning is Residential Development (RD) and Estate (E) in the Flagstaff Master Planned Development (MPD), and Recreation Open Space outside of development areas.
3. On page 1, the acres and density included within the development area are being amended to be consistent with the actual approvals of the development and will read as follows:

"The proposed area of development will be restricted to a) the "Mountain Village" consisting of three development pods ("A", "B-1" and "B-2") limited to a) a maximum of 874 acres and b) the "Northside Neighborhood" (Development Pod "D") limited to a maximum of 63 acres.

The maximum density allowed within the Mountain Village includes 7805 Unit Equivalents configured in mo more than 550~~470~~ dwelling ~~residential~~ units and 192 hotel rooms."

4. On page 7, the proposed water tank #2 for the project was increased in capacity from 500,000 gallons to 1,000,000 gallons in anticipation of the density of the development and provides emergency fire needs.
5. On page 11, the amendment eliminates the requirement for a checkpoint station on the public highway as this requirement posed conflicts with Utah Department of Transportation, (as UDOT was apposed to allowing a private party to regulate access on a public highway). In addition, the amendment provides the Chief Building Official and Chief of Police the ability to approve large construction vehicle traffic to exit Flagstaff Mountain via Marsac Avenue/Ontario Canyon due to weather concerns or the size of the vehicle, which is now prohibited.
6. On page 13, excavated material may be disposed of within the Flagstaff Mountain Development or at Bonanza Flats, (a currently utilized fill site within Wasatch County).

Conclusions of Law:

1. There is good cause for this amendment as the amendments will more accurately reflect the current practices of the Flagstaff Construction Mitigation. It will not create significant impacts or effect the current operations of the development.
2. The amendment is consistent with the Park City Land Management Code and the Flagstaff Development Agreement, as amended.
3. Neither the public nor any person will be materially injured by the proposed Construction Mitigation Plan amendments.
4. Approval of the amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. All conditions of approval of the Flagstaff Mountain Resort Development shall continue to apply.

Future Process

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

EXHIBITS:

Exhibit A- Proposed Draft of Construction Mitigation Plan

CONSTRUCTION MITIGATION PLAN
FOR
FLAGSTAFF MOUNTAIN RESORT PARK CITY, SUMMIT COUNTY, UTAH also known as EMPIRE PASS

EXHIBIT 15

Prepared by:
United Park City Mines Company

May 2001
(Revised and Approved December 2001)
Revised February 2004
Further revised June 2008
Revised August 2018

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Exhibits

Exhibit A — Off-site Road Improvement Plan
Exhibit B1-B2 — Emergency Access Plan (revised 1/2004)
Exhibit C — Road Cross Sections (revised 1/2004)
Exhibit E — Ontario #3 Mine Building Complex Staging Area

(Exhibits D and F were deleted with the 2008 Amendments)
Renumber pages for Table of Contents with final clean document.

I. INTRODUCTION, GOALS OBJECTIVES

This study is one of several reports that have been prepared to support the Flagstaff Mountain Resort's Large Scale Master Plan Development (LSMPD) application. As LSMPDs are programmatic in nature and subject to refinement at subsequent Master Planned Development (MPD) or Conditional Use Permit (CUP) stages, correspondingly, the contents of this report should be viewed as conceptual in nature and subject to change as specific plans are developed. Details developed at the MPD or CUP stage will not require a modification of this plan provided that they comply with the Goals and Objectives of this Plan.

General Description of the Property

Flagstaff Mountain Resort (the "Resort") is an assemblage of mining claims totaling approximately 1,655 acres of land (the "Annexation Area" located at the southwestern corner of Summit County, Utah. The Annexation Area is bordered by Deer Valley Resort to the east and State Highway 224 (Marsac Avenue) to the northeast. The southern boundary coincides with the Summit County/Wasatch County line. The Park City Mountain Resort borders the Annexation Area to the west and northwest. The Resort was annexed into the corporate limits of Park City, Utah on June 24, 1999 (refer to Exhibit "A" attached).

The proposed areas of development will be restricted to a) the "Mountain Village" consisting of three Development Pods ("A", "B-1" and "B-2") limited to: a) maximum of 84 acres and b) the "Northside Neighborhood" (Development Pod "D") limited to a maximum of 63 acres.

The maximum density allowed within the Mountain Village includes 785 Unit Equivalents configured in no more than 550 dwelling units and 192 hotel rooms. The residential units may be multi-family units, hotel room units or PUD units. In addition, the Mountain Village may also contain a maximum of: i) 16 single-family home sites; and, ii) 75,000 sf of resort support commercial uses. The Flagstaff Development Agreement was amended and recorded in March of 2007 and is referred to as the Amended Agreement.

The Northside Neighborhood (aka Red Cloud) may contain a maximum of 38 single-family home sites of which 30 are currently entitled and 8 are subject to further requirements under the Development Agreement. In addition to the Deer Valley Resort "Empire" Day Lodge near the Daly West waste rock pile, uses for the Resort are intended to include hotel lodging facilities, resort support commercial, multi-family residential units, PUD-style residential units and single-family home sites. Recreational uses will remain similar to the

current uses described above, with the exception of commercial snowmobiling, which will be discontinued.

Construction and Potential Construction Impacts

Development of the Resort will include two (2) basic types of construction, infrastructure which includes roads, utilities, etc. and the actual residential and commercial buildings themselves. This Construction Mitigation Plan primarily addresses the infrastructure development of the Resort, although the guidelines set forth herein will be incorporated into the individual construction mitigation plans that will be required for each of the building development projects.

The proposed infrastructure development includes construction of: i) roadways, with the associated bridges and tunnels; ii) storm water drainage facilities; and, iii) utility systems including sanitary sewer, water storage & pumping, water distribution, natural gas, electric power transmission and telecommunication systems along with trail systems, ski lifts and other Resort improvements.

As stated above, each individual building project will be required to submit a site-specific construction mitigation plan prior to commencement of construction. These individual building construction mitigation plans will supplement and be consistent with this Plan. Section VI, “Construction Mitigation Plan Management” addresses this supplemental process to ensure compliance and implementation of these Plans.

Construction Mitigation Planning Goals and Objectives

The primary goal and objective of this Construction Mitigation Plan is to identify and mitigate the impacts of infrastructure construction associated with the Resort, adhering to the standard Park City Municipal Corporation (“Park City”) required construction impact mitigation measures along with additional site-specific mitigation measures required by the Development Agreement.

In addition, a complete Storm Water Pollution Prevention Plan (“SWPPP”) will be prepared and implemented separately for the Resort in strict accordance with local, State and Federal guidelines. The primary goals of the SWPPP will be: i) to limit the areas of disturbance of the existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practicable through the selection, installation and maintenance of storm water control measures in accordance with good engineering practices; and, iii) to prevent construction litter, debris and chemicals from becoming a pollutant source of storm water discharges. The SWPPP will also be designed to protect Park City’s water sources and their designated water source protection areas.

For purposes of this Construction Mitigation Plan, and inasmuch as most of the issues and concerns addressed are identical, portions of the SWPPP will be

incorporated into the individual sections of the Plan as they apply.

II. EXISTING CONDITIONS

Existing Access

Access to the approximately 1,655-acre Annexation Area is via either Guardsman Pass Road or Daly Avenue. Guardsman Pass Road through the site is a narrow and steep minimally maintained road with a surface of either deteriorating asphalt or gravel. Guardsman Pass Road is not maintained or plowed in the winter and is closed to vehicles after the first significant snowfall of the season at a gate located approximately one-quarter mile south of the Guardsman Connection. Daly Avenue provides gated access to the mouth of Empire Canyon below Development Pod A.

Existing Uses

The Annexation Area has historically been a popular recreational site used by area residents and visitors alike. Winter uses include both lift-served resort skiing as well as backcountry skiing, snowshoeing and snowmobiling. Summer uses include mountain biking, hiking and equestrian uses.

Within the Annexation Area portion of Deer Valley Resort, there are six existing ski lifts and approximately 36 ski runs, many of which have been cut through forest stands, graded, and revegetated. Four additional lifts are currently planned for the Annexation Area. One of these will serve the ski in/ski out needs of Development Pod A, one will access existing terrain between the Red Cloud and Northside Lifts (Ski Pod D) and the other two will access new intermediate and advanced Ski terrain in Empire Canyon (future Ski Pods X and Z).

A snowmobile concession, located just east of the Guardsman Connection at the horse stable has been discontinued.

Numerous trails currently exist within the Annexation Area, which include improved roadways, jeep trails, single-track trails, and undeveloped game trails. Many of the undeveloped trails are used on a limited basis by local hikers and equestrians. Other trails receive more frequent use and are recognized as serving a broader spectrum of the public. The “Trails Master Plan for Flagstaff Mountain Resort” provides a detailed description of the existing trail system.

Mining Operations

Although active mining operations ceased in 1982, more than a century of intensive mining activities within the Annexation Area have left a number of mining-related features ranging from bits of debris and subtle landscape alterations to massive mine waste rock overburden sites and standing structures.

As mentioned above, the Historic Preservation Plan provides specific information regarding the current status of mining related structures and features within the Annexation Area.

Existing Utilities

Utilities as outlined in the Utility Master Plan have been installed in Marsac Avenue. Water, Electrical and telephone are connected to the service providers. The second sewer outfall down Marsac Avenue is partially complete and will be finished in the summer of 2004.

Existing Emergency Services

Existing and proposed Emergency Services are detailed in the Emergency Response Plan for the project.

III. SCOPE OF INFRASTRUCTURE CONSTRUCTION WORK

Improvements to Marsac Avenue and Mine Road section of State Route 224

As required by the Development Agreement, the Resort will make certain improvements to Marsac Avenue beginning at the Deer Valley Drive "Roundabout," continuing south on Marsac Avenue and the Mine Road to the Guardsman Connection. Included as part of these improvements will be the construction of a runaway truck ramp which was completed in 2001. The balance of the improvements to this section of road include rebuilding the travel surface, adding curb and gutter, and the addition of a short uphill passing lane which is schedule to be completed by the end of 2004.

Realigned Guardsman Pass Road

Guardsman Pass Road from the Guardsman Connection through Development Pods A and B-1 to Development Pod B-2 has been realigned and accepted by the State.

Private Road

A private road, constructed to the same cross-section described above for the re-aligned portion of Guardsman Pass Road, will be built to serve Development Pod D and the proposed Bonanza Mountain Resort located in Wasatch County on a year-round basis (refer to Exhibit "G" attached). Access to this private road will be limited to the residents of Flagstaff Mountain Resort and Bonanza Mountain Resort along with their respective visitors, guests, employees and service personnel (refer to the Private Road Access Limitation Procedures for Flagstaff Mountain Resort). A private street may be dedicated to the City with City Council approval. An emergency secondary access road will be built from Pod D to Pod A.

Development Pod Infrastructure

Roads within the Development Pods will be constructed to cross-sections similar to those described for the re-aligned Guardsman Pass Road (refer to Exhibit "B" attached). These roads will include all of the required utilities, which, for the most part, will be installed within the road platform. Parking will not be allowed on either side of these roads.

Bridges and tunnels will be constructed to provide grade separation of vehicles and recreational users (hikers, bikers & skiers). These structures will be designed to incorporate so-called "dry crossings" to provide access during construction as well as emergency vehicular access around these structures in the event of a structural failure.

Utilities

Water:

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

Water will be delivered to the 1,000,000 gallon storage tank (Water Tank #1) that UPK constructed on the east side of Guardsman Road, just above the Empire Day Lodge. The primary source of water for Tank #1 is planned to be the Spiro Water Treatment Plant via the 13th Street Pump Station and the Woodside Tank. After necessary upgrades to the existing system are completed, water will be pumped from the Woodside Tank up Empire Canyon to the Pod B-2 Tank via a 10" ductile iron water line.

The secondary source that presently supplies Tank #1 is the existing Bald Eagle Tank at the Deer Valley Resort. Water gravity flows to Tank #1 from the Bald Eagle Tank through the water line that feeds the Empire Day Lodge at Pod B-2 via a 10" ductile iron water line that runs along the Banner Ski Trail and across the Northside Ski Runs. Tank #1 is located at an operating elevation of approximately 8,450 feet above sea level and provides approximately 540,000 gallons of fire storage for Pods A, B-1 and B-2. This

storage capacity has been calculated to provide the necessary 3,000 gallons per minute for the three-hour duration in accordance with the requirements of the Park City Building Department.

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

Sewer:

Flagstaff Mountain Resort will enter into the necessary Line Extension Agreements with the Snyderville Basin Water Reclamation District in order to secure adequate sanitary sewer service for the Resort.

Flagstaff Mountain Resort will construct a wastewater collection system throughout the Resort area.

Beginning at Development Pod D at the top of Flagstaff Mountain, wastewater will be collected and transported downhill via two separate sewers. The first will follow the alignment of the proposed private road that connects Development Pods D and B-2 and will collect wastewater from those single-family lots located on the west side of Flagstaff Mountain. This sewer will then collect wastewater from Development Pods B-2 and B-1 and convey it to the sewer line constructed in Empire Canyon during 2001. This is the sewer line that extends from the Empire Day Lodge to upper Daly Avenue.

The second sewer will collect wastewater from the balance of the single-family lots within Development Pod D and convey it along the Northside ski runs to Development Pod A.

A system of sewers within Development Pod A will collect the wastewater conveyed from Development Pod D, along with the wastewater generated in Development Pod A and convey it to Prospect Ridge.

From Prospect Ridge, a sewer will convey the wastewater down to one of two connections to the existing sanitary sewer system.

One is the existing sewer that was extended up Marsac Avenue by the City to a point just above the new Deer Valley Drive “roundabout” in Ontario Canyon. This line has the capacity to accept all of the wastewater generated by the Resort and will be the primary receiver of the Resorts wastewater.

The other outfall is the connection that will be made to the existing sewer at the top of Daly Avenue in Empire Canyon. The capacity of this line is restricted due to existing conditions within Main Street, so this line can only accommodate a portion of the overall requirements of the Resort.

Electric Power:

The source of electric power for the Resort will be the existing Judge Tunnel switch and the recently realigned Olmsted line. Power will be distributed from this point throughout the Resort via an underground distribution system located within either the proposed street rights-of-way or utility easements.

Telecommunications:

Allwest Communications will provide fiber optic lines for Internet, cable and phone.

Natural Gas:

Questar Natural Gas Company has extended a transmission line to a regulator station in the pod B1 area. Distribution line have been installed in the realign Marsac Ave

For additional information relating to the proposed construction associated with the development of Flagstaff Mountain Resort, please refer to the following Resort master plan documents:

- The Construction and Development Phasing Plan
- The Utilities Master Plan
- The Drainage Master Plan
- The Private Road Access Limitation Procedures
- The Emergency Response Plan

IV. CONSTRUCTION IMPACTS AND MITIGATION MEASURES

Construction Phasing

Detailed anticipated timeline of construction activities are described in the “Construction and Development Phasing Plan for Flagstaff Mountain Resort”. A

Construction Mitigation Plan is required at the time of Conditional Use Permit application.

Traffic Impacts

The primary impacts to traffic on the roadways adjacent to the Annexation Area relate to construction personnel commutes and deliveries of construction materials and supplies.

As stated above, the primary access to the Annexation Area will be via Marsac Avenue and the Mine Road. The vast majority of construction personnel and material handling traffic to and from the Annexation Area will travel along this route. To a much lesser extent, there will be some minimal construction related traffic along Main Street and Daly Avenue associated with the limited construction activity located in the lower portions of Empire Canyon.

Roadways potentially impacted by construction traffic will include the following:

- SR 224 from Kimball Junction to Deer Valley Drive
- SR 248 from Quinn's Junction at Highway 40 to SR 224 (Park Avenue)
- Bonanza Drive
- Park Avenue to Deer Valley Drive
- Deer Valley Drive to Marsac Avenue
- Marsac Avenue from the roundabout to Hillside Avenue
- The Mine Road from Hillside Avenue to the Guardsman Connection
- Daly Avenue and Main Street

Potential construction traffic impacts include:

- Increased traffic associated with construction personnel arriving and leaving the Annexation Area
- Deliveries of construction materials, primarily loaded trucks moving slowly uphill
- Temporary traffic restrictions associated with the required improvement of Marsac Avenue and the Mine Road

A variety of traffic related mitigation methods will be implemented to minimize the above referenced traffic impacts.

Since the majority of the construction activities will take place during the late spring, summer and early fall construction season, and during long periods of daylight, the majority of the construction personnel will be arriving and departing the Annexation Area at traditionally non-peak time periods. This will help to mitigate traffic congestion during the normal morning and afternoon peak travel times. Although there is no formal system proposed construction personnel will be strongly encouraged to car pool to and from the Annexation Area to reduce traffic impacts.

The Resort will develop and implement a detailed program to mitigate traffic impacts related to the delivery of materials and supplies to the Resort and the haul-off of excess and waste materials from the Annexation Area.

This program will include, but not be limited to, the following components:

Delivery Schedules

In general deliveries will be restricted to follow the schedule set out in this section which is designed to minimize conflicts with tourist and holiday traffic. Deliveries that cannot accommodate this schedule will be the subject of a specific delivery plan that will be submitted and approved by the Building Department.

Deliveries to the site are of varying types and uses. General construction material will originate from SLC and will be at predictable times and frequency. These deliveries will be scheduled to not coincide with ~~peek~~ peak winter tourist traffic patterns and will avoid holidays. In the winter peak ski season (Christmas through Presidents Day) these deliveries will be scheduled to arrive during week days after 9:30 AM and before 3:30 PM and will be direct to the construction site. Saturday deliveries are possible but will be the exception and will be further restricted to after 10:00 AM and before 3:00 PM. Sunday and holiday deliveries will be prohibited. In the balance of the year the delivery schedule will also avoid holidays and Sunday, but will generally be permitted over the normal construction hours. Summer traffic conflicts can occur on non-holiday times when festivals are scheduled outside of weekends and holidays. The Master Owners Association will verify with the City the festival schedule to the project identifying areas of concern. The developer will coordinate with the City to minimize conflicts with these dates and times.

Just-in-time deliveries consist of materials fabricated off site such as structural steel, pre-cast concrete and trusses. These materials are shipped by common carrier and are offloaded from the truck and placed directly on the building during normal working hours. While their arrival in town is random and not schedulable like routine deliveries from SLC, they are few in number and will have limited impact.

Concrete deliveries are the most demanding from a schedule point of view. Small pours can be scheduled to respect the off peak delivery schedule set out for routine deliveries. However large pours will occur year-around and may need to be scheduled for the full day. These deliveries schedules will be submitted to the Building Department for approval as previously noted.

Directions and Travel Routes

Deliveries and traffic routes will be monitored and recorded by the Master

Homeowners Association (MHA) who has the ability to levy fines on contractors and owners who fail to comply with the approved project CMP~~plans~~. See MHA mitigation plan for details of requirements and coordination of CMPs throughout the project.

A Delivery Route Map providing suppliers with directions to the Resort from 1-80 and US 40 including detailed information related to travel conditions and construction detours along the route(s) through Summit County and Park City. This map will be updated on a frequent basis to ensure deliveries do not get lost and cause undue impacts on other parts of Park City. The maps will not require that downhill truck traffic use Royal Street. Downhill truck traffic is ~~, however~~ at the discretion of the Chief Building Official or the Chief of Police:

(i) Over-length trucks that cannot stay in their lane on the turns on Royal Street may be allowed to go down the mine Road/Marsac Avenue; and
(ii) Trucks may be routed down the Mine Road/Marsac Avenue when weather or other conditions make travel down Royal Street unsafe or impractical.

- Deliveries will be required to be scheduled in advance to ensure that: i) they arrive during non-peak Park City travel periods; ii) equipment is available to quickly off-load the shipment; and, ill) a storage area is available. With the approval of Park City, deliveries may be scheduled outside of normal working hours to minimize traffic impacts.

- Deliveries will be timed to coincide with the installation of the materials to ensure that the Resort's storage areas do not become overcrowded.

- Deliveries will be prohibited during area special events including, but not limited to, the Fourth of July celebration, the Arts Festival and the Miner's Day celebration.

- Appropriate directional signal will be installed to clearly direct deliveries to their appropriate destination.

With regard to the improvements associated with the reconstruction of Marsac Avenue and the Mine Road, the Resort will work with Park City to develop an approved construction phasing and implementation plan. This plan will include various elements including, but not limited to, a phasing plan and schedule, a detour plan, a construction signage plan, and a public information program all similar to the one implemented on the construction of the sewer in lower Marsac Avenue.

Hours of Operation

Although for the most part construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to these

residential areas that may transmit sound over a great distance, hours of construction is a concern.

In accordance with the Park City Construction Mitigation Guidelines, construction operations will be limited to the hours of 7:00 AM to 9:00 PM Monday through Saturday and 9:00 AM — 6:00 PM on Sunday. These restrictions will be strictly enforced whenever noise and disruption from construction operations may create a public concern. In more remote areas of the Annexation Area that will not affect neighboring residential areas, extended hours of operation may be requested, subject to the approval of the Park City Community Development Department.

Construction Personnel Vehicle Parking

Due to the considerable size of the Resort, the high number of anticipated construction personnel, the need to keep Marsac Ave open to the public, the restrictive nature of the terrain and the vegetation which must be protected, construction personnel vehicle parking is a concern.

The Resort will designate, construct, maintain and manage specific construction personnel vehicle-parking areas located throughout the Annexation Area. Parking is prohibited on Marsac Ave. The Ontario Mine site is the primary area for this work. Land uses for the Ontario Bench may be subject to a Conditional Use Permit. This site is of an appropriate size and is well situated to accommodate the large numbers of construction personnel that will be working in the lower portions of the Resort in and around Development Pod A. The site is already improved with storm drainage related facilities and asphalt paving. The removal of the mill buildings has increased the area available for staging at this location.

There will be a number of smaller “site specific” construction vehicle parking areas established throughout the Annexation Area. These sites will be located only in areas slated for future construction to ensure that no new vegetation is disturbed. These sites will again be graded and treated to control storm water run-off, mud and dust.

Construction. Staging and Material Storage Areas

Similar to the above referenced construction personnel vehicle parking, due to the size of the Resort, the need to keep Guardsman Pass Road open to the public, the potential for changing weather conditions, the restrictive nature of the terrain and the vegetation which must be protected, construction staging and material storage is a significant concern.

The Resort will again designate, construct, maintain and manage specific construction staging and storage areas located throughout the Annexation Area. The same two sites referenced above will play significant roles to mitigating these impacts.

The existing Ontario No. 3 Mine Building Complex will act as the primary staging and material storage site for the Resort. The existing buildings located on this site will provide opportunities to house construction field offices. The exterior portions of the site are of an appropriate size and are well situated to accommodate the long-term storage of large quantities of construction materials required by the Resort.

Excavated materials generated from the project will be processed and reused or disposed of within the annexation area, or at Bonanza Flats, unless otherwise approved by the City Council. Materials will be processed by sorting the material into structural fill and top soil. The bulk of this processing will occur pursuant to a City approved Construction Mitigation Plan which reduces the overall number of haul trips necessary to transport the excavation waste material to its final approved location and minimizes impacts on existing neighborhoods and future residents within the project area. Final locations for waste material storage shall be designated in area which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Processed materials which are suitable for reuse as engineered fill, aggregate, or landscaping materials will be returned to the site as needed. This reuse will reduce offsite truck trips.

Structural fill and top soil that are surplus to the project will be subject to grading permit approval by the City. AU fill and fill sites will be subject to appropriate geotechnical engineering and testing and be the subject of a grading permit as required by the IBC. Placement of this material will be covered under separate permit and is the responsibility of United Park City Mines Co (UPK).

The Daly West waste rock pile will act as the primary storage area of on-site generated materials such as trees and vegetation. This site will also be designated as a secondary construction staging area and material storage site since it is well situated to service the mid-portions of the Resort in and around Development Pods B-1 and B-2. However, all work in and around the Daly West must be coordinated with the Mine Soil and Physical Hazards Mitigation Plan. Until the mitigation of Mine Soils is complete on this site, the area available for construction staging will be limited.

In an effort to re-use all suitable materials generated during the construction of the Resort, it is anticipated that several recycling operations will take place at the Daly West staging area. The first will be a wood chipping operation to process organic materials such as trees, slash, ground vegetation and scrap lumber into mulch. This material will be available for use in a variety of ways including mud & dust control, ground stabilization and re-vegetation & landscaping ground cover.

There will be a number of smaller “site specific” construction storage areas established throughout the Annexation Area. These sites will be located in areas slated for future construction to ensure that no new vegetation is disturbed.

In addition to having appropriate areas to stage construction activities and store

construction materials, it is very important to manage, these areas effectively. This management will begin at the entry to the Annexation Area.

As was stated earlier, a Resort entry "check-point" will be established in the area across from the existing stable facility at the Guardsman Connection. Resort personnel will monitor, direct and control all deliveries made to, and transported within, the Annexation Area. Materials requiring long-term storage will be directed to the Ontario #3 Mine Building Complex, while materials needed in the near-term will be directed to either the Daly West area or directly to the site of the construction.

Appropriate good housekeeping practices are also vitally important in the efficient and orderly storage of construction related materials. The Resort will exercise good housekeeping practices in compliance with all applicable Federal, State and local laws, regulations and ordinances to prevent exposure of stored materials to storm water.

The Resort will take special care in the handling and storage of potentially hazardous materials. Examples of hazardous materials include:

- Pesticides, insecticides and herbicides
- Petroleum products including oils, fuels, diesel oil, lubricating oils and grease
- Nutrients including soil additives and fertilizers
- Construction chemicals including paints, acids for cleaning masonry surfaces, cleaning solvents, asphalt products, concrete curing compounds

The storage and use of these materials will conform to the manufacturer's recommendations and good housekeeping practices including:

- Providing locked, weather resistant storage areas
- Lining storage areas with plastic sheeting to contain any leaks
- Storing containers in a cool, dry location
- Keeping container lids tightly closed
- Monitoring all containers and storage facilities on a regular basis
- Maintaining an inventory of all products stored on-site

Any excess materials will be disposed of in compliance with all Federal, State and local laws, regulations and ordinances.

The Resort will construct security fences with gates around its stockpile and staging areas as required and will employ security personnel and services as necessary to protect these areas during off-hours.

Park City may require performance bonds to ensure compliance with specific Construction Mitigation Plans, which would be forfeited at the time of any

violation.

Temporary Utilities

The Resort has installed the basic utility infrastructure for sewer, power, natural gas, electricity and phone in Marsac Avenue. Construction utilities will extend from these services.

Health & Safety Plan

In accordance with Federal OSHA standards as well as requirements of State and City ordinances, the Resort will develop and implement an approved Health and Safety Plan that will govern all construction activities associated with the Resort.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, large quantities of waste, trash and construction by-products will be generated by the Resort. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment.

The Resort will develop and implement a trash management and recycling program to maintain clean construction sites, maximize material recycling, minimize disposal truck traffic impacts and minimize impacts to the local landfills. This program will control the storage and disposal of waste & trash and re-utilize recyclable materials, both organic and manufactured.

Trash collection stations will be established at all primary and secondary staging areas. The Resort will provide a sufficient number of dumpsters, designed specifically for the purpose of the storage of solid waste, and schedule timely haulage services to legal landfill disposal areas to ensure that the dumpsters do not become overfull. Haulage of partial loads will be prohibited in order to minimize truck trips. As was stated in the traffic impacts section, specific haul routes will be coordinated to minimize traffic impacts.

Recycling containers will be located near the dumpsters to facilitate separation of reusable and recyclable materials from the trash. Non-organic recyclable materials will be re-utilized on site as much as possible. The Resort will arrange for the removal of all recyclable materials that cannot be reused on-site. As was stated earlier, organic materials, such as scrap lumber, trees, slash and ground vegetation, are planned to be chipped on-site into mulch for use on-site.

Sanitary Waste Disposal

As is the case with any construction project with large numbers of construction personnel, sanitary waste disposal facilities are critical.

The Resort will provide adequate portable toilets for use by the construction personnel. These temporary toilets will be provided and maintained by a licensed provider who will dispose, of all waste in compliance with all applicable State and local laws, regulations and ordinances.

Sanitary facilities will be located a sufficient distance from any storm drainage systems to prevent contamination in the event of a spill. Any spill will be cleaned up immediately.

Grading and Excavation Impacts

Impacts from grading and excavation generally fall into to three categories. The first is the generation of fugitive dust and/or mud. The second relates to traffic impacts of hauling excess materials off-site. Finally, the third relates to erosion of exposed surfaces and storm water management.

Fugitive Dust and/or Mud

Disturbance of the natural vegetation layer and earthwork/excavation activities results in the exposure of the natural soil to the elements. During dry periods, wind, trucks and equipment traveling across these disturbed areas create fugitive dust. This fugitive dust has the potential to negatively affect air quality. During wet periods, the dust turns into mud and, if left unchecked, can impact existing watercourses and can be tracked off-site onto public roadways.

To the extent possible, disturbed areas will be kept to a minimum. Earthwork activities will be scheduled so that the area to be disturbed and left unprotected from erosion will be as small as possible and exposed for the shortest time feasible.

Areas targeted for grading and excavation operations will be delineated by the use of silt fencing on the downhill side of slopes and limits of disturbance fencing in other locations. This fencing will generally be located within five feet of the limits of cuts and fill operations. These delineated limits of disturbance will be strictly enforced to minimize the areas of disturbance.

Temporary stabilization procedures including the establishment of temporary and/or permanent vegetation, mulching, geotextile fabrics, etc. will take place as required to prevent soil erosion. These measures will be installed as soon as practical after construction activities have been temporarily or permanently ceased.

Cut and fill slopes, utility corridors and other areas of disturbance will be covered with topsoil and revegetated as soon as practical to prevent erosion. Mulch and gravel generated from the previously referenced on-site recycling program will be used to control dust and stabilized wet areas.

Fugitive dust will be controlled with appropriate application of water as a palliative. One or more water trucks will be employed throughout the workday to water down haul roads and disturbed areas.

Most of the work associated with the Resort will occur on-site and out of existing public rights-of-way. However truck traffic traveling to and from the Resort has the potential of tracking dust onto public roadways.

Each project will establish a truck wash program. For most sites vehicle wash down areas will be at the entrance to all job sites off of Marsac Avenue. Single family projects will establish portable wash facilities as part of their individual plans. This wash down area will consist of temporary asphalt paving or clean, well-graded gravel with a water hose station and a catch basin to receive the wash water. All construction vehicles leaving the job sites will be inspected by Resort personnel, hosed down as required and have their loads covered or wetted if applicable.

Street Cleaning:

The truck wash at the entrance to the job site will eliminate most sediment transport from the job site to the City's storm water conveyance; however, the potential exists for incidental or accidental transport to Marsac Avenue. Consequently, the drop inlets downhill of the project will be equipped with silt traps of filter fabric or hay bales. These silt traps will be inspected on a weekly basis and prior to any forecast for precipitation and cleaned as needed. Streets will be swept as need depending on the effectiveness of the truck wash program. Streets will also be inspected and cleaned as needed prior to any forecasted precipitation.

Traffic Impacts:

The majority of all materials generated from on-site grading, excavation and other earthwork operations will be retained within the Annexation Area. This material will be used for such things as topsoil cover material, landscape berms and/or structural fills. This policy will reduce traffic impacts on City roads.

Storm Water Management:

The project construction is covered under a SWPPP issued by the State that is held in the name of the master developer, United Park City Mines Co. (UPK). This plan corresponds with the requirements of that permit. UPK will be responsible along with the MHA for enforcing that permit within the project.

The primary goals of the SWPPP are: i) to limit the areas of disturbance of existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practical through the selection, installation and maintenance of control measures in accordance with

good engineering practices; and iii) to prevent construction litter, debris and chemicals from becoming a pollutant source for storm water discharges.

In general, the Resort will institute the following good housekeeping practices:

- Protecting existing vegetation to remain from disturbance
- Minimizing slope lengths and steepness
- Preventing pollutant contact with precipitation and runoff
- Keeping pollutants off exposed surfaces
- Keeping materials out of storm drainage systems
- Reducing storm runoff velocities
- Minimizing generation of waste materials and dispose of all waste materials properly
- Storing all materials properly, including adequate covering
- Preventing leaks and spills, cleaning up any spills immediately
- Preventing concrete and cement mortars from entering storm drainages
- Applying fertilizers, pesticides and herbicides in accordance with the manufacturer's instructions
- Minimizing tracking of sediment off-site

All proposed staging and materials storage areas will incorporate storm run-off controls. Storm water collection, transmission and disposal faculties will be constructed to route storm water runoff around these areas. The storm water flows from these facilities will be discharged, where possible, through areas of natural vegetation so that filtering can occur. In areas where natural vegetation is not available, siltation basins will be constructed. Upon completion of the Resort, or when a staging area is no longer being used, these storm water run-off control facilities will be removed, re-graded and re-vegetated.

The Resort will install a variety of storm water run-off prevention measures whenever natural vegetation is disturbed including, but not limited to, straw bales, silt fences, silt basins, rock check dams, etc. to prevent silt and other construction related materials from entering the storm drain systems and/or water courses.

UPK and MHA personnel will routinely inspect the above-described erosion and sediment control facilities on a regular basis. These facilities will be maintained, repaired and supplemented as required to ensure effective operating conditions. Sediment will be cleared from the control facilities when the depth of the accumulated sediment reaches a maximum of 1/3 of the height of the structure.

Upon completion of construction, all temporary facilities will be removed from the site and re-vegetated after the disturbed areas have stabilized.

<u>Noise Prevention</u>

As stated earlier, although, for the most part, construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to residential areas, noise impacts could be a concern. Obviously, work associated with the reconstruction of Marsac Avenue and the Mine Road could generate noise that may impact residential areas along this alignment.

All construction operations will be conducted in compliance with Park City's hours of operations and noise restriction guidelines and ordinances.'

In the event that any essential operation generates noise that consistently exceeds the 65-decibel limit set by Park City, Project representatives will meet with City Engineering Department and Building Department officials to determine the best method for mitigating the impact.

Engineering and Building Department officials will be notified of any proposed strong percussive noises, such as blasting activities, three days prior to the event taking place. Blasting contractors will be required to obtain necessary, permits prior to blasting.

Temporary Lighting

Since for the most part, construction associated with the Resort is isolated and will take place a significant distance from existing neighboring residential areas, impacts from lights associated with after-dark construction related activities or staging and storage areas is not anticipated to be a significant concern.

It is not anticipated that normal construction activities will occur after dark. It is, however, possible that certain special operations, such as utility tie-ins that can only be performed during "off hours," may necessitate work being completed after dark. The Resort will take great care to provide adequate lighting for the safety of the construction personnel while attempting to 'ensure that said lighting does not impact neighboring residents. An approved temporary lighting plan will be developed and submitted to the City for their approval at the City's discretion prior to commencement of any construction operations requiring exterior, temporary lighting.

Resort Identification and Notification Information

In accordance with Park City Construction Mitigation guidelines, Resort identification signs will be constructed and posted at the entries to the Annexation Area. These signs will include, at a minimum, the following Resort information:

- Name, address and telephone number of the developer
- Name, address and telephone number of person responsible for the

Resort
- Name and telephone number of the party or parties to contact in case of an emergency

In addition to the general Resort identification signs described above, and as stated previously, the Resort will develop construction signage plans as required to adequately inform the public of hazards related to construction activities, detours, etc. These signage plans will address construction activities associated with both roadways and trails.

Public Notification and Communication:

In light of the fact that the Annexation Area consists of approximately 1,650 acres used by a large segment of the population for recreational activities, keeping the public informed of the schedule and progress of the construction will be very important.

Meetings with neighboring property owners in particular and the public in general will be encouraged to keep everyone apprised of the current conditions.

The Resort will continually assess all operations that may adversely impact or Inconvenience residents and/or businesses in the area of the Resort or motorists, hikers, bikers and/or equestrians traveling throughout the Annexation Area so that proper notification and communication of impacts can be made in advance. These impacts may include road closures and detours, trail closures and detours, and night operations, etc. This notification process will be maintained throughout the entire construction process. All said notifications will be coordinated with representatives of Park City and communicated to the public via the local newspaper, radio stations and mass mailings.

Although every effort will be made to minimize the disruption of the existing trail system, some trails will be temporarily dosed or detoured, re-routed or permanently eliminated due to infrastructure construction. Detours and/or new permanent trails will be completed in a timely manner to minimize the Impact of Resort construction activities on the trail users.

Other Issues

Since dogs on active construction sites can be a distraction and a hazard to construction personnel as well as a threat to the well-being of the animal itself, dogs will be forbidden on construction sites at any time in accordance with Park City ordinances.

V. CONSTRUCTION PHASING

Phasing of the Resort will consist of an orderly and systematic construction and development plan, as approved by the Planning Commission in December of 2001. This plan extends access and utility services to the Annexation Area in a timely fashion to facilitate the sale of a wide range of real estate product without undue impacts to Park City, its residents or the environment.

VI. CONSTRUCTION MITIGATION PLAN MANAGEMENT

FMP, the development entity overseeing the construction and development of the Resort, will have the overall responsibility for the implementation and enforcement of the requirements of this Construction Mitigation Plan.

Prior to commencement of any third party development project, and in accordance with the requirements of Park City's Master Planned Development approval process, the third party developer of said project will be required to submit a detailed, site-specific construction mitigation plan (CMP) to Park City Planning and Building Departments for their review and approval. A copy of these plans will also be submitted to the Resort's Master Homeowners Association for their review and approval.

The Resort's Developer and/or Master Homeowners Association will have overall responsibility to Park City Municipal Corporation to ensure the implementation and enforcement of the requirements of these individual construction mitigation plans as part of the approved Resort Covenants, Conditions and Restrictions (CC&R's) and Design Guidelines.

VII. ADDENDUM – AUGUST 2018

With development of the Mountain Village approximately 75% complete, this addendum addresses mitigation measures specific to the remaining, primarily residential, development. In 2004, the Planning Commission approved amendments to this Technical Report #15 Construction Mitigation Plan requiring site specific construction mitigation plans (CMPs) to be submitted with Conditional Use Permit (CUP) applications. All site specific CMPs shall be consistent with this Technical Report and require approval by the Planning Commission for CUPs and by the Chief Building Official and Planning Director, or their designees, for administrative CUPs and building permits.

Construction Access

Construction access for individual projects shall be addressed by the site specific CMP at the time of CUP and building permit review. With major road improvements complete, Marsac Avenue (the Mine Road) is the preferred route for downhill construction traffic, including construction workers, trucks delivering construction materials and trucks removing construction waste. The Empire Pass Master Owners Association ("EPMOA") shall work directly with contractors to mitigate on-site traffic impacts related to the delivery of materials and supplies to construction sites.

Contractor Parking

EPMOA tightly regulates parking of construction personnel vehicles within the Annexation Area. Parking is prohibited on Marsac Avenue. Parking on construction sites within the Resort is limited and strictly monitored by the EPMOA. During non-winter months, EPMOA permits limited on-street parking on private roads. During winter months, contractors are generally required to park within construction sites to keep roads clear for snow removal and emergency vehicle access. Contractors with insufficient parking on site are required to shuttle workers from remote parking sites such as Richardson Flats, Deer Valley's Royal Street Connector lot, and the Mine Bench, subject to site specific CMP and property owner/Park City Municipal approval.

Construction Staging

Individual contractors coordinate with EPMOA regarding specific construction staging and storage areas. Contractors are generally required to stage materials on site. Based on land owner approval, off-site staging of materials on vacant development sites or at the Ontario Mine Bench or Royal Street Connector lot are acceptable alternatives, subject to permits, site specific CMP and property owner approvals.

Excavated Materials

Excavated materials generated from individual projects will be tested, processed and reused or disposed of within the Annexation Area, unless otherwise approved by the City Council to be disposed of outside of the Annexation Area. Materials will be processed by sorting the material into structural fill, top soil, rock and waste material. Final locations for placement of excavated material shall be specified in the site specific CMPs and shall be designated in areas which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Excavated materials that don't test clean (such as mine waste soils) are subject to State and Federal Regulations. Property owners shall coordinate with the appropriate State and Federal agencies. Completion of all requirements by State and Federal Agencies is required prior to building permit issuance for construction.

Structural fill and top soil surplus to individual construction projects will be hauled to approved tipping sites (see below) for placement subject to grading permit approval by the City. Grading permit applications shall require grading plans, storm water plans, City approval to relocate public trails, and site specific CMPs consistent with Technical Report #15. All fill and fill sites are subject to appropriate geotechnical engineering and testing as part of a required grading permit.

Construction waste, rock, and other materials not suitable for placement at tipping sites shall be hauled off site for disposal at local landfills or other sites, as further specified in the approved site specific CMP.

Subject to grading permit approval, designated tipping sites include:

- Proposed Twisted Branch Subdivision Lot 2 ("Hot Creek")
- Proposed Twisted Branch Subdivision Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs
- B2 East Subdivision

See attachment A for map of Mining Claim sites.
See attachment B for general location map of these sites.

Additional tipping sites within the Annexation Area may be considered and approved by the Planning Commission. Twisted Branch Road Parcel C may be used for seasonal storage of excavated material when weather conditions preclude placement at other tipping sites, subject to grading permits, erosion control, and other safeguards and requirements consistent with this Technical Report.

Grading permit approval is required prior to placement of clean excavated materials at the identified tipping sites. Grading permit applications shall include the following items:

- existing conditions survey and topography,
- grading plans,
- storm water and drainage plans,
- erosion control plans consistent with SWPP requirements,
- significant vegetation and re-vegetation plans,
- certified forester or arborist report if applicable,
- City approval for any relocated public trails,
- access routes,

- time period of opening and date for closing of site,
- detailed construction mitigation plans consistent with Technical Report #15 and
- compliance with all standard City regulations for grading permits.

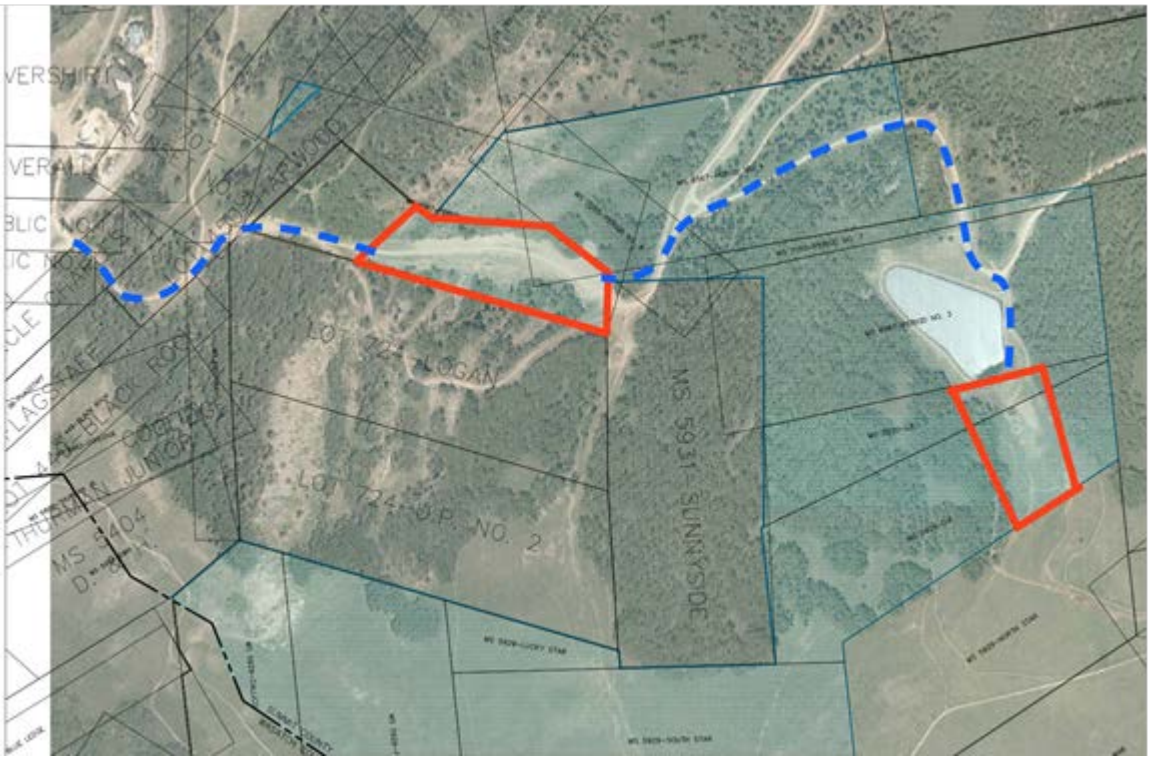
For sites with significant vegetation, a certified forester or arborist report will be required to identify and describe the health of significant vegetation on the site, to identify the best location for placement of clean excavated materials, to identify mitigation measures for removal of any significant trees and to provide best forest management practices to address dead and dying trees at the site.

The proposed sites are primarily located in the ROS zone and are generally in, or close to existing ski run areas. Access routes shall be shown on the plans and any access route that is not part of or required for ski area operations shall be reclaimed consistent with the approved grading permit.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, waste, trash and construction by-products will be generated by individual construction projects. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment. Site specific CMPs for individual projects will address waste and trash management and recycling of materials, consistent with this Technical Report. EPMOA will monitor contractor compliance with trash management on individual sites and surrounding properties.

Attachment A- Mine Claim Tipping Sites

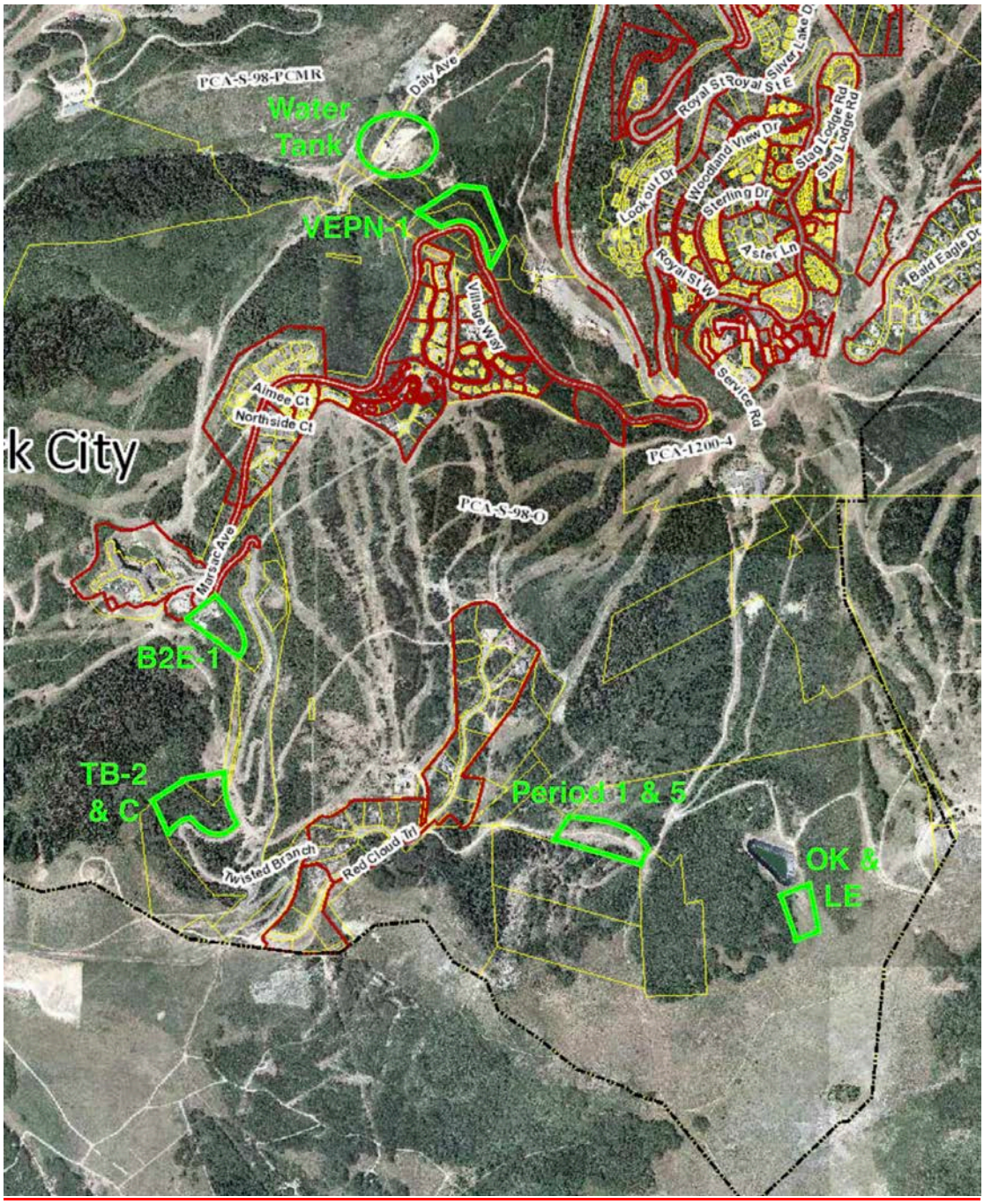


Blue dashed line is haul route off Red Cloud Trail. Red areas are tipping sites.

Site A- Period No. 1 and Period No. 5 Mining Claims

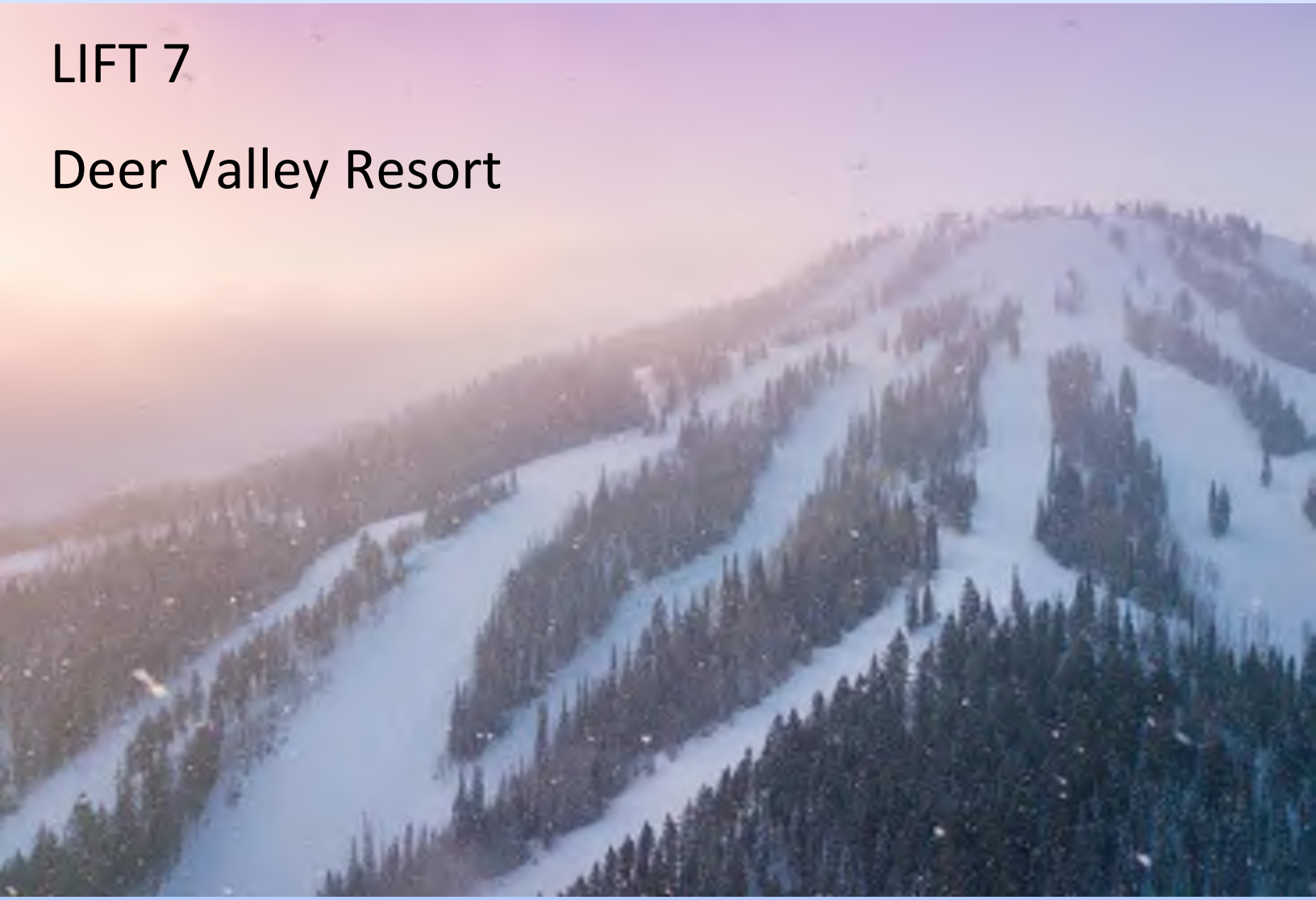
Site B- OK and LE (This site is upstream of the Deer Valley snowmaking reservoir).

Attachment B – General Location Map of Tipping Sites



LIFT 7

Deer Valley Resort



SENSITIVE LAND OVERLAY ZONE – ORDINANCE PROVISIONS

PREPARED IN ACCORDANCE WITH PARK CITY LAND MANAGEMENT CODE

BY ZACHARY ALHAMRA

ALLIANCE-ENGR.COM

1. VISUAL ASSESSMENT (INCLUDE ITEM 5 – DESIGNATED VANTAGE POINTS)

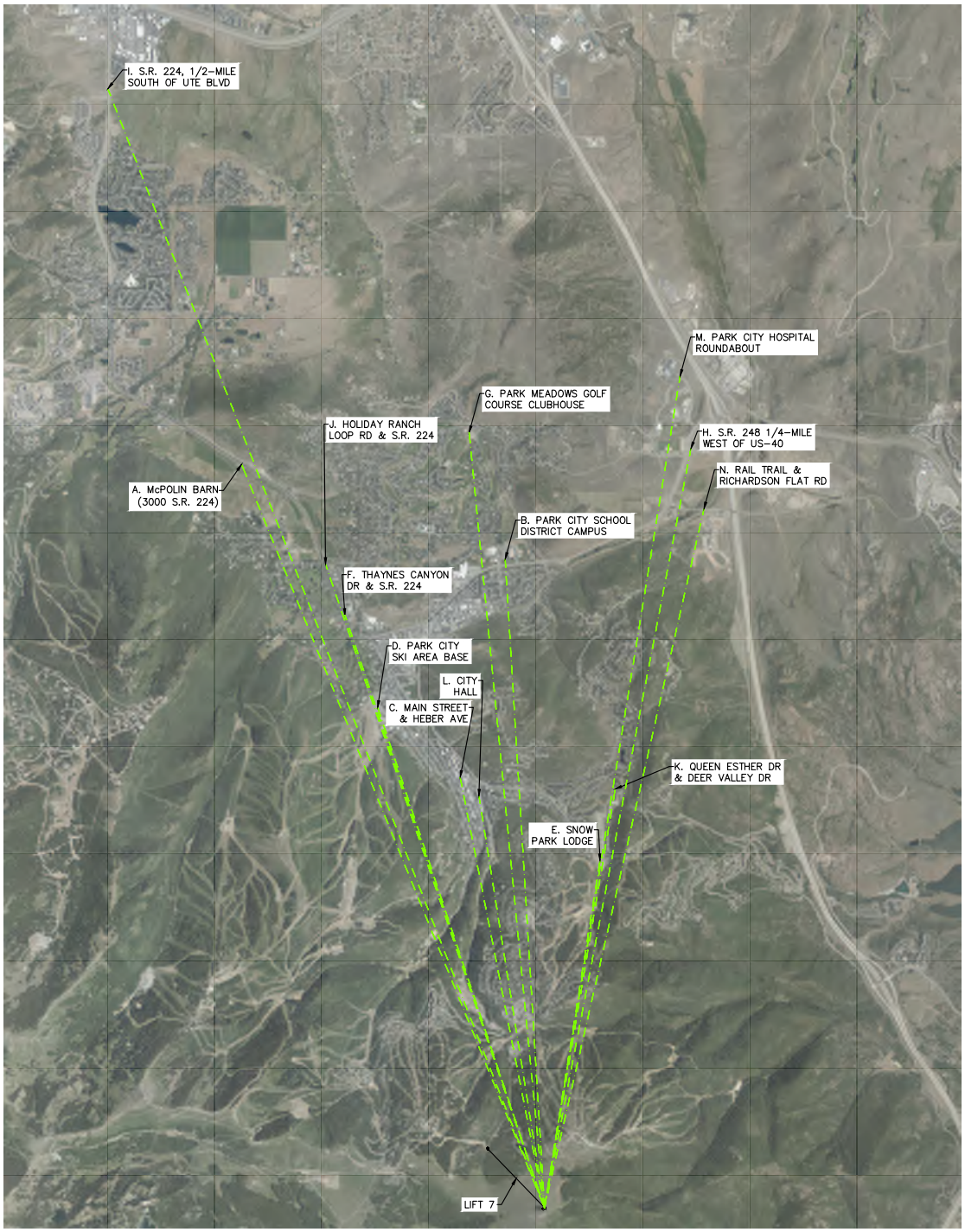


FIGURE 1: MAP OF DESIGNATED VANTAGE POINT

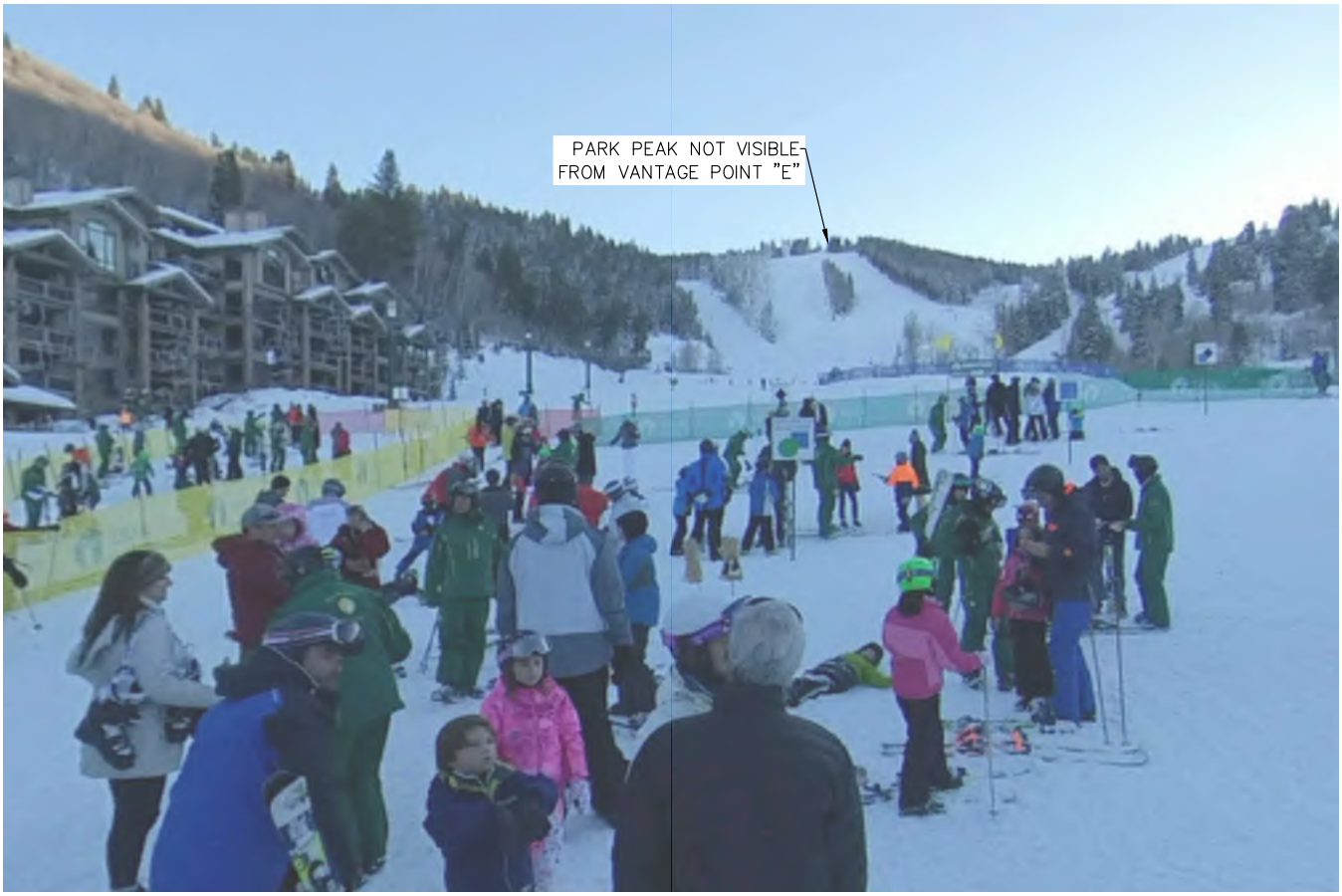
Vantage Point “A”: McPolin Barn (3000 S.R. 224)

Vantage Point “B”: Park City School District Campus

Vantage Point “C”: Intersection of Main Street and Heber Avenue

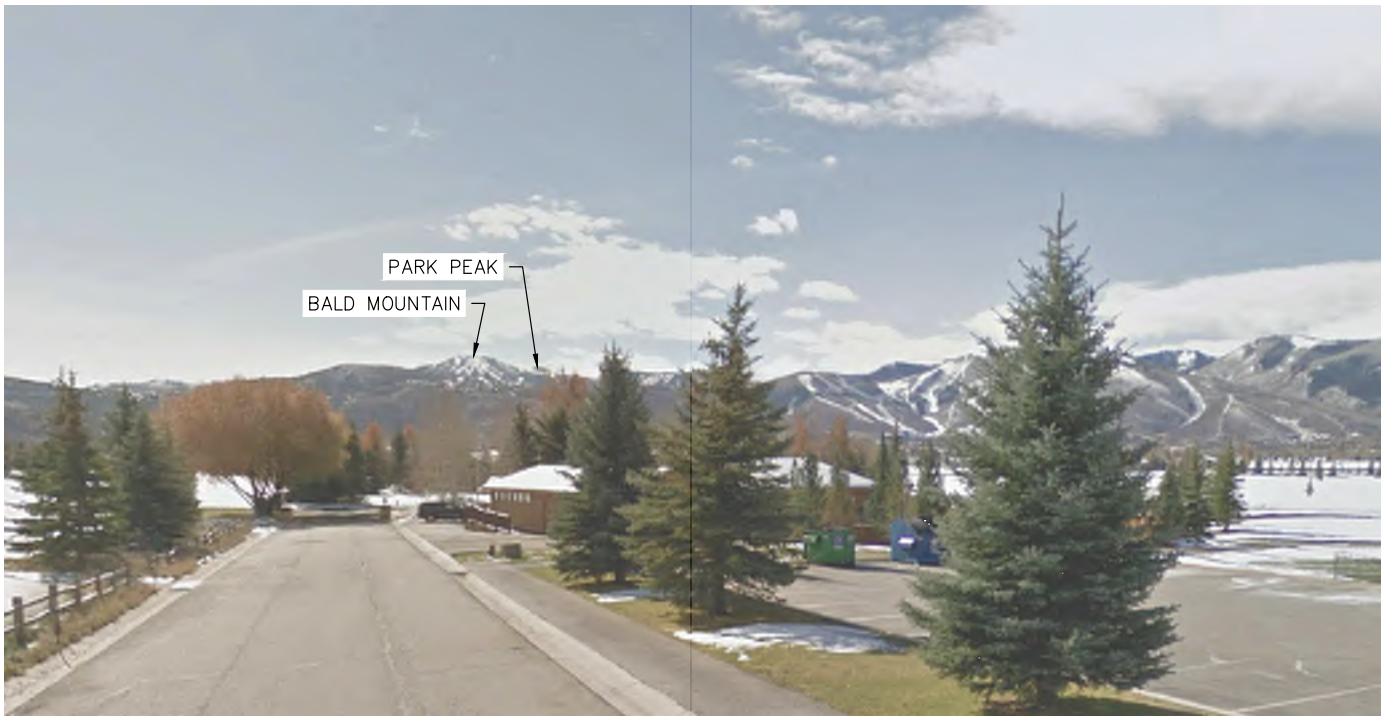
Vantage Point “D”: Park City Ski Area Base

Vantage Point "E": Snow Park Lodge



Vantage Point "F": Intersection of Thaynes Canyon Drive and S.R. 224/Park Avenue

Vantage Point “G”: Park Meadows Golf Course Clubhouse

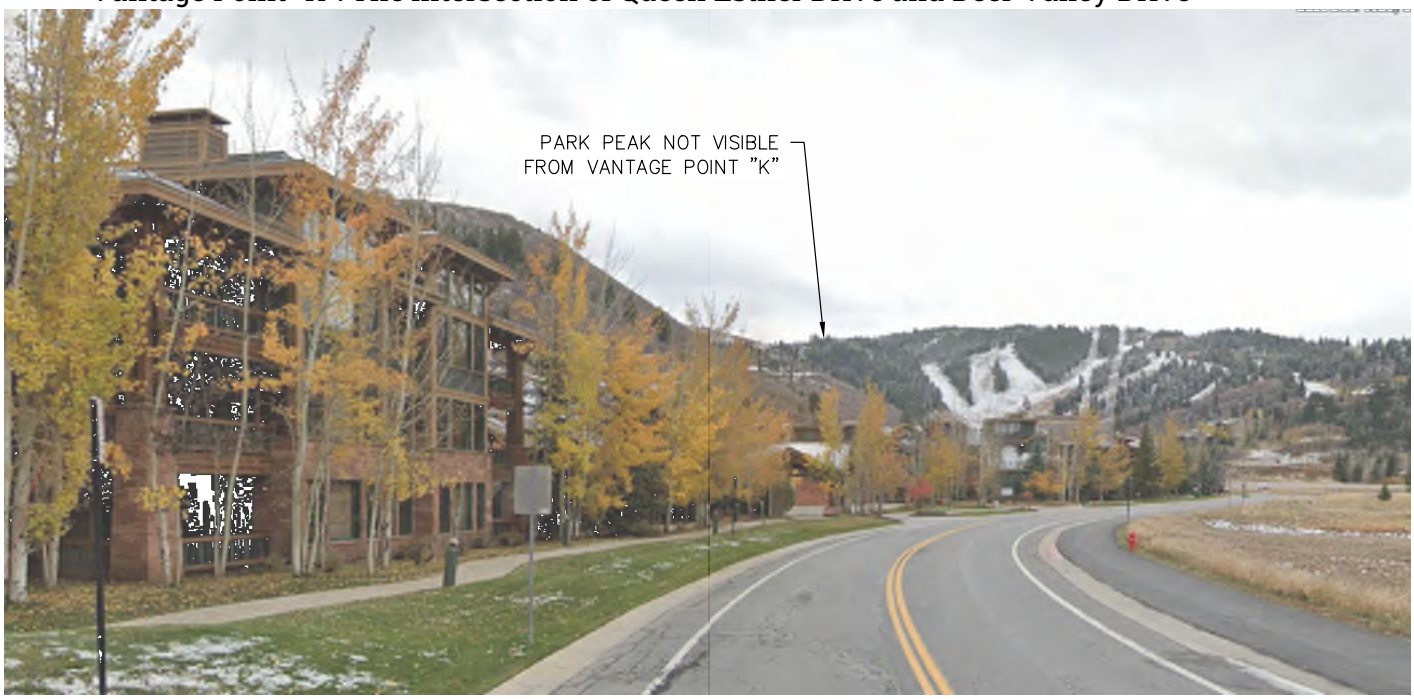


Vantage Point “H”: S.R. 248 at the turn-out one quarter mile west from HWY 40

Vantage Point "I": S.R. 224, one-half mile south of the intersection with Ute Boulevard

Vantage Point "J": The intersection of S.R. 224 and Holiday Ranch Loop Road

Vantage Point "K": The intersection of Queen Esther Drive and Deer Valley Drive



Vantage Point "L": City Hall (445 Marsac Avenue)

Vantage Point “M”: The roundabout at the Park City Hospital (900 Round Valley Drive)

Vantage Point “N”: The intersection of the Rail Trail and Richardson Flat Road

Zachary Alhamra

From: Daren Rasmussen <darenrasmussen@utah.gov>
Sent: Monday, November 6, 2023 6:31 PM
To: Zachary Alhamra
Cc: Mike Walker; Garrett Lang (DV); Connor Dinsmore; Hannah Tyler (DV); Eric Mann (DEN); Joe Kilar; Steve Graff (DV); Michael Demkowicz
Subject: Re: Lift 7 CUP & SLO - Stream Corridor Follow-up

With the review today of the drainage from aerial maps and discussion, I concur.

-Daren

Daren Rasmussen
Environmental Scientist- Dam Safety & Stream Alterations
M: (801) 244-1748 **W:** 801-538-7377
E: DarenRasmussen@utah.gov

Utah Department of Natural Resources
Division of Water Rights (State Engineer's Office)

waterrights.utah.gov

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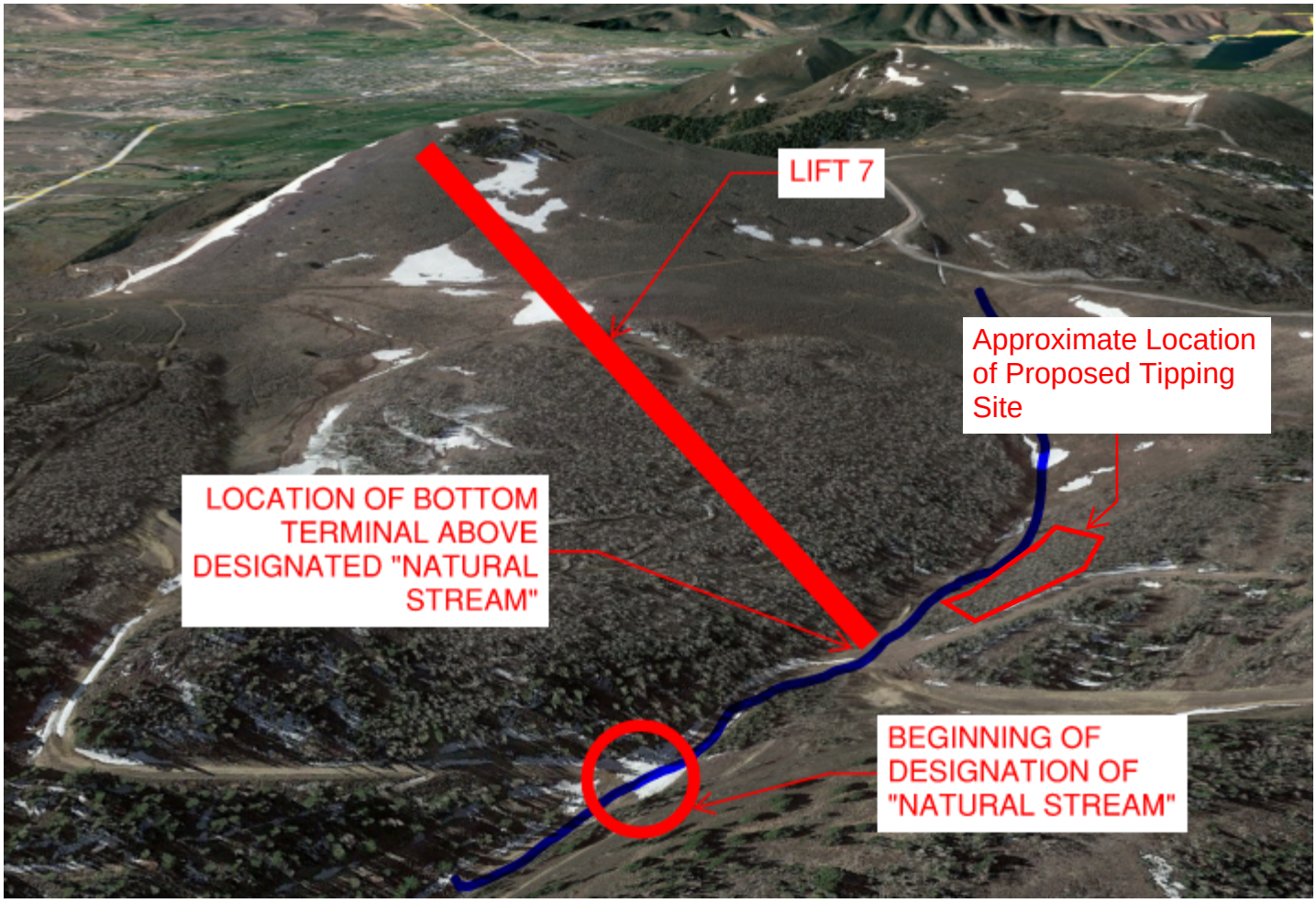
On Mon, Nov 6, 2023 at 4:50 PM Zachary Alhamra <zachary@alliance-engr.com> wrote:

> Hi All,
>
> I spoke with Daren Rasmussen with the Utah Division of Water Rights (cc'd to this correspondence) regarding the placement of the bottom terminal of Lift 7 in the location shown in image below.
>
> Daren has decided to designate the stream channel identified on the National Wetlands Inventory Map (shown below by the blue line) as a "natural stream" that begins at the intersection of Ontario ski run and the service road that leads to the pond (location shown by red circle below). Everything below this point (running into Ontario Canyon) will be designated as such. This is great news, as the location of the bottom terminal of proposed Lift 7 is upstream of this and will, as result, NOT be subject to any special permitting processes for stream alteration.



Best,

Zachary Alhamra, P.E.

Civil Engineer

ALLIANCE ENGINEERING

SINCE 1978

Alliance Engineering

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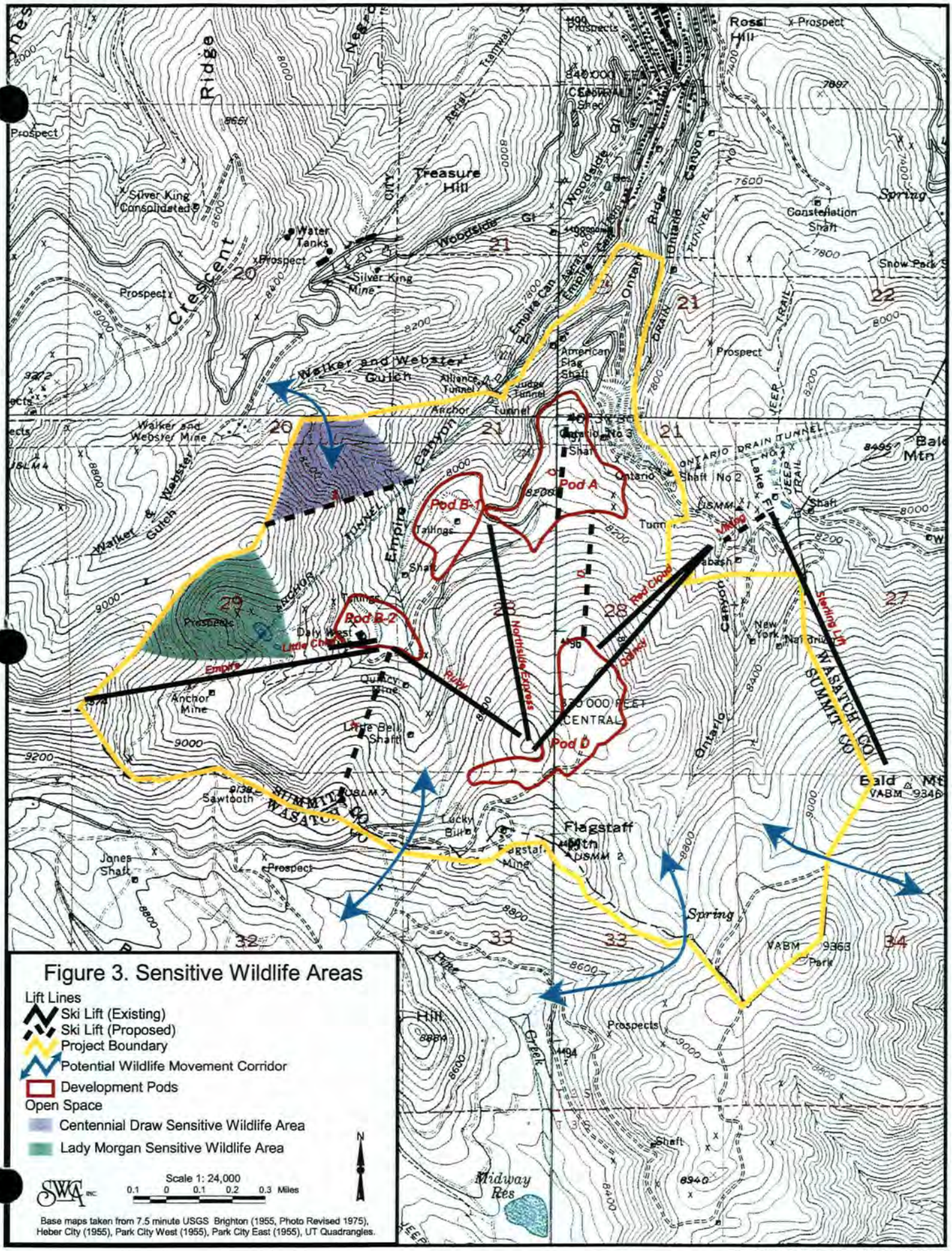
STE 50 & 60

Park City, UT 84098

Direct 435.602.4994

alliance-engr.com

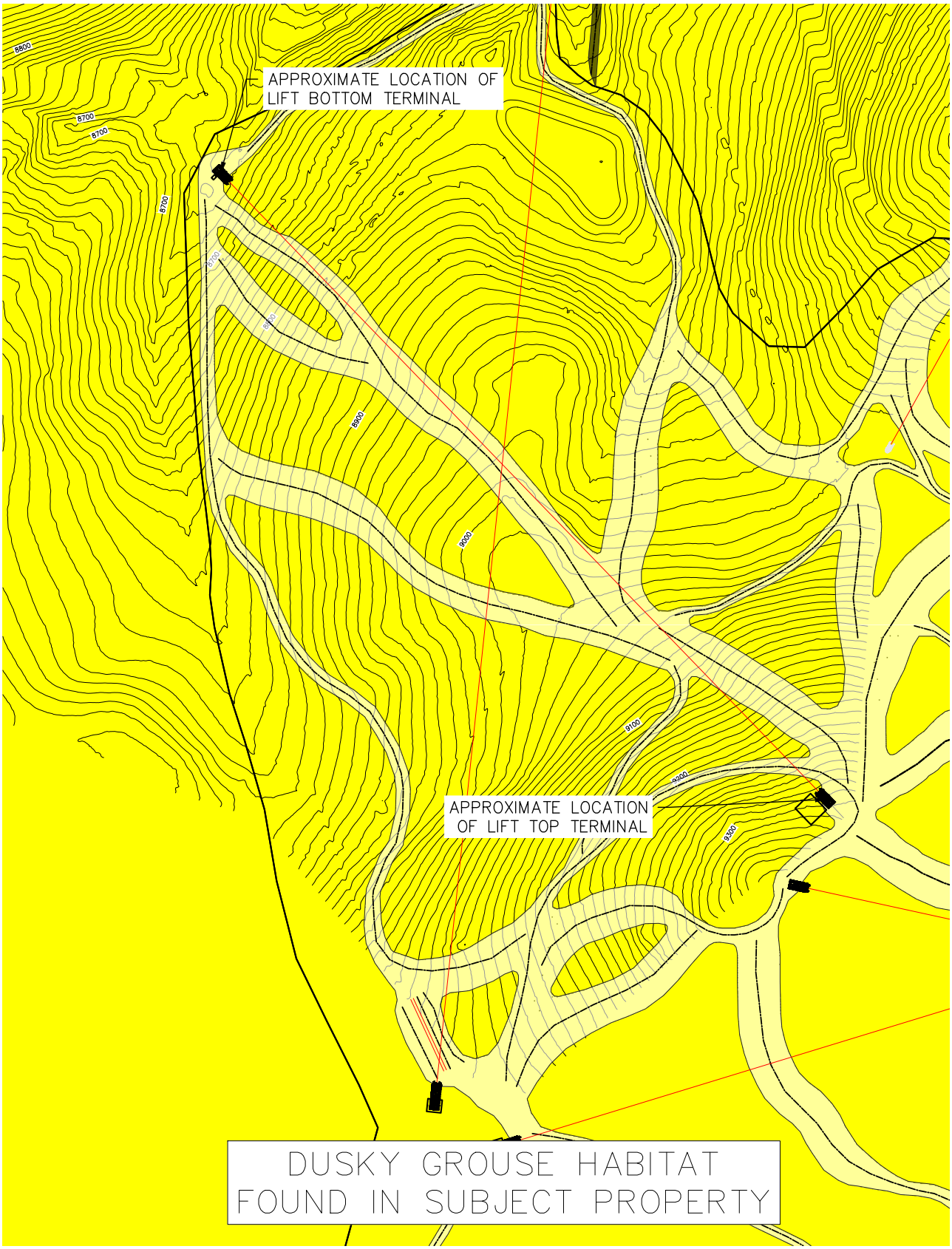


d:\deer valley\dmb_natural.apr\Figure 3. Flagstaff Wildlife layout (10-11-2000)

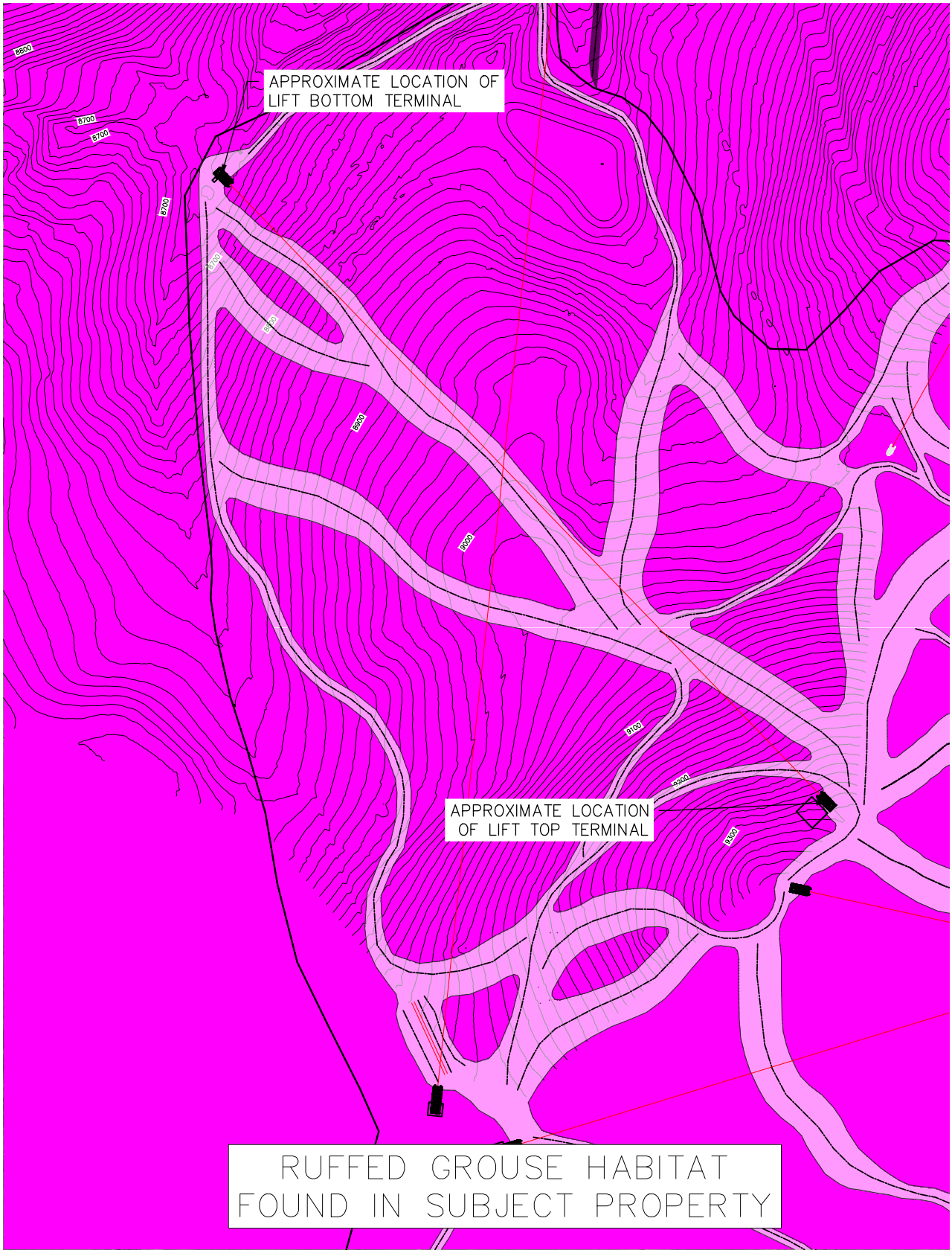
9. Wildlife Habitat Areas

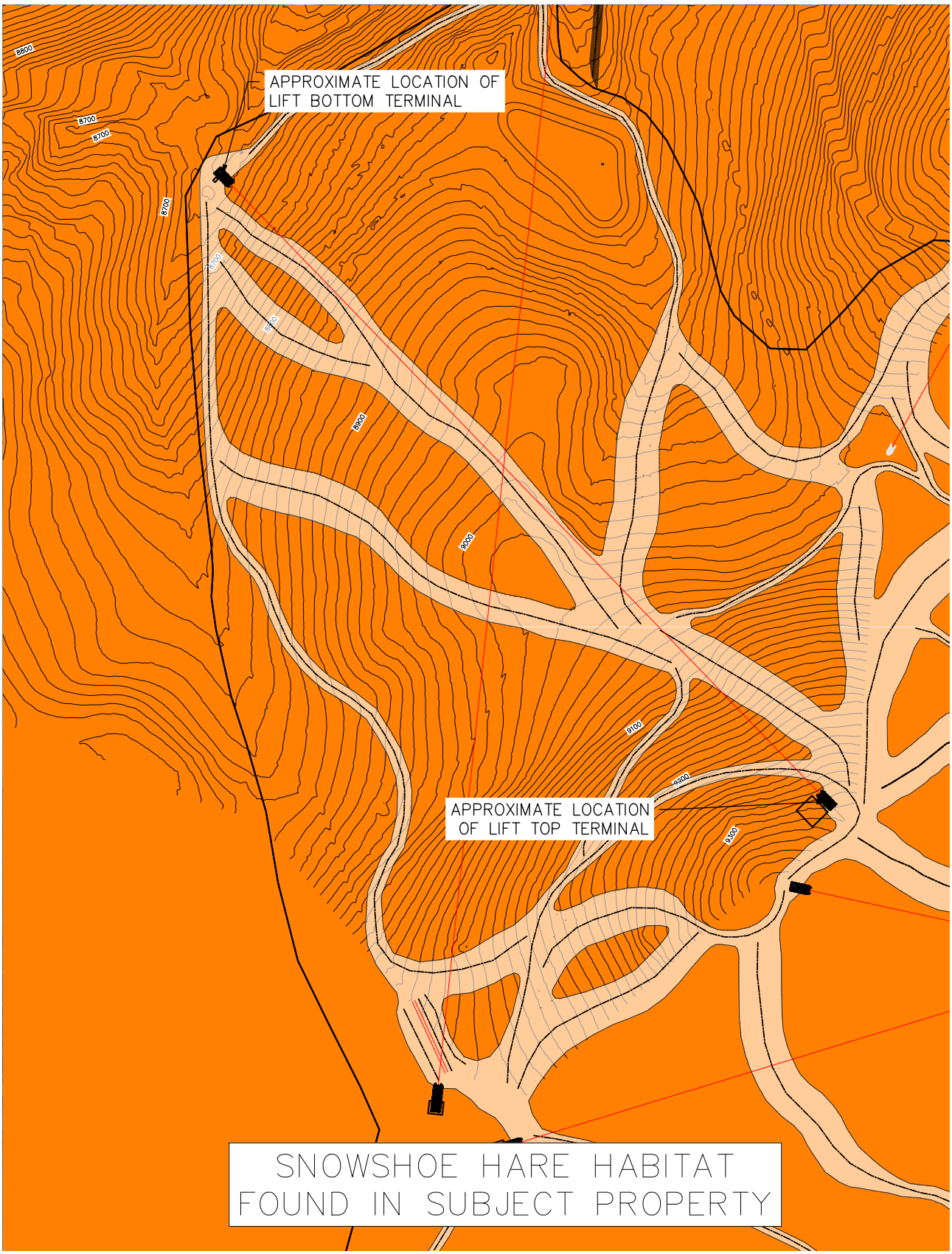
The project area is identified as a wildlife habitat by the Utah Department of Natural Resources for the following species: black bear, dusky grouse, ruffed grouse, moose, mule deer, rocky mountain elk, white-tail jackrabbit and snowshoe hare. Specified as either **crucial**- the local population depends heavily on the area for survival, as there are no available alternative habitats in the area, or **substantial-** the habitat is used by the species but is not crucial for the population's survival. Each study (**detailed in the sheets to follow)** shows the species' approximate habitat zone using the latest data uploaded by Utah's Division of Wildlife Resources. Data was collected by wildlife biologists using observations, surveys and radio/satellites. The following is a table of the wildlife directly impacting subject property:

Species	**Habitat**
Black Bear	Year-Long Crucial
Dusky Grouse	Year-Long Crucial
Ruffed Grouse	Year-Long Crucial
Moose	Year-Long Crucial, Calving Habitat
Mule Deer	Summer Crucial
Rocky Mountain Elk	Winter Crucial
White-Tailed Jackrabbit	Year-Long Crucial
Snowshoe Hare	Year-Long Crucial

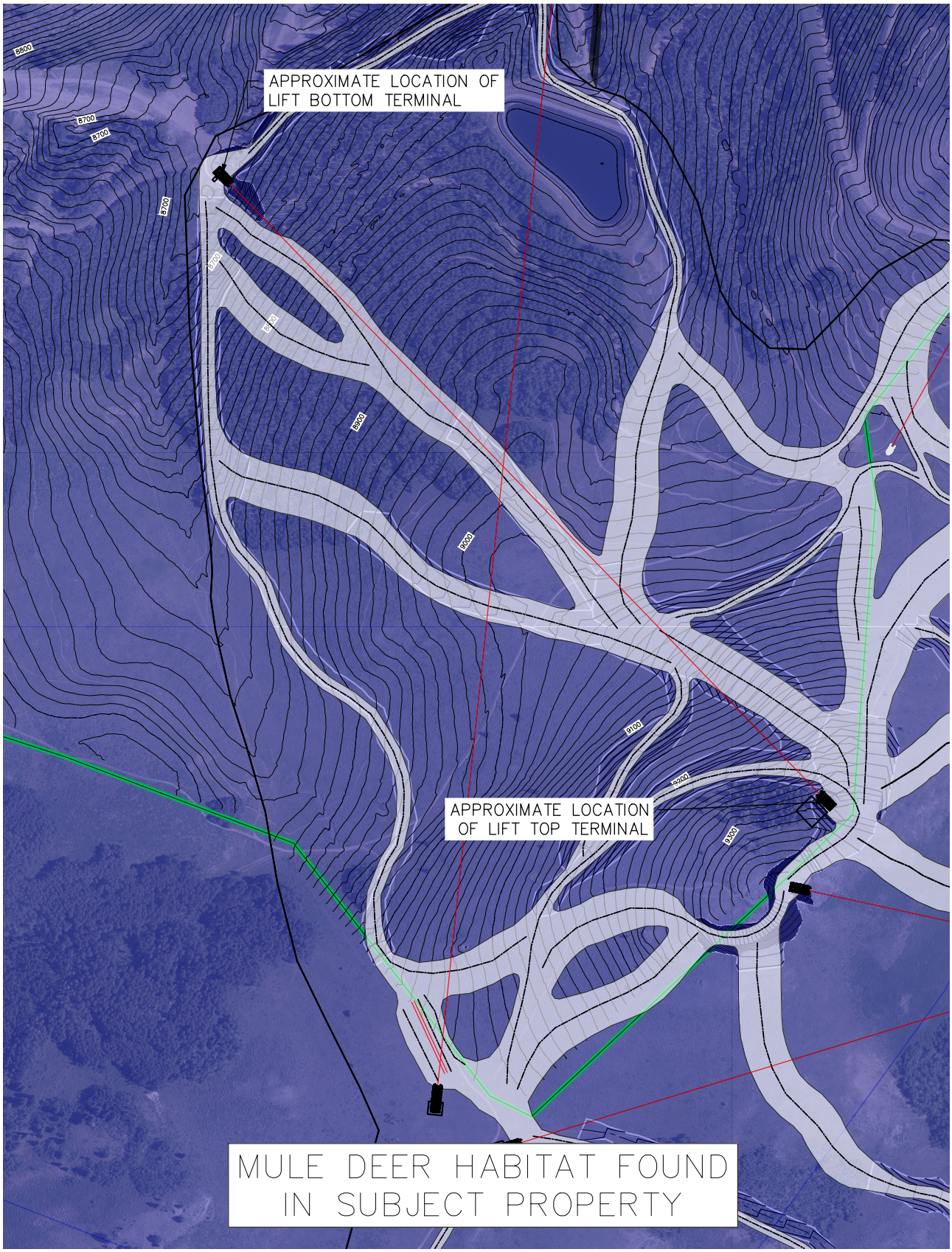

APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
DUSKY GROUSE HABITAT FOUND IN SUBJECT PROPERTY

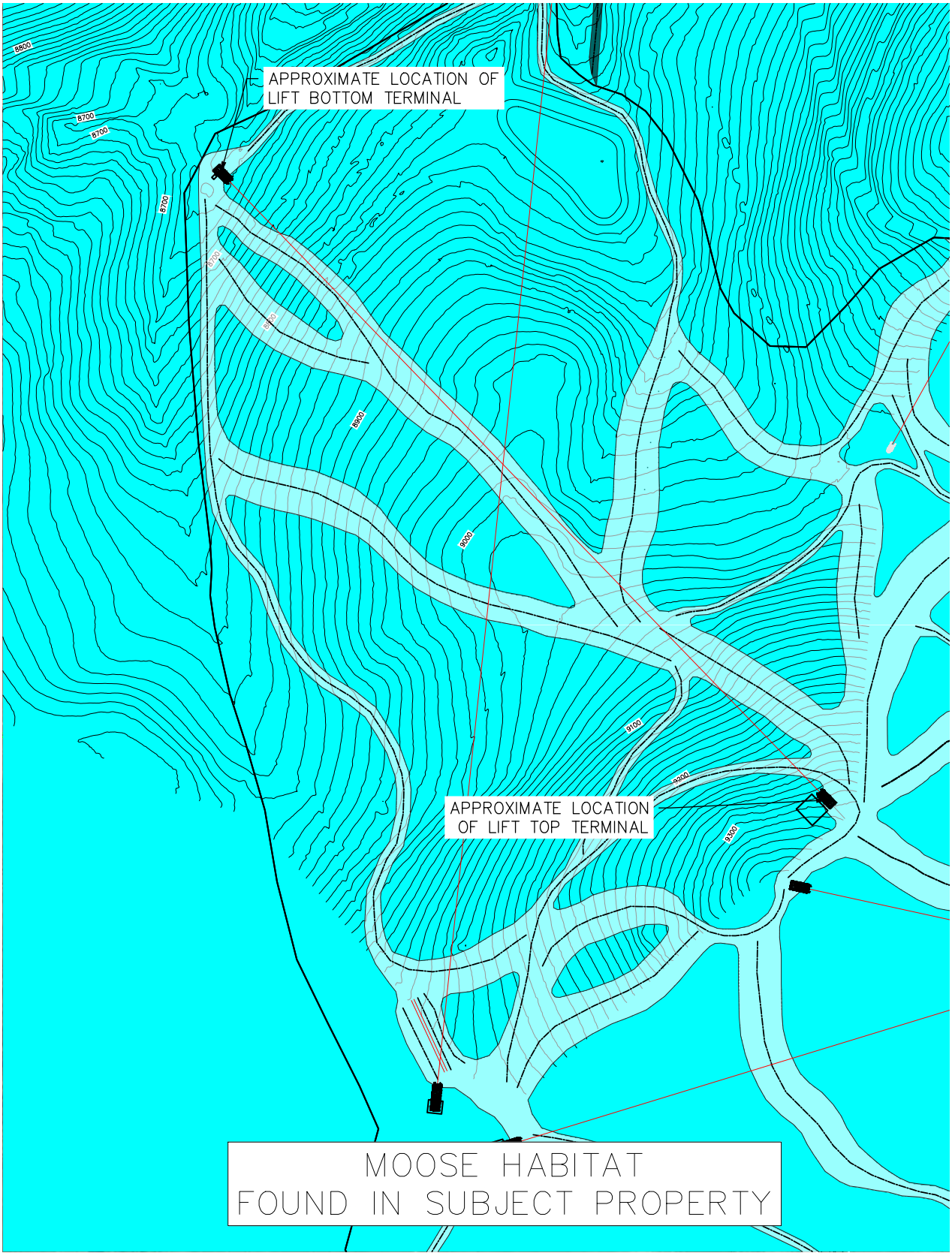
APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
BLACK BEAR HABITAT FOUND IN SUBJECT PROPERTY


APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
RUFFED GROUSE HABITAT FOUND IN SUBJECT PROPERTY


APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
SNOWSHOE HARE HABITAT FOUND IN SUBJECT PROPERTY

APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
WHITE–TAILED JACKRABBIT HABITAT FOUND IN SUBJECT PROPERTY


APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
MULE DEER HABITAT FOUND IN SUBJECT PROPERTY


APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
MOOSE HABITAT FOUND IN SUBJECT PROPERTY

APPROXIMATE LOCATION OF LIFT BOTTOM TERMINAL
APPROXIMATE LOCATION OF LIFT TOP TERMINAL
ELK HABITAT
FOUND IN SUBJECT PROPERTY

PARK CITY
1884
Planning Department

May 22, 2024

Deer Valley Resort
2250 Deer Valley Drive South
Park City, Utah 84060

CC: Hannah Tyler

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	Parcels PCA-S-98-R, PCA-S-85, PCA-S-85-D, PCA-S-81-A
Zoning District:	Recreation Open Space and Sensitive Land Overlay
Application:	Conditional Use Permit
Project Number:	PL-23-05938
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	May 22, 2024
Project Summary:	The Applicant proposes to install a new ski lift (Lift 7) with a bottom terminal and lift storage Building Pad not to exceed 13,543 square feet, a 375-square-foot operator house and 4.62 miles of new ski runs in the Recreation and Open Space Zoning District and Sensitive Land Overlay.

Action Taken
On May 22, 2024, the Planning Commission conducted a public hearing and approved the new ski lift (Lift 7) with a bottom terminal and lift storage Building Pad not to exceed 13,543 square feet, a 375-square-foot top terminal operator house, and 4.62 miles of new ski runs according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Site includes Parcels PCA-S-98-R, PCA-S-85, PCA-S-85-D, and PCA-S-81-A and is within the Recreation and Open Space (ROS) Zoning District and Sensitive Land Overlay (SLO).

2. The new ski runs, ski lift with a bottom terminal and lift storage Building Pad not to exceed 13,543 square feet, and 375-square-foot top terminal operator house are proposed to be constructed on Parcels PCA-S-98-R, PCA-S-85, PCA-S-85-D, and PCA-S-81-A in the Upper Deer Valley neighborhood of the General Plan, the Recreation and Open Space Zoning District, and the Sensitive Land Overlay.
3. A Grant of Conservation Easement, Amendment to Grant of Conservation Easement (Ski Area), and Deed of Conservation Easement Agreement are recorded for these Parcels.
4. Parcels PCA-S-98-R, PCA-S-85, PCA-S-85-D, and PCA-S-81-A are within the Flagstaff/Empire Pass Development Agreement.
5. Ski lifts included in the Flagstaff/Empire Pass Development Agreement Deer Valley Ski Area Master Plan require an Administrative Conditional Use Permit with Planning Director Final Action.
6. The proposed ski lift and ski runs are not in the Deer Valley Ski Area Master Plan and therefore require a Conditional Use Permit and Planning Commission Final Action pursuant to Land Management Code (LMC) § 15-2.7-2(C)(8).
7. The proposed lift storage building requires Planning Commission review of a Conditional Use Permit pursuant to LMC § 15-2.27-2(C)(14) for Ski-Related Accessory Buildings greater than 600 square feet proposed within the ROS Zoning District.
8. The Applicant proposes constructing approximately 4.62 miles of ski runs.
9. The Applicant proposes the ski lift and ski runs to increase beginner ski terrain at the resort.
10. On March 1, 2024, Planning staff issued a complete application notice to the Applicant for the Conditional Use Permit.
11. On April 15, 2024, the Planning Commission and City staff participated in a Site Visit to see the proposed project area. The Applicant provided a tour showing the proposed lift alignment and ski runs from three separate vantage points: West- Flagstaff Mountain, East- Bald Mountain, and the proposed bottom terminal and lift storage building.
12. The application as conditioned complies with LMC Chapter 15-2.7 ROS Zoning District as follows:
    a. The proposed ski lift, ski runs, and lift storage Building Pad provide additional recreational opportunities for residents and visitors of Park City – especially for beginner skiers.

    b. Setbacks

i. The ski lift, ski runs, lift storage Building Pad, and 375-square-foot operator house, are proposed to be constructed on metes-and- bounds Parcels leased by Deer Valley Resort.
ii. The ski lift bottom terminal and lift storage Building Pad are proposed to be constructed adjacent to Parcel PCA-S-79C, which is excluded from Deer Valley Resort's lease and is under separate ownership.
iii. The ski lift bottom terminal and lift storage Building Pad must meet at least a 25-foot Setback from Parcel PCA-S-79-C. The Applicant exceeds this requirement, and the proposed ski lift and terminal building are set back 90 feet from Parcel PCA-S-79-C.
iv. The top ski lift terminal and 375-square-foot operator house maintain a 61-foot Setback from the nearest property line.

c. Vegetation Protection
   i. LMC § 15-2.7-6 requires the Applicant to protect Significant Vegetation during construction within the ROS Zoning District. Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet or more measured at the drip line.
d. ROS Zoning District Height
   i. In the ROS Zoning District, no Structure may be erected to a height greater than twenty-eight feet from Existing Grade.
   ii. The applicant proposes installing 10 ski lift towers.
   iii. The ski lift towers range in height as follows:
      - Tower 1 – 19.54 feet (complies with ROS height).
      - Tower 2 – 33.01 feet (exceeds ROS height by 5.01 feet).
      - Tower 3 – 46.33 feet (exceeds ROS height by 18.33 feet).
      - Tower 4 – 52.87 feet (exceeds ROS height by 24.87 feet).
      - Tower 5 – 46.31 feet (exceeds ROS height by 18.31 feet).
      - Tower 6 – 49.59 feet (exceeds ROS height by 21.59 feet).
      - Tower 7 – 39.75 feet (exceeds ROS height by 11.75 feet).
      - Tower 8 – 46.31 feet (exceeds ROS height by 18.31

feet).

- Tower 9 – 36.29 feet (exceeds ROS height by 8.29 feet). Tower 10 – 29.72 feet (exceeds ROS height by 1.72 feet).

iv. The bottom terminal reaches a height of approximately 22 feet from Existing Grade, and the top terminal reaches a height of approximately 24 feet from Existing Grade.

v. LMC § 15-2.7-4(A)(4) states ski lifts within the ROS Zoning District may extend above the maximum Height subject to a visual analysis and administrative approval by the Planning Director.

vi. On March 29, 2024, the Planning Director approved the proposed lift tower heights, pending Planning Commission approval of the top terminal and Lift Tower 10 within a Ridge Line Area.

13. The application as conditioned complies with LMC Chapter 15-2.21 SLO:

a. LMC § 15-2.21-2(A) requires Applicants proposing construction within the SLO to submit a Sensitive Lands Analysis, including sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Crest of Hills, wetlands, Stream Corridors, Wildland interface, and wildland habitat Areas. The Applicant submitted a Sensitive Lands Analysis prepared by Alliance Engineering.

b. Additionally, LMC § 15-2.21-3(A)(3) requires a Soils Investigation Report and Geotechnical Report. The Applicant submitted a Geotechnical Investigation prepared by AGEC Applied GeoTech, dated November 17, 2023.

c. Sensitive Land Overlay Evaluation for Ski Area Construction and Expansion:

i. LMC § 15-2.21-7 establishes Sensitive Land Regulations for Ski Area Construction and Expansion within the SLO. LMC § 15-2.21-7(A) requires the following: "The Developer must submit a plan detailing the location, alignment, and scope of the undertaking. If the Planning Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No Development shall occur until after the consultation meeting

and any required approvals have been granted."

ii. Since submittal, the Applicant has modified the proposed ski lift to comply with the ROS Zoning District setbacks.

d. Steep Slopes: The proposed ski lift does not cover a topographic Area at least twenty-five feet vertically upslope or downslope and fifty feet horizontally and is not within fifty feet of Very Steep Slopes. The average slope for the length of the ski lift and the proposed ski runs are between 15 and 30 percent. LMC § 15-2.21-4(B) exempts ski slopes from the limitation of a 3 to 1 slope.

e. Ridge Line Area Protection:

i. The Applicant's Sensitive Lands Analysis shows the proposed ski lift from the Vantage Points designated in LMC § 15-2.21-3(A)(6). The proposed ski lift is visible from one Vantage Point only. The top terminal of the ski lift will be visible from the Park Meadows Golf Course Clubhouse Vantage Point.

ii. The Applicant states: "The top terminal of Lift 7 will be situated on the ridge line that separates Wasatch and Summit Counties at an elevation of approximately 9285'. While sitting on a ridge line, this structure will only be visible from one of the Park City's Designated Vantage Points (Vantage Point "G": Park Meadows Golf Course Clubhouse) and will not be placed directly onto the peak. Given that the proposed Lift 7 will be a vital piece of infrastructure in the terrain expansion efforts to improve the recreational opportunities and experiences offered by Deer Valley Ski Resort, it's [sic] construction shall be to great public benefit. Furthermore, there are numerous examples of existing ski area chairlifts in the Park City area that appear in greater prominence from the Designated Vantage Points than the proposed lift 7."

iii. LMC § 15-2.21-7(B), Development Approvals for Ski Area Construction and Expansion within the SLO, requires the Applicant to mitigate impacts to the "Maximum Extent Feasible." LMC § 15-15-1 defines "Maximum Extent Feasible" as the maximum mitigation where no prudent, practical and

feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining "Maximum Extent Feasible."

iv. From Vantage Points within Park City, there are ski lifts visible within Ridge Line Areas. The proposed ski lift will be minimally visible from the Park Meadows Golf Course Clubhouse Vantage Point, which is approximately four map miles north of the proposed ski lift. However, the Planning Commission may require a Condition of Approval establishing a minimum required distance from the Ridge Line Area.

f. Wetlands and Stream Protection

i. According to the Applicant's Sensitive Lands Analysis, the Utah Department of Environmental Quality data does not identify any wetlands within the area proposed for the ski lift and ski runs. However, the Utah Department of Environmental Quality identifies an intermittent or ephemeral stream channel.

ii. On November 6, 2023, Daren Rasmussen, an Environmental Scientist – Dam Safety & Stream Alterations with the Utah Department of Natural Resources Division of Water Rights outlines the designated stream channel as a natural stream and therefore will not require special permitting for stream alteration.

iii. LMC § 15-2.21-6(F) establishes a minimum of fifty feet outward from the Ordinary High Water Mark in the SLO for streams

g. Wildlife and Wildlife Habitat Protection

i. LMC § 15-2.21-8 establishes the intent of the Wildlife and Wildlife Habitat Protection to "promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts." The LMC explains further: "If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and

habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced."

ii. Technical Report #13 from the Flagstaff Development Agreement outlines that "there are no federally listed threatened or endangered species likely to make substantive use of the Plan Area." The proposed ski lift is not located within a Sensitive Wildlife Area as designated on Appendix B of Technical Report #13.

iii. The Utah Division of Wildlife Resources has compiled a list of all Sensitive and Specially Valued Species in the State of Utah. The Applicant submitted analysis to show there are no Sensitive or Specially Valued species occupying or using on-Site and adjacent Areas where the proposed ski lift, ski runs, and associated facilities are proposed. Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

iv. The Flagstaff Development Agreement Technical Report #13 "Wildlife Management Plan" describes the major habitat types that occur within the Plan Area and provides information on common wildlife species that have the potential to occur within these habitats. The goal of the Wildlife Management Plan is to preserve wildlife habitat values within the Plan Area by minimizing habitat loss and human/wildlife conflicts. There are no federally threatened or endangered species likely to occur in the Plan Area. The proposed Lift 7 is located near a potential wildlife movement corridor.

v. The Wildlife Management Plan explains "It should be noted that the primary cause of habitat fragmentation within the Plan Area is associated with the clearing of lift alignments

and construction of ski runs. It is imperative that existing wildlife movement corridors continue to function in this capacity. Accordingly, habitat modifications should be minimized, fencing prohibited, and recreationists should be directed away from these areas in the spring and fall migration periods." Staff recommends Conditions of Approval to mitigate any potential wildlife corridor impacts.

h. Preserve the Natural Character of the Sensitive Lands, Revegetate, and Establish Permanent Erosion Control Measures.
    i. The Applicant included a vegetative cover evaluation in their Sensitive Land Analysis submittal.
    ii. On March 14, 2024, the Forestry Board approved the removal of Significant Vegetation for the proposed ski lift, ski runs, terminal building and lift storage building, and 375-square-foot operator house with the following Condition of Approval: The Applicant is responsible for the removal of dead and dying Significant Vegetation in an area equal to the proposed area of disturbance.

14. The application, as conditioned, complies with the Flagstaff Mountain Development Agreement Technical Reports
    a. Several technical reports were prepared as part of the Flagstaff Development Agreement and are relevant to the development of the proposed Lift 7.
        i. Technical Report #5 "Open Space Management Plan" details objectives, goals, and strategies for the Open Space areas that are not located within any of the designated development pods. The overall goal of the Open Space Management Plan is to ensure the preservation and maintenance of Flagstaff Mountain's open space for public enjoyment and the protection of ecological values. The proposed project area for Lift 7 is in an area designated as Recreational Open Space (ROS). The purpose of ROS is to establish and preserve districts for land uses requiring large areas of undeveloped open land; permit, preserve, and encourage recreational use of these lands; and preserve and enhance environmentally

sensitive lands such as wetlands, steep slopes, ridge lines, meadows, stream corridors, and forests.

ii. According to the Flagstaff Development Agreement, all land outside of the development pods was zoned as Recreation Open Space. Upon issuance of the first MPD or CUP for any portion of the Project, Deer Valley Resort executed a conservation easement for the benefit of the City and a third party conservation trust, to limit the use of Flagstaff Mountain to construction, development, and operation of ski lifts, ski runs, one skier day lodge, and other similar winter and summer recreational uses and services

iii. The Open Space Management Plan classifies two separate types of ROS. Developed Recreational Open Space (DROS), and Undeveloped Recreational Open Space (UROS). The proposed Lift 7 project area is located within UROS. Undeveloped Recreational Open Space (UROS) may be skied in the winter and typically contains some summer trails, but it has not been heavily modified for these purposes. Where the main purpose of DROS is to provide year-round public recreation opportunities, UROS serves a wider variety of functions. The general management objectives for UROS are to continue to allow human access and use while maintaining the scenic qualities and habitat values of these areas.

iv. The Open Space Management Plan further clarifies the goals and objectives of ROS: "Much of the Plan Area consists of moderately steep, north-facing slopes that provide ideal opportunities for downhill skiing. Most of these areas have or will be developed by Deer Valley Resort for this purpose. As mentioned above, these areas are considered DROS. Areas containing steep, rocky, and/or heavily vegetated south- or west-facing slopes as well as areas lying beyond practical lift-served terrain are less well-suited for alpine skiing and more appropriate for other forms of recreation such as hiking, biking, or horseback riding. These areas are designated UROS. Other amenities associated with designated UROS

include the preservation of wildlife habitat and the protection of scenic viewsheds."

v. "UROS forms the second largest type of open space within the Plan Area. While these areas may contain a variety of hiking, biking, and equestrian trails, these facilities do not dominate the character of the land. Native vegetation cover remains largely intact and forest stands do not exhibit the high level of fragmentation characteristic of DROS. Consequently, these areas tend to have greater visual appeal and higher quality wildlife habitats relative to DROS. While these areas will continue to experience summer trail construction and maintenance, the overall character of UROS within the Plan Area is unlikely to experience substantive change over time."

vi. Staff recommends a Condition of Approval which requires separate review and approval of an amendment to the Open Space Management Plan by the Planning Commission.

b. Technical Report #8 "Trails Master Plan" outlines the goals and objectives of trails planning for the Flagstaff Mountain area. The goal of the Trails Master Plan is to establish guidelines to maintain and enhance public access and provide quality public recreation opportunities for hikers, mountain-bikers, and equestrians. Staff recommends Conditions of Approval to comply with the Trails Master Plan.

c. Technical Report #12 "Drainage Study" outlines the methodology and criteria to be used to design the drainage structures and systems for the Flagstaff Mountain Area. Staff recommends a Condition of Approval for ski runs to comply with the Drainage Study technical report.

d. Technical Report #15 "Construction Mitigation Plan" outlines specific measures to mitigate the impacts of infrastructure construction associated with the Resort.

15. The application as conditioned complies with LMC § 15-4-18 Passenger Tramways and Ski Base Facilities as follows:

a. Ownership

i. The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration.
ii. The Applicant (Deer Valley Resort Company, LLC) has an existing lease with the property owner (BLX LEASE 2 LLC) for 105 years, commencing on August 24, 2023 and expiring on August 23, 2128.

b. Width
   i. The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.
   ii. The Applicant has proposed a 15' foot clearance on either side of the lift and therefore complies with this requirement.

c. Base or Terminal Facilities
   i. The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones. Mid-loading and unloading points are allowed in the HR-1 and HRL zones.
   ii. The proposed ski lift, base terminals, lift storage building, and accessory structures are within the ROS Zoning District.

d. Crossing of Public Roads
   i. The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions, which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

ii. There is no required mitigation, the proposed ski lift will not cross any public roads or ROW.

e. Utility Clearance
   i. The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.
   ii. No required mitigation, the proposed ski lift, associated lift terminals, and ski runs will not cross over any existing utilities.

f. Parking and Traffic Plans
   i. The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic, which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that parking would be provided.
   ii. The traffic and parking plan may be included in the neighborhood impact analysis. The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties.
   iii. The Applicant has stated: "The proposed Ski Lift will circulate skiers on the new beginner ski runs. The new Ski Lift will not move skiers to or from any base area skier portal (current Deer Valley or expanded terrain), rather, this is a circulator Ski Lift that will move skiers within the newly created beginner terrain pod near Park Peak. Those skiers can choose to ski back to the various skier portals or other Ski Lift infrastructure. All of this is to say that no parking, traffic, or transportation plan is required because there is no direct connection between the various base area skier portals

and the proposed Ski Lift infrastructure."

iv. While the Applicant states the new ski lift is intended for beginner skiers already at the resort, staff recommends Conditions of Approval regarding the overall parking and traffic mitigations required for the Snow Park Area. The Applicant has a pending Master Planned Development amendment application before the Planning Commission for the Snow Park parking lot development and parking and traffic evaluation will be key in the Planning Commission's review of that project. Pending Final Action on the Snow Park project, staff recommends Conditions of Approval to address parking and traffic mitigation in the meantime.

v. The *Deer Valley Resort Twelfth Amended and Restated Large Scale Master Planned Development Permit*, dated November 30, 2016, includes the following: Paragraph G, Off-Street Parking: *If the capacity of the surface parking lots in the Snow Park Community is 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 Commission*.

vi. This provision has been included in the Deer Valley approvals since 1993 when the Seventh Development Agreement was completed. Since 1993, Deer Valley constructed temporary parking for the 2002 Winter Olympics and after the Olympics, the resort converted the additional parking area into a snowmaking pond.

vii. Deer Valley provides parking within the Snow Park area in two ways: 1,340 on-site parking spaces in five lots, as approved by the Planning Commission; up to 142 parking spaces on Deer Valley Drive not to exceed 10% of the operating days (averaging 13 to 14 days per season), as approved by the City Council.

viii. Deer Valley exceeded parking overflow allowances during the 2018-2019 ski season. On August 14, 2019, the Planning Commission conducted a work session to discuss parking in the Snow Park area. The report includes the following: Surface parking lot capacity at that time provided approximately 1,250 spaces; during the 2018-2019 ski season there was considerable traffic and congestion; an average of 80 vehicles parked along Deer Valley Drive, creating conflicts with City buses and pedestrians.

ix. As part of an August 14, 2019 work session, the Planning Commission approved an expansion of parking lot 5 to create an additional 90 parking spaces and encouraged the applicant to

collaborate with the City to mitigate additional impacts. In November of 2019, the Planning Director approved an Administrative Permit for the construction of the 90 parking space addition to lot 5.

x. On December 19, 2019, the City Council discussed resort overflow parking on Deer Valley Drive in a work session and authorized a temporary parking program that allowed the resort up to 142 on-street parking spaces not to exceed 10% of the operating days.

xi. The Applicant provides reports to the City outlining compliance. As of March 8, 2024, the Applicant's last report, Deer Valley has not exceeded overflow parking days this year.

xii. To further mitigate traffic and parking impacts in the Snow Park area, on October 5, 2023, the Transit team presented a staff communication to City Council outlining winter transit service from Richardson Flat Park & Ride to Snow Park. On November 1, 2023, Deer Valley entered into an agreement with the City to pay $150,000 toward the cost of running a direct bus route from Richardson Flat Park & Ride to Snow Park during the 2023-2024 winter season. Transit service was offered from December 10, 2023 through March 30, 2024 in 20-minute intervals from 6:00 AM through 6:00 PM.

g. Liftway Setback

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

ii. There are no existing dwellings or Structures within the proposed Liftway. The nearest Structure is approximately 0.35 miles away from the bottom terminal and lift storage building. The nearest Structure is approximately 0.5 miles away from the top terminal.

h. State Regulation

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

ii. Condition of Approval 4 requires the Applicant to work with the Tramway Board for final approval consistent with the standard state review authority review process.

i. Public Purpose Served
   i. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, mitigating the demand for, parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.
   ii. According to the Applicant: "The initiative aligns seamlessly with the objectives outlined in the Park City General Plan (2014). Specifically, it contributes to Objective 10A, aimed at enhancing the competitiveness of Park City as a world-class, multi-season destination resort community through the expansion of year-round recreational events. Furthermore, it supports Objective 11A, emphasizing the importance of allowing primary resorts to evolve within the tourism industry, thus ensuring sustained relevance and attractiveness to visitors. Finally, as per Section K of the 12th Amended and Restated Large Scale Master Planned Development Permit dated November 30, 2016, access to Lift 7 remains accessible to all users of the resort, further underlining its inclusive and community-oriented nature. This underscores Deer Valley's commitment to providing enhanced recreational opportunities while maintaining alignment with established regulatory frameworks and long-term development objectives."

j. Status of Land Within Liftway
   i. Owners of Lots or other land, which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal Setback and Side Yard requirements apply from the Lot Line or Property boundary.
   ii. There are no other property owners who will be affected by the proposed Liftway.

k. Structures Within Liftway
   i. Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the owner of the Liftway.

ii. No Structures are proposed to be constructed within the Liftway.

l. Preservation of Historic Structures

i. It is the policy of the City to protect and preserve Historic Structures within the City. The Applicant for the Passenger Tramway must provide a study, which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram.

ii. There are no Historic Structures or Historic Mine Sites within the proposed project area.

16. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)

a. Size and Location of Site

i. The proposed ski lift (Lift 7) with a bottom terminal and lift storage Building Pad not to exceed 13,543 square feet, 375-square-foot operator house and 4.62 miles of new ski runs are located within the existing Deer Valley Resort ski area and will increase beginner ski terrain on the upper portion of the mountain. The proposed lift is similar in size and dimensions of the exiting lifts in the resort and is in an appropriate location on the mountain to connect to the future Deer Valley East Village expansion area. The proposed lift will help distribute skiers on the mountain.

b. Traffic

i. The City's adopted Traffic Impact Study Guidelines require a Traffic Impact Study when a land use generates 25 or more net new vehicle trips during the weekday AM or PM peak hour.

ii. The Applicant states: "The proposed ski sift will circulate skiers on the new beginner ski runs. The new ski lift will not move skiers to or from any base area skier portal (current Deer Valley or expanded terrain), rather, this is a circulator Ski Lift that will move skiers within the newly created beginner terrain pod near Park Peak. Those skiers can choose to ski back to the various skier portals or other Ski Lift infrastructure. All of this is to say that no parking, traffic, or transportation plan is required because there is no direct connection between the various base area skier portals and the proposed Ski Lift infrastructure."

c. Utility Capacity

i. As part of the ski improvements, the Applicant proposes installing a snowmaking line and power line.

ii. The proposed ski lift, associated lift terminals and storage building and ski runs do not cross existing utilities. The Development Review Committee reviewed the Application on December 5, 2023, and does not require additional Conditions of Approval.

d. Emergency Vehicle Access
   i. The Park City Fire District reviewed this Application on December 5, 2023, and confirmed the proposal conforms with their requirements.

e. Parking
   i. LMC § 15-3-6 "Parking Ratio Requirements For Specific Land Use Categories" does not outline any specific Off-Street Parking requirements for ski lifts.
   ii. Parking for Deer Valley resort is regulated by the Twelfth Amended and Restated Large Scale Master Planned Development Permit. The Deer Valley MPD Permit states the following: "Parking required with relation to each portion of the Project shall be based upon Code as in effect at the time application for a building permit for such portion of the Project as is filed with City. Parking for each separate development parcel in the Project shall be determined in accordance with the Code at the time of application for Conditional Use approval. Any additional parking shall not encroach into zoned open space." The MPD permit continues: "If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season, the need for construction additional parking in said area shall be reviewed by the Commission."
   iii. The Applicant has stated: "The proposed Ski Lift will circulate skiers on the new beginner ski runs. The new Ski Lift will not move skiers to or from any base area skier portal (current Deer Valley or expanded terrain), rather, this is a circulator Ski Lift that will move skiers within the newly created beginner terrain pod near Park Peak. Those skiers can choose to ski back to the various skier portals or other Ski Lift infrastructure. All of this is to say that no parking, traffic, or transportation plan is required because there is no direct connection between the various base area skier portals and the proposed Ski Lift infrastructure."

f. Internal Vehicular and Pedestrian Circulation System
   i. The proposed ski lift will help improve the circulation and distribution of beginner skiers throughout the resort. The proposed location of the lift located between Flagstaff Mountain and Bald Mountain gives beginner skiers additional area on the mountain to

ski. The additional 4.62 miles of ski run helps distribute the number of skiers on the mountain.

g. Fencing, Screening, and Landscaping
    i. The Applicant is responsible for the removal of dead and dying Significant Vegetation in an area equal to the proposed area of disturbance.

h. Building Mass, Bulk, and Orientation
    i. The proposed ski lift (Lift 7) with a bottom terminal and lift storage Building Pad not to exceed 13,543 square feet, 375-square-foot operator house and 4.62 miles of new ski runs are appropriate in size and scale. The Structures comply with the ROS Zoning District Height and Setbacks. The Planning Director determined the ski lift towers may exceed ROS Zoning District Height pursuant to LMC § 15-2.7-4(A)(4).

i. Useable Open Space
    i. The proposed ski lift will increase the amount of recreational open space for beginner skiers at Deer Valley Resort.

j. Signs and Lighting
    i. The lights proposed for the ski lift are emergency lights and utility lighting that is consistent with current ski lift infrastructure.
    ii. Condition of Approval 6 states that all Outdoor Lighting must be down-directed, fully shielded, with bulbs 3,000 degrees Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation
    iii. No signs are proposed or approved as part of this CUP Application.

k. Physical Design and Compatibility with Surrounding Structures
    i. The proposed ski lift will be similar in design to the existing ski lifts in Deer Valley Resort. The proposed lift will be 0.56 miles long and the towers will range in height from 19 feet to 52 feet. The lift will be manufactured by Doppelmayr.
    ii. The proposed materials for the ski lift will be constructed with materials similar to other standard ski lifts across the resort and painted with colors to match the existing Deer Valley ski lifts. The ski lift towers will be constructed of steel and painted green consistent with the existing Deer Valley lift towers. The bottom and

top terminals will be of the same aesthetic as the existing Deer Valley lift terminals.

l. Noise, Vibration, Steam, or Other Mechanical Factors
   i. The proposed ski lift will be 70 to 80 decibels, typical for ski lifts. It will not be located near any existing residences (the proposed ski lift is located 0.35 miles away from the nearest residence), and it must comply with the City Noise Ordinance in Chapter 6-3.
   ii. The ski lift bottom terminal and terminal building are proposed to be constructed adjacent to Parcel PCA-S-79C, which is excluded from Deer Valley Resort's lease and is under separate ownership. The ski lift bottom terminal must meet at least a 25-foot Setback from Parcel PCA-S-79-C. The Applicant exceeds this requirement and the proposed ski lift and terminal building are set back 90 feet from Parcel PCA-S-79-C.

m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas
   i. There is an existing service road through Ontario Canyon that will serve as access for the construction of the new lift. The Applicant is responsible for providing trash and recycling areas during construction and operation of the ski lift.
   ii. The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the construction dumpster. The construction site shall be cleaned prior to the end of each workday.

n. Expected Ownership and Management
   i. The parcels are owned by BLX Lease, LLC and BLX Lease 2, LLC and are being leased by Deer Valley Resort. BLX Lease has given written permission for the construction of the proposed ski lift. The Applicant (Deer Valley Resort Company, LLC) has an existing lease with the property owner (BLX LEASE 2 LLC) for 105 years, commencing on August 24, 2023 and expiring on August 23, 2128.

o. Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site
   i. See above sections for analysis of Steep Slopes. The Sustainability Department reviewed the proposal on March 6, 2024, and confirmed the project area is not within the Park City Soils Ordinance. The proposed ski lift does not cover a topographic Area at least twenty-five feet vertically upslope or

downslope and fifty feet horizontally and is not within fifty feet of Very Steep Slopes. The average slope for the length of the ski lift and the proposed ski runs are between 15 and 30 percent. LMC § 15-2.21-4(B) exempts ski slopes from the limitation of a 3 to 1 slope

p. Reviewed for consistency with the goals and objectives of the Park City General Plan
    i. The project is proposed within the Upper Deer Valley Neighborhood of the General Plan, home to resort-oriented development, surrounded by open space.
    ii. The proposed ski lift, ski runs, terminal building, and 375-square-foot operator house align with Goals 9, 10, and 11 outlined in the Park City General Plan. Goal 9 of the Geneal Plan states: "Park City will continue to provide unparallel parks and recreation opportunities for residents and visitors."
    iii. Goal 10 of the General Plan is to "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 our sense of community." Objective 10A of the General Plan is to "remain competitive as a world-class, multi-season, destination resort community by increasing year-round recreation events and demand for resort support services, such as hotels and restaurants."
    iv. Goal 11 of the General Plan is to "Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience." Objective 11A of the General Plan states the "vibrancy of Park City's resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City."

17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 27, 2024.
18. Staff mailed courtesy notice to property owners within 300 feet on March 27, 2024.
19. The Park Record published courtesy notice on March 27, 2024.
20. On April 10, 2024, the Planning Commission reviewed the proposal, opened a public hearing, requested a site visit, and continued the public hearing to April

24, 2024.

21. On April 15, 2024, the Planning Commission and City staff participated in a site visit to see the proposed project area. The Applicant provided a tour to show the proposed lift alignment and ski runs from three separate vantage points: West-Flagstaff Mountain, East- Bald Mountain, and the proposed bottom terminal and lift storage building footprint.
22. On April 24, 2024, the Planning Commission reviewed the proposal, held a public hearing, requested additional information, and continued the public hearing to May 8, 2024.
23. On May 8, 2024, the Planning Commission opened a public hearing and continued the public hearing to May 22, 2024, to allow the Applicant time to gather additional information.

Conclusions of Law

1. The proposed ski lift, ski runs, and accessory structures comply with the Land Management Code requirements pursuant to Chapter 15-2.7 *Recreation and Open Space Zoning District,* Chapter 15-2.21 *Sensitive Land Overlay*, Section 15-4-*18 Passenger Tramways and Ski Base Facilities*, and Section 15-1-10*, Conditional Use Review Process*.
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

1. Final buildings plans and construction details shall reflect substantial compliance with the final plans dated March 19, 2024, submitted to the Planning Department and reviewed May 22, 2024, by the Planning Commission.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. The project is subject to safety regulation by the Passenger Ropeway Safety Committee of the Utah State Department of Transportation. The Applicant must work with the Safety Committee for final approval consistent with the standard state review authority review process prior to submitting a Building Permit.

4. The Applicant is responsible for the removal of dead and dying Significant Vegetation in an area equal in square footage to the proposed areas of disturbance.
5. All Outdoor Lighting must be down-directed, fully shielded, with bulbs 3,000 degrees Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.
6. The operation of the ski lift must comply with the City Noise Ordinance found in Chapter 6-3.
7. The Applicant shall retain the minimum fifty-foot Setback for the natural stream.
8. The finish surface of ski runs shall be graded with a three-foot maximum topsoil and native soils.
9. The Applicant shall install erosion control blankets on all slopes steeper than 2:1.
10. The Applicant is responsible for providing trash and recycling areas during construction and operation of the ski lift. The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the construction dumpster. The construction site shall be cleaned prior to the end of each workday.
11. Pending approval of the Snow Park Master Planned Development, the Applicant shall submit an annual report that provides an overview of overflow on-street parking to the Planning Commission no later than May 31. The Planning Commission retains authority to add Conditions of Approval if future traffic and parking mitigation is required.
12. The annual report and Planning Commission review shall continue until the Transportation Demand Management and Parking Management Plan are updated, reviewed, and approved by the Planning Commission through the Snow Park Master Planned Development amendment, or other Planning Commission approval. If Deer Valley fails to secure off-site parking and winter bus service prior to the 2024-2025 ski season and on an annual basis, Deer Valley shall obtain Planning Commission approval for an amendment their Parking Management Plan pursuant to Paragraph G of the Deer Valley Resort

Twelfth Amended and Restated Large Scale Master Planned Development Permit, dated November 30, 2016.

13. The Applicant must submit an application to amend Technical Report #5 Open Space Management Plan which shall include a substitution of the designated Undeveloped Recreation Open Space impacted by this application and adjustment of Developed Recreation Open Space Areas, with a minimum 111-acre replacement of the Undeveloped Recreation Open Space, and any proposed additional mitigation measures from the result of increased lift disturbance within Undeveloped Recreation Open Space. The Applicant shall submit the application to the Planning Department within three months of this Conditional Use Permit approval. Planning Commission review and approval must be obtained within six months of the date of Planning Commission approval of this Conditional Use Permit. This approval will expire if either deadline is not met or extended by the Planning Commission.
14. Any trails or portions of trails that must be closed as a result of development will be rerouted prior to their closure. Thus, trail continuity will be maintained during and after construction. Where and when feasible, temporary trail detours will be established to maintain trail continuity during closures.
15. The Applicant must submit a temporary trail alignment for all re-routed public trails to be reviewed and approved by the Trails and Open Space department prior to construction.
16. Silt fencing will be placed at the toe of fill slopes to control erosion during construction. Erosion control will consist of re-vegetating all exposed ski run surfaces including cut and fill slopes. Where appropriate, ditches will be placed to protect cut slopes. Lined channels may be used to convey runoff along ski runs and trails depending on design conditions. Erosion control blankets will be placed as necessary.
17. Fencing is prohibited and users of the project area must be directed away from the wildlife movement corridors during the spring and fall migration periods.
18. Construction must be organized and timed to minimize the disturbance of wildlife habitat areas.
19. To the Maximum Extent Feasible, the Applicant shall preserve any natural habitat Area connections. If natural Areas lie adjacent to the Development Site, but such natural Areas are not presently connected across the Development Site, then the Development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural Areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.
20. If wildlife that may create conflicts for future occupants of the Development are known to exist in Areas adjacent to or on the Development Site, then the

Development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

21. A nest clearance for all migratory birds shall be performed if land clearing is required during the nesting season.
22. Signage and warnings to hikers and bikers must be installed advising of moose activity. If adult cow moose with calves are utilizing the project area then a buffer zone around those animals should be blocked from human activity including closing trails and preventing hiking, biking and construction activity until the animals are no longer in the area.
23. Any areas where Mule Deer are giving birth to and raising fawns within the project area shall be blocked off to all human activity.
24. If Elk with calves are observed or if large herds of Elk are utilizing a particular part of the project area, then that area must be closed off to human activity such as hiking and biking and construction until those animals are no longer present.
25. The Applicant must conduct an additional site visit and habitat assessment with a wildlife consultant for further mitigation and management considerations to be refined following the snow melt. The Applicant and the wildlife consultant shall submit their findings and plans for review and approval by Planning staff prior to issuance of a Building Permit.
26. The Applicant must submit a modification application to amend Technical Report #13 Wildlife Management Plan which shall include updated Wildlife Data. The Applicant shall submit a modification application to the Planning Department within three months of this Conditional Use Permit approval. The modification must be reviewed and approved by the Planning Commission within six months of the date of Planning Commission approval of this Conditional Use Permit.
27. If the updated Wildlife Management Plan Technical Report #13 identifies any additional species necessitating protection, the report shall include additional recommendations consistent with Conditions of Approval #16-#25 for such species.
28. The Applicant must submit a Construction Mitigation Plan that complies with all applicable Park City Construction Mitigation Guidelines, at the time of Building Permit submittal.
29. The Building Pad shall not exceed 13,543 square feet and the Building Footprint shall not exceed 8,446 square feet, as demonstrated in the Concept Floor Plan dated February 28, 2024, and reviewed by the Planning Commission on May 22, 2024. The Applicant shall return to the Planning Commission for Conditional Use Permit review and approval for the ski related accessory building.

PARK CITY
1884
Planning Department

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Virgil Lund, Project Planner

PROPOSED AMENDMENT
TO
CONSTRUCTION MITIGATION PLAN
FOR
FLAGSTAFF MOUNTAIN RESORT

January 14, 2025

Section 2.10.4.2 of the 2007 Amended Flagstaff DA requires submission of a Construction Mitigation Plan including provisions for keeping all excavated materials on site. The 2001 Construction Mitigation Plan prepared as Exhibit 15 to the Flagstaff Technical Reports states:

> "*Excavated materials generated from the project will be processed and reused or disposed of within the annexation area."*

The 2018 amendment to the Construction Mitigation Plan states:

> *"Excavated materials generated from individual projects will be processed and reused or disposed of within the Annexation Area to the extent reasonably feasible."*

The 2018 amendment identifies a number of potential tipping sites. In 2002, the Applicant received a grading permit for the Period No. 1 and Period No. 5 Mining Claims (22-633). That grading permit also includes tipping on the adjacent Logan Mining Claim as approved by the Planning Department. There are two other tipping sites within the Annexation Area that are already at capacity and there is insufficient capacity under the 22-633 grading permit for all export material from the remaining undeveloped lots within Red Cloud and Empire Pass.

The Applicant proposes adding a gully along the east side of the Bransford Land Company property (Logan and U.P. No. 2) as an additional designated tipping site in the Flagstaff Construction Mitigation Plan to accommodate additional fill placement consistent with application to amend grading permit 22-633.

The proposed additional tipping site is immediately west of Deer Valley's Lift 7 ski terrain. The additional tipping site will accommodate ~46,000 cy of fill within an area of disturbance of approximately 4 acres. While this portion of the Bransford property is not currently part of Deer Valley ski terrain, the proposed grading creates terrain well suited to skiing. The grading also creates a safer condition should skiers inadvertently stray onto the Bransford property.

The proposed amendment to the Flagstaff CMP is consistent with the goals of the Flagstaff DA. The Applicant has identified and secured a location for disposing of excavated materials within the Flagstaff Annexation Area that can be filled and regraded to blend with the adjacent terrain. The Applicant proposes to harvest topsoil from the tipping site prior to commencement of fill operations. Upon completion of the fill operation, the site will be hydroseeded with native grasses.

BIO-WEST Inc.
1063 West 1400 North
Logan, Utah
84321-2291
Ph: 435.752.4202
Fx: 435.752.0507
www.bio-west.com

Environmental Analysis and Permitting

Geology/ Hydrogeology and Remediation

Fisheries and Aquatic Ecology

GIS Planning and Analysis

Landscape Architecture and Environmental Planning

Vegetation Resources

Watershed Sciences

Wetland Resources

Wildlife Resources

February 5, 2025

Empire Pass MOA
Attention: Mr. Douglas Ogilvy
PO Box 99
Kamas, UT 84036

Subject: Proposal for Environmental Consulting Services for the EPMOA Tipping Site, Soil Fill Project, Summit County, Utah

Dear Mr. Ogilvy:

BIO-WEST, Inc. (BIO-WEST) is pleased to provide you with a brief work description and cost estimate for environmental consulting work at the proposed referenced project area in Summit County, Utah. The approximately 3.74-acre project area is illustrated on the attached Tipping Site LOD Tree Disturbance Area, prepared by Alliance Engineering. It is my understanding that this site is proposed as a soil disposal site, and the trees will be removed and the area leveled for use and management as a winter ski run. The existing ephemeral channel will need to be reconstructed and designed to function along one side of the new ski run. Vegetation and wildlife community impacts due to the project will need to be partially mitigated.

This proposal is intended to allow BIO-WEST to begin working with the Empire Pass MOA in order to prepare a letter report outlining project related environmental recommendations associated with issues including but not necessarily limited to;

- Tree removal,
- Migratory bird protections,
- Native wildlife impacts,
- Ephemeral stream channel relocation and design,
- Water quality,
- Establishment of native vegetation including trees,
- Noxious weed control,
- Monitoring.

In order to properly provide the necessary information to mitigate impacts to environmental resources, BIO-WEST will need to conduct field work site visits during the spring or summer of 2025, after the snow has melted. This initial proposal is for the immediate development of a letter report outlining the proposed tasks and recommendations associated with this future work. Following completion of the letter report, we will prepare a comprehensive cost estimate and proposal to complete all of the additional later tasks. Those costs are not included in this proposal for winter desktop report preparation and planning.

Task 1. Prepare a winter desktop letter report discussing known resources and recommendations for future data collection and site restoration

BIO-WEST will prepare a desktop baseline data report including a project area map of the proposed impact site. The report will provide a list of 2025 data collection needs and tasks associated with the bullet list above. The report will provide a list of recommendations that can be

implemented to help offset the environmental impacts of the proposed project work. Additional items to address may be added following identification during the 2025 site visit/s.

Task 2. Coordination and meetings

BIO-WEST will coordinate with you, as necessary, to discuss any issues that arise during the desktop review and letter preparation. We can also discuss your planning meetings and the additional future project work cost, timeline, and schedule.

Task 1 and 2 BIO-WEST Cost Proposal

We will bill our work on a time and materials basis, not to exceed the total costs above for these two initial tasks. The tasks will be completed on a timeline that works for your scheduled planning meetings and allows you to determine if the project work in this location is feasible.

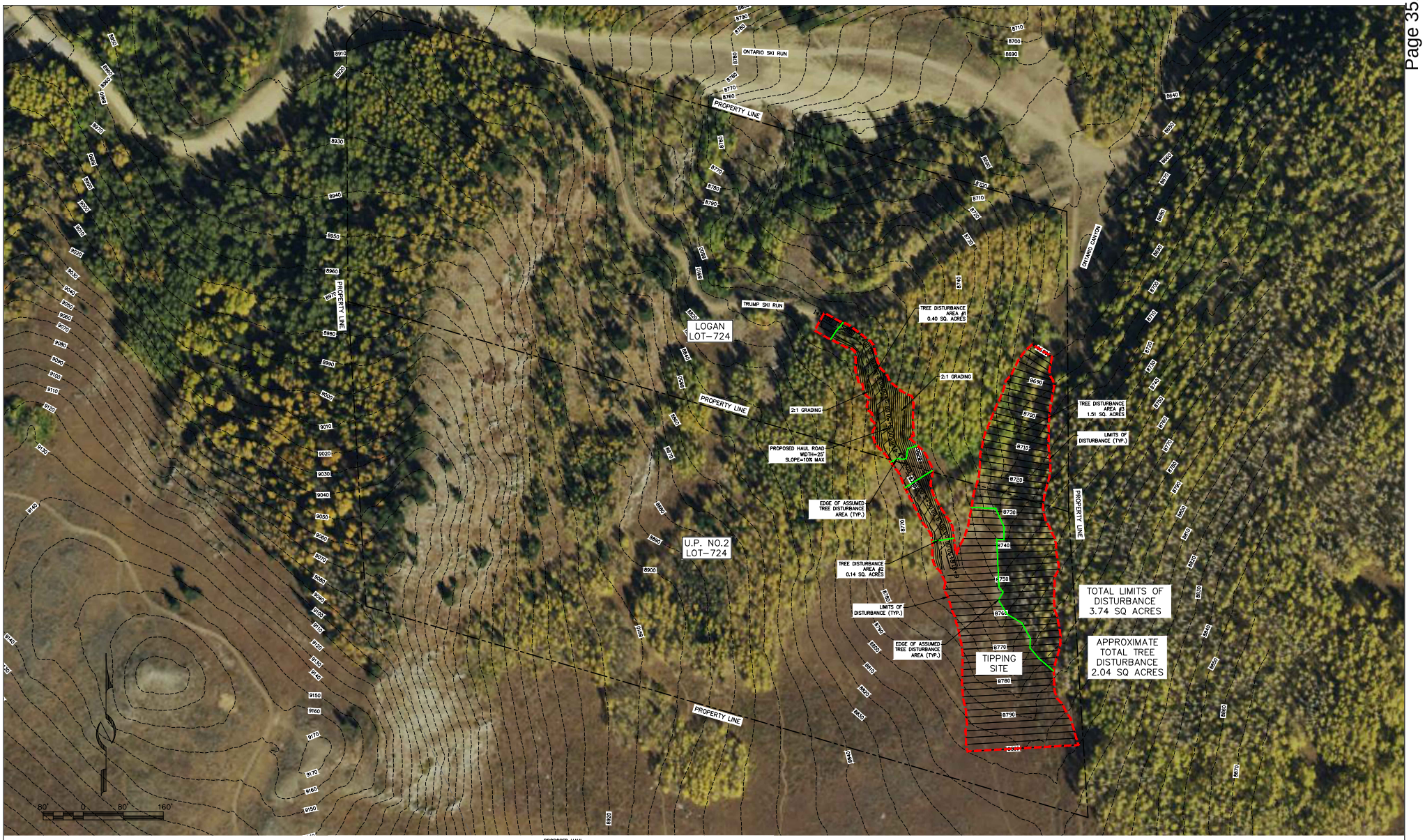
A standard contract is attached to this letter for your review and signature. To begin work we require a 50% retainer fee) be paid along with signed contract documents.

Please feel free to contact me with any questions or comments you may have. I can be reached by phone at the office (435) 752-4202, by mobile phone (435) 890-9311, or by e-mail at bthomas@bio-west.com. We appreciate your interest in BIO-WEST and hope to work with you on this project.

Sincerely,

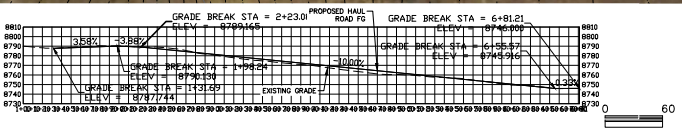
Robert W. Thomas
Project Manager / Wetland Scientist

Attachments:
Tipping Site LOD Tree Disturbance
BIO-WEST, Inc. Standard Contract



EARTHWORK QUANTITIES
CUT= 542 CUYD
FILL= 46,184 CUYD
NET=45,642 CUYD (FILL)

PROFESSIONAL ENGINEER
No. 12213505
MARTIN CONNOR DINSMORE
STATE OF UTAH



Alliance Engineering Inc.
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF: CONNOR DINSMORE

DATE: 01/24/2025

TIPPING SITE, LOD, TREE DISTURBANCE
MINE CLAIM LOT-724: LOGAN & U.P NO.2

FOR: REDUS
JOB NO.: 12-2-16
FILE: X:\Empire\dwg\Bransford\130719-Grading Plan-CF.dwg

SHEET 1 OF 1

Agreement for Consulting Services

THIS AGREEMENT is by and between Empire Pass MOA, located at PO Box 99, Kamas, Utah 84036 (hereinafter “CLIENT”) and BIO-WEST, INC., located at 1063 West 1400 North, Logan, UT 84321 (hereinafter “BIO-WEST”), who agree as follows:

1. DECLARATIONS. CLIENT desires to engage BIO-WEST to provide consulting services that may include planning, environmental, technical, and/or other related services in connection with CLIENT’S project described as follows: EPMOA Tipping Site in Summit County, Utah

   BIO-WEST has submitted a fee schedule (cost estimate) to CLIENT, a copy of which is attached as Exhibit A and made part hereof for services, which is acceptable to CLIENT.

2. SCOPE OF WORK. BIO-WEST shall provide consulting services that may include planning, environmental, technical, and/or other related services for the above referenced project in accordance with a work plan provided by BIO-WEST as described in Exhibit A and “Terms and Conditions” made a part of this agreement

3. COMMENCEMENT AND COMPLETION. The work covered by this Contract shall commence on or before the 7th day of February, 2025, and shall be completed on or before the 31st day of December, 2025, both dates inclusive

4. AUTHORIZATION. This agreement is not binding upon BIO-WEST until it is signed by a duly authorized officer.

EXCUTED this day of , .

By _____
Client Name (print or type) Title

By _____
Client (signature)

By _____
BIO-WEST, Inc (signature) Title

Terms and Conditions

Article 1. BIO-WEST Services

BIO-WEST will:

1.1 Act for the CLIENT in a professional manner, using the degree of care and skill ordinarily exercised by and consistent with the standards of competent consultants practicing in the same fields and a similar locality of LOCATION.

1.2 Provide only those services that, in the opinion of BIO-WEST, lie within the technical or professional areas of expertise of BIO-WEST and which BIO-WEST is adequately staffed and equipped to perform.

1.3 Perform all technical services under the general direction of a corporate principal and in substantial accordance with the basic requirements of the appropriate standards designated by the CLIENT.

1.4 Retain all pertinent records relating to the services performed for a period of 3 years following submission of the report. During this period, the records will be made available to the CLIENT at all reasonable times.

1.5 Submit copies of a complete preliminary draft of the report, concept of design, plan, or permit application for review and comment by the CLIENT prior to the preparation and submittal of the final draft of the report, design, plan or permit application.

1.6 Submit the report, design, plan or permit application at the conclusion of the study and cover in reasonable detail each area outlined in the Exhibits.

Article 2. CLIENT'S Responsibilities

The CLIENT (or authorized representative) will:

2.1 Provide BIO-WEST full information regarding the characteristics, history, and operations on LOCATION, including structure(s), existing underground utilities and facilities, legal and regulatory background, and other information necessary for the proper performance of BIO-WEST. BIO-WEST will not be liable for damages or injury arising from damage to existing underground utilities, structures, hazardous wastes, or other materials that are not called to BIO-WEST's attention and correctly shown on the plans furnished. The CLIENT agrees to defend, indemnify, and save BIO-WEST harmless from all claims, suits, losses, costs, and expenses, including reasonable attorney's fees, as a result of personal injury, death, or property damage occurring with respect to BIO-WEST's performance of its work and resulting to or caused by contact with subsurface or latent objects, structures, lines, or conduits where the actual or potential presence and location thereof were not revealed to BIO-WEST by the CLIENT.

2.2 Furnish right of entry onto LOCATION for BIO-WEST to make necessary field studies. BIO-WEST will endeavor to minimize damage to the land but makes no guarantee to restore the site to its original condition unless a separate agreement is made for such restoration, in which case BIO-WEST shall add the cost of restoration to the fee for LOCATION.

2.3 Designate in writing those persons, organizations, or agencies to be contacted in the event conditions are revealed during the execution of BIO-WEST's study that would require possible alteration of the study.

2.4 The CLIENT shall pay all costs incurred by BIO-WEST in defending itself against the claim, including but not limited to personnel-related costs, attorney's fees, court costs, and other claim-related expenses, in the event that the CLIENT makes a claim against BIO-WEST, at law or otherwise, for any alleged error, omission, or other act arising out of the performance of BIO-WEST's services, and the CLIENT fails to prove such claim upon final adjudication.

Article 3. General Conditions

3.1 BIO-WEST, by the performance of services covered hereunder, does not in any way assume, abridge, or abrogate any of those duties, responsibilities, or authorities with regard to LOCATION customarily vested in any other agencies or authorities.

3.2 BIO-WEST shall not be responsible for acts or omissions of any party or parties involved on LOCATION or the failure of any contractor or subcontractor to operate in accordance with recommendations contained in any correspondence or verbal recommendation issued by BIO-WEST.

3.3 This agreement may be terminated by either party by sending 30 day written notice. If this agreement is terminated by CLIENT, BIO-WEST shall be paid in full for all services performed through the termination date, plus five percent (5%) of all sums for work not yet performed as liquidated damages, and the client shall be provided with a complete report of the results of tests and analysis conducted prior to termination following receipt of payment.

3.4 Neither the CLIENT nor BIO-WEST may delegate, assign, or transfer their duties or interest in this agreement without the written consent of the other party.

Article 4. Insurance

4.1 BIO-WEST shall maintain the following insurances during the term of this Contract:

(a) Worker's compensation and employer's liability insurance as required by the state or province where the work is performed.

(b) Commercial General Liability insurance of $1,000,000 per each occurrence and $3,000,000 general aggregate.

(c) Business Automobile Liability of $1,000,000 combined single limit, per occurrence.

(d) Professional liability insurance of $1,000,000 per occurrence on a claims-made basis.

If the CLIENT desires additional coverage, any additional premium is to be paid by the CLIENT.

4.2 Upon reasonable request, BIO-WEST shall furnish the CLIENT with satisfactory evidence that all insurance required to be carried by it hereunder is in full force and effect and such insurance will not be canceled or materially altered prior to the expiration of 30 days following delivery to the CLIENT of notice of any such cancellation or alteration.

Article 5. Warranty and Limitation of Professional Liability

5.1 THE ONLY WARRANTY OR GUARANTEE MADE BY BIO-WEST IN CONNECTION WITH SERVICES PERFORMED UNDER THIS AGREEMENT IS THAT SUCH SERVICES ARE PERFORMED WITH THE CARE AND SKILL ORDINARILY EXERCISED BY MEMBERS OF THE PROFESSION PRACTICING UNDER SIMILAR CONDITIONS AT THE SAME TIME AND IN THE SAME OR SIMILAR LOCALITY. NO OTHER WARRANTY, EXPRESSED OR IMPLIED, IS MADE OR INTENDED BY RENDITION OF CONSULTING SERVICES OR BY FURNISHING ORAL OR WRITTEN REPORTS OF THE FINDINGS MADE.

5.2 Responsibility: BIO-WEST's work shall not include determining, supervising, or implementing the means, methods, techniques, sequences, or procedures of construction. BIO-WEST shall not be responsible for evaluating, reporting, or affecting job conditions concerning health, safety, or welfare. BIO-WEST's work or failure to perform same shall not in any way excuse any contractor, subcontractor, or supplier from performance of its work in accordance with the contract documents. BIO-WEST has neither right nor duty to stop the contractor's work.

5.3 Employee's/witness fees: BIO-WEST's employees shall not be retained as expert witnesses except by separate, written agreement. The CLIENT agrees to pay BIO-WEST's legal expenses, administrative costs, and fees pursuant to BIO-WEST's then current fee schedule for BIO-WEST to respond to any subpoena. The CLIENT agrees not to hire BIO-WEST's employees except through BIO-WEST. In the event the CLIENT hires a BIO-WEST employee, the CLIENT shall pay BIO-WEST an amount equal to one-half of the employee's annualized salary, without BIO-WEST waiving other remedies it may have.

5.4 The CLIENT recognizes that failure of state of local governmental entity to approve part or all of a plan may require additional analysis and/or revisions.

5.5 BIO-WEST's liability for damages due to professional negligence will be limited to a sum not to exceed the fee paid to BIO-WEST for this project.

5.6 The CLIENT further agrees to notify any contractor and subcontractor who may perform work in connection with any design, report, or study prepared by BIO-WEST of such limitation of professional liability for design defects, errors, omissions, or professional negligence, and to require, as a condition precedent of their performing their work, a like indemnity and limitation of liability on their part as against BIO-WEST.

Article 6. Payment

6.1 The CLIENT will pay BIO-WEST for services and expenses in accordance with the attached fee schedule. At BIO-WEST's option, invoices will be presented at the completion of its work or monthly and will be paid within 30 days of receipt by the CLIENT or authorized representative. The CLIENT agrees to pay a finance charge of 1.5 percent per month on past-due accounts. Should either party hereto bring suit in court to enforce any term of this agreement, it is agreed that the prevailing party shall be entitled to recover costs, expenses, and reasonable attorney's fees. Payments more than 30 days past due shall, unless remedied within 10 days of notice to the CLIENT, excuse BIO-WEST from further performance thereunder and shall obligate the CLIENT to immediately pay all sums (including accrued interest), plus 5 percent of all sums of work not yet performed as liquidated damages.

6.2 BIO-WEST shall be paid in full for all services under this agreement, including any unforeseen need for BIO-WEST's services exceeding original contract requirements. Payment for such services shall be made irrespective of any claim by the CLIENT for compensation for additional work conducted. Any such claim shall in no respect delay payment of fees for services performed by BIO-WEST.

6.3 BIO-WEST accepts payments made by check or ACH/WIRE. Payments made by credit card are also accepted with an added surcharge of 3%.

Article 7. Independent Contractor

7.1 It is understood and agreed that BIO-WEST shall perform the work according to its own means and methods, and shall be an independent contractor. All persons employed by BIO-WEST in connection with the work shall be BIO-WEST employees or consultants, subject only to its orders and supervision and shall be paid directly by it. Neither the CLIENT nor its agents, servants, or employees shall have the right to direct, supervise, or control the manner or method in which the work is performed, except as otherwise expressly provided herein. The CLIENT reserves the right upon itself and its agents to inspect the work, however, for the purpose of determining whether the work is being performed in conformity with the Contract Documents.

Article 8. Assignment and Subcontracting

8.1 This contract shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, that BIO-WEST shall not assign, transfer, let, or sublet, in whole or in part, the work under this Contract without written notice to the CLIENT and the agreement in writing of each such subcontractor to perform its work in conformity with the terms of the Contract Documents that apply to such work, and BIO-WEST shall be fully responsible for the acts and omissions of such subcontractors.

Article 9. No Waiver

9.1 Failure on the part of BIO-WEST or the CLIENT to timely enforce any condition or provision of the Contract shall not be deemed to be a waiver of such condition or provision, except to the extent that the same is expressly waived or consented to in writing by the party entitled to enforcement thereof.

Article 10. Jurisdiction

10.1 The parties agree that the courts of Cache County, Utah, shall (at the election of BIO-WEST) have original, exclusive jurisdiction of disputes arising hereunder.

10.2 In any action or suit to enforce any right or remedy under this Agreement or to interpret any provision of this Agreement, the primarily prevailing Party will be entitled to recover its costs, including reasonable attorneys' fees.

Article 11. Extent of Agreement

11.1 The agreement, including these terms and conditions, represents the entire agreement between the CLIENT and BIO-WEST, and supersedes all prior negotiations, representations, or agreements, written or oral. The agreement may be amended only by written instrument signed by the CLIENT and BIO-WEST.

Planning Commission
Staff Report

Subject: **1120 Park Avenue**
Application: **PL-24-06309**
Author: **Lillian Zollinger, Planner III**
Date: **February 12, 2025**
Type of Item: **Conditional Use Permit**

Recommendation

(I) Review the request for a Conditional Use Permit (CUP) for driveway access from Sullivan Road to the rear of 1120 Park Avenue, (II) conduct a public hearing, (III) provide input to the Applicant, and (IV) continue the item to a date certain.

Description

Applicant:	Terrence McGrath, represented by Stoker Architecture, Inc.
Location:	1120 Park Avenue
Zoning District:	Historic Residential – Medium Density
Adjacent Land Uses:	Residential, City Park
Reason for Review:	The Planning Commission reviews and takes Final Action on Conditional Use Permits.[1]

CUP	Conditional Use Permit
HDDR	Historic District Design Review
HRM	Historic Residential – Medium Density
LMC	Land Management Code
MCPC	Municipal Code of Park City
SFD	Single-Family Dwelling
UPZ	Urban Park Zoning

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Summary

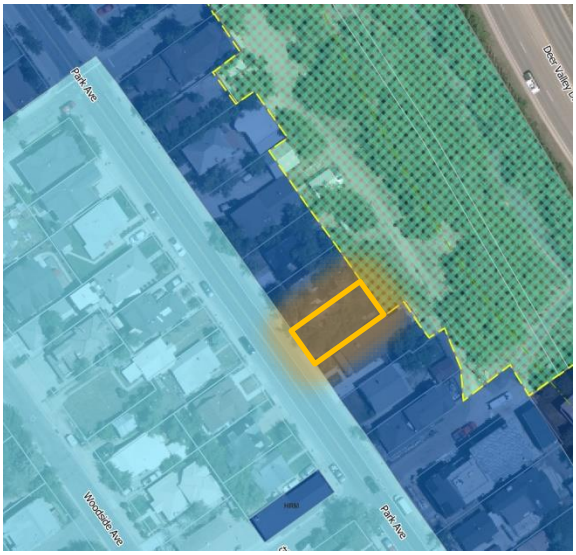
1120 Park Avenue is a vacant 2,812.5-square-foot Lot in the Historic Residential – Medium Density (HRM) Zoning District and Lot A of the Double H Plat Amendment. The Applicant proposes constructing a Single-Family Dwelling (SFD) on the Lot, and requests driveway access to the rear of the Lot from Sullivan Road, which is an informal, internal City Park "Driveway" on City-owned property (Parcel SA-360-A-X). To allow driveway access from Sullivan Road to the rear of a property along Park Avenue, pursuant to Land Management Code (LMC) § 15-2.4-8, an Applicant must prove to the Planning Commission that the project has positive elements furthering reasonable

[1] LMC § 15-1-8(G)

planning objectives. Additionally, the Applicant must obtain a Conditional Use Permit.[2] At the last meeting, the Engineering Department also clarified that because the Applicant's property is not directly adjacent to Sullivan Road and Sullivan Road is merely an unimproved, gravel drive in this location, the Applicant would need to obtain an additional easement approved by the City Council. The easement would also confirm property owner responsibility and maintenance of necessary improvements, unless otherwise directed by Council.

Background

The Applicant requests Sullivan Road driveway access to decrease the vehicular impact along Park Avenue by eliminating the driveway and parked cars at the front of the property within the Historic District. The portion of Sullivan Road proposed for access is a gravel throughway on City property and is not dedicated Right-of-Way.



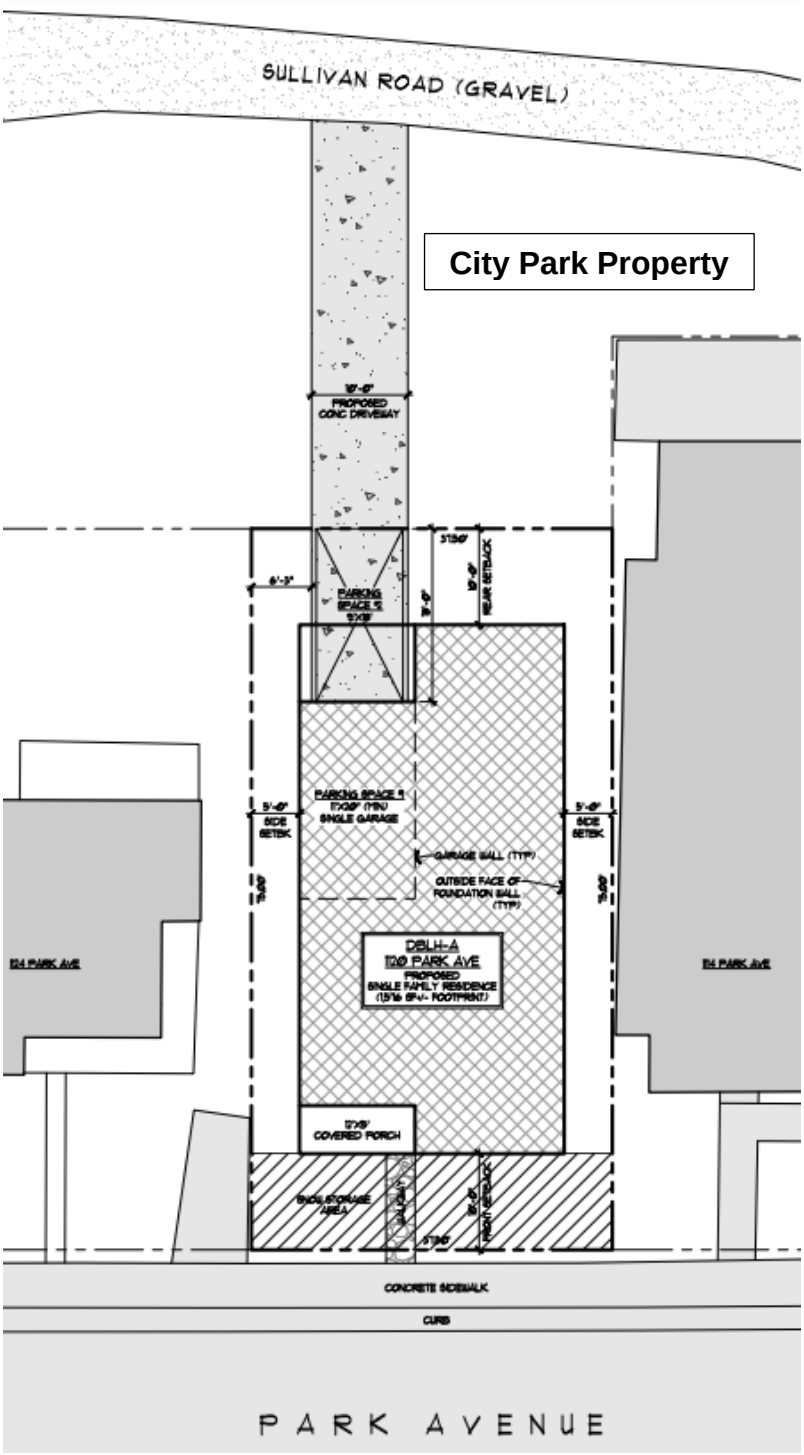
1120 Park Avenue from the Zoning Map showing the Historic Residential – Medium Zoning District in dark blue and 1120 Park Avenue highlighted in orange.

Sullivan Road, facing south; image taken from Google Maps.

[2] LMC § 15-2.4-8

1120 Park Avenue viewed from Park Avenue, highlighted on a Google Maps image in orange: photo taken by Staff.

The Applicant requests a CUP for driveway access to Sullivan Road before moving forward with the Historic District Design Review (HDDR) process to finalize the design of the SFD for compliance with the HRM Zoning District and Historic District Design Regulations. In addition to any additional agreements needed with the City, the Planning Commission reviews requests for Sullivan Road access based on the criteria outlined in the Analysis Section below and may require Conditions of Approval through CUP review.



Proposed plans, provided by the Applicant (City Park Property label added by Staff).

On January 8, 2025, the Planning Commission conducted a work session on the Applicant's proposed driveway access (Staff Report, Audio). The Commission asked for clarification on the Engineering Department's recommendation for the proposal, clarification on the Urban Park District, and an Arborist's report for the tree at the front of the Lot. The Applicant provided an Arborist's Report (see Exhibit C) and requested an additional work session with the Planning Commission to review the proposal.

The Engineering Department recommends access to the proposed SFD from Park Avenue. The applicant's requested access uses an informal, gravel, shared driveway across City Property which is not City maintained. The Engineering Department does not recommend increasing the use of this non-compliant, substandard driveway when access from Park Avenue, a formal, City-maintained Right-of-Way (ROW) is accessible. The majority of homes along this section provide access from Park Avenue, so benefits pursuant to criteria #3 regarding Streetscape preservation or enhancements appear minimal. However, the Engineering Department noted that because approval from the City Council would ultimately be required to grant an access easement across City property from either 11th Street ROW or 12th Street ROW, the Engineering Department would defer to the City Council's determination.

Analysis[3]

(I) The request for driveway access for a Single-Family Dwelling, as conditioned, complies with the Historic Residential – Medium Density Zoning District regulations outlined in LMC Chapter 15-2.4.

LMC § 15-2.4-1 outlines the purposes of the HRM Zoning District. One of the purposes is to "encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding Area."

LMC § 15-2.4-3 outlines the requirements for Lots in the HRM Zoning District, analyzed in the table below:

Requirement	Analysis of Proposal
Minimum Lot Size – 1,875 square feet for SFD	**Complies:** 2,812.5 square feet
Maximum Lot Size – 3,750 square feet for SFD	**Complies:** 2,812.5 square feet
Minimum Lot Width – 37.5 feet	**Complies:** 37.5 feet
Front Setback – 10 feet	**The Planning Commission may increase this regulation pursuant to LMC § 15-2.4-8(B)(2). See analysis below.**
Rear Setback – 10 feet	**New construction must comply under the HDDR review.**

[3] The analysis addresses only the LMC criteria as applied to the Applicant's property and not the additional City policy considerations regarding the private use of additional City Park property or expansion of limited access on Sullivan Road beyond the point of Applicant's proposed connection.

Side Setbacks – 5 feet	**New construction must comply under the HDDR review.**

(II) The requested access crosses the Urban Park Zoning District.

The purpose of the Urban Park Zoning (UPZ) District is to:

- promote the preservation of Historic Buildings, Structures, Sites, or Objects;
- preserve the vegetation and habitat of natural Areas;
- provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails;
- establish and preserve districts for land Uses requiring substantial Areas of Open Space covered with vegetation that are substantially free from Accessory Buildings, Streets, and Parking Lots;
- permit recreational Uses and preserve recreation land;
- encourage parks, golf courses, trails, and other compatible public or private recreational Uses, and preserve and enhance park amenities; and
- encourage sustainability, conservation, and renewable energy.[4]

1120 Park Avenue is not in the UPZ, but the proposed driveway access would cross over Sullivan Road, which is in the UPZ. The Applicant requests access along an existing gravel road. No changes to the gravel driveway are proposed by the Applicant. However, the City Engineer notes the gravel driveway would need additional improvements.

(III) The Planning Commission may require Conditions of Approval for driveway access based on the Historic Residential Medium – Density Zoning District Conditional Use Permit Review criteria outlined in LMC § 15-2.4-6.

Community Planning Strategy 15.7 of the General Plan encourages pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes. LMC § 15-13-8(B)(1)(h)(1) regulating residential infill in Historic Districts states, “Off-street parking areas shall be located within the rear yard and beyond the rear wall plane of the primary structure when feasible.” The Applicant notes that the driveway access is requested “in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.”

LMC § 15-2.4-6 states the Planning Commission reviews CUPs in the HRM Zoning District according to the following eight criteria in addition to the 16 CUP criteria outlined in § 15-1-10:

A. **Consistent with the Design Regulations for Historic Districts and Historic Sites:**

[4] LMC § 15-2.26-1

Condition of Approval recommended
The final design will be reviewed under an HDDR application and must comply with Historic District Design Regulations outlined in LMC § 15-13-8 regarding residential infill in the Historic Districts. The single-car garage will be reviewed under LMC § 15-13-8(B)(1)(h), which states, "New driveways shall not exceed ten (10) feet in width. Shared driveways shall be used when feasible."
The design will also be reviewed under LMC § 15-13-8(B)(6)(d), which states that Garages "shall be visually minimized when viewed from the primary public right-of-way."

B. **The Applicant may not alter the Historic Structure to minimize the residential character of the Building:**

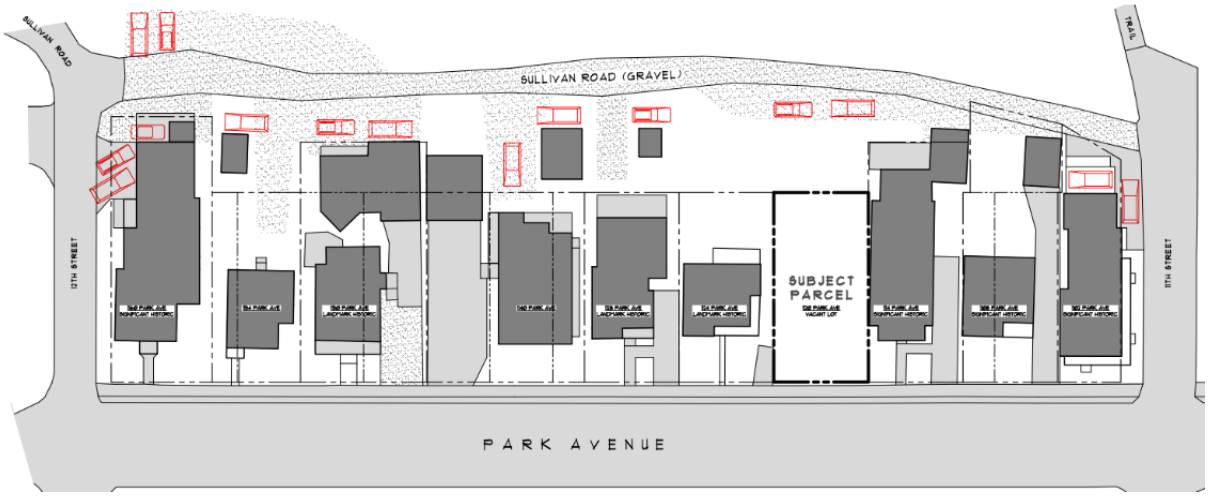
No unmitigated impacts
There is not a Historic Structure on the site.

C. **Dedication of a Facade Preservation Easement for Historic Buildings and/or Structures is required to assure preservation of the Historic Building and/or Structure and the Historic fabric of the surrounding neighborhood:**

No unmitigated impacts
There is not a Historic Structure on the site.

D. **New Buildings and additions must be in scale and Compatible with the mass, height, width, and Historic character of the surrounding residential neighborhood and existing Historic Buildings and/or Structures in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street:**

Condition of Approval recommended
The final design will be reviewed under an HDDR application and will be required to comply with Historic District Design Regulations outlined in LMC § 15-13-8 for residential infill in Historic Districts wherein new buildings must "…reflect the historic character...[and]…be compatible with historic structures in materials, features, size, scale and proportion, and massing…[and]…reinforce visual unity within the context of the Streetscape or character area."



Proposed plans showing the streetscape, provided by the Applicant.

1120 Park Avenue is south of two Historic Sites: 1124 Park Avenue and 1128 Park Avenue. Historic Sites are exempt from parking requirements. 1128 Park Avenue provides parking in the rear of the site with access from both Park Avenue and Sullivan Road.

1128 Park Avenue (gray home) and 1124 Park Avenue (light blue home), two adjacent Historic Sites. 1120 Park Avenue is the vacant lot with significant vegetation to the right of 1124 Park Avenue.

E. **Parking requirements of LMC Chapter 15-3 shall be met:**

No unmitigated impacts
The proposal meets the Parking requirements of LMC § 15-3-6(A). See Section IV below for the full Parking Analysis.

F. **All Yards must be designed and maintained in a residential manner.**

Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged:

Conditions of Approval recommended

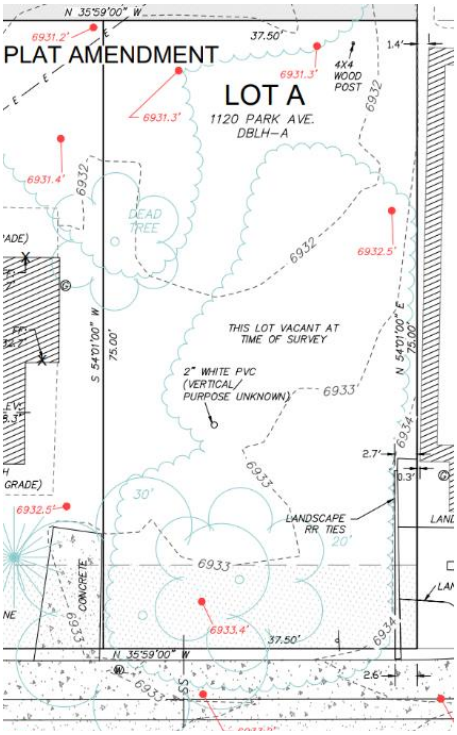
LMC § 15-15-1 defines Significant Vegetation as, “all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.”

The Applicant submitted an Arborist’s report (see Exhibit C) that recommends removing the significant tree shown in the image below due to its unhealthy condition.

The Applicant notes that the Vegetation would be removed to construct the SFD and existing Significant Vegetation that can be preserved will be preserved. Significant Vegetation that must be removed to construct the SFD will be required to be reviewed and approved by the Forestry Board. A landscaping plan will be required as part of the HDDR application. Future landscaping will be required to comply with requirements outlined in LMC § 15-5-5(N) and Historic District regulations outlined in LMC § 15-13-8 at the time of HDDR review.

G. **Fencing and Screening between commercial and Residential Uses is required along common Property Lines:**

No unmitigated impacts



Existing Vegetation shown on the survey

Existing Vegetation seen from Park Avenue; photo taken by Staff.

There are no proposed Commercial Uses and adjacent uses are residential, therefore no screening between uses is required.

H. **All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians:**

Condition of Approval recommended
All utility or mechanical equipment shall comply with Setback requirements and exceptions outlined in LMC § 15-2.4-3, *Historic Residential Medium Lot and Site Requirements*, and with screening requirements outlined in LMC § 15-13-8(B)(1)(e).

(IV) The request for driveway access may be Conditioned to meet the requirements for Sullivan Road Access criteria in LMC § 15-2.4-8.

The Planning Commission may issue a CUP for limited access on Sullivan Road, including a curb cut for an adjoining residential project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.[5]

The Planning Commission reviews three criteria when considering driveway access for Sullivan Road:

A. **Criteria for Conditional Use review for limited access.**
Pursuant to LMC § 15-2.4-8(A), limited access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives. Community Planning Strategy 15.7 of the General Plan encourages pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes. LMC § 15-13-8(B)(1)(h)(1) states, “Off-street parking areas shall be located within the rear yard and beyond the rear wall plane of the primary structure when feasible.” The Applicant notes that the driveway access is requested “in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.” See Exhibit B for the Applicant’s full narrative.

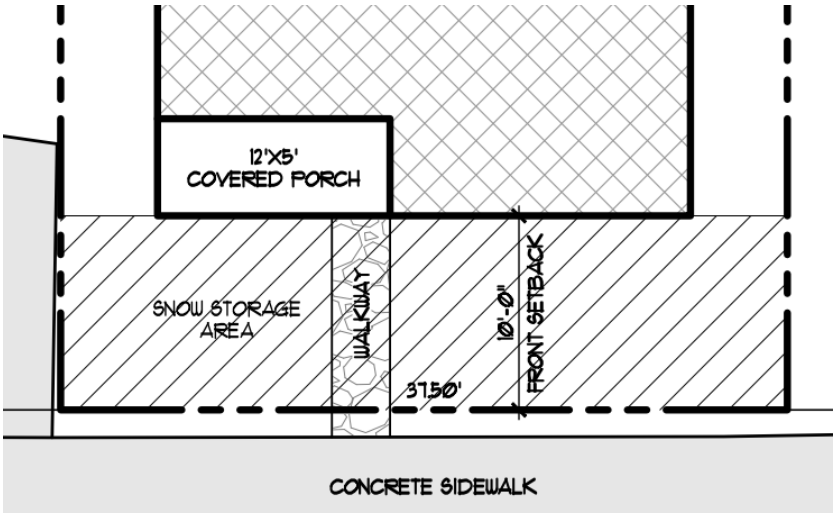
B. **Neighborhood Mandatory Elements Criteria**
Pursuant to LMC § 15-2.4-8(B), the Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road:

1. **Utility Considerations**
On December 3, 2024, the Development Review Committee[6] required that

[5] LMC § 15-2.4-8
[6] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City

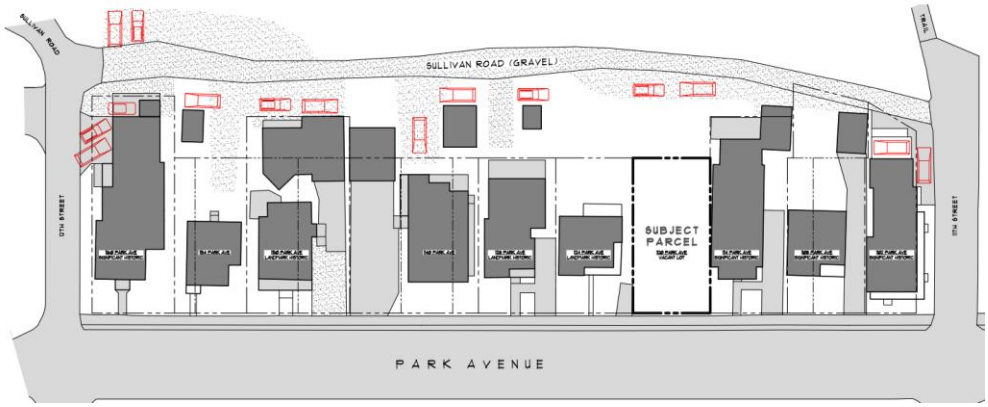
the utilities be accessed from Park Avenue.

2. **Enhanced Site Plan Considerations**
   a. ***Variation in Front Yard and Building Setbacks to Orient Porches and Windows onto Street Fronts***
   The Applicant proposes a structure that has a porch facing Park Avenue and meets the minimum ten-foot Front Setback required in LMC § 15-2.4-8(B)(2). The Applicant does not propose an increased Front Setback.



Proposed plans showing a porch and the 10' Front Setback, provided by the Applicant.

   b. ***Increased Front Setbacks***
   The Applicant proposes a structure that meets, but does not exceed, the minimum Setbacks outlined in LMC § 15-2.4-8(B)(2).



Proposed plans showing the streetscape, provided by the Applicant.

   c. ***Increased Snow Storage***
   The Double H Plat Amendment includes a 10-foot-wide snow storage

Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

Easement along Park Avenue. On December 3, 2024, the Engineering Department noted that additional Snow Storage beyond the existing 10-foot-wide Snow Storage Easement on this site is not needed.

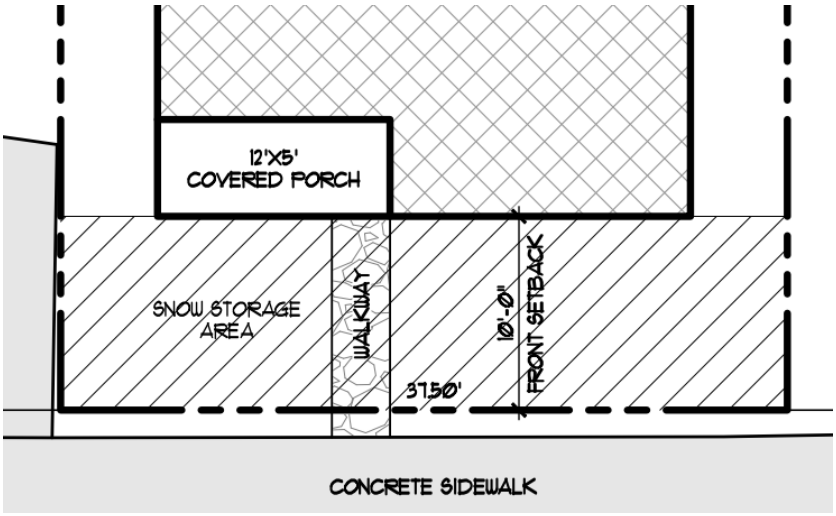
d. ***Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.***
The plans do not propose any TDR or Open Space preservation. See the analysis above in Section II regarding Significant Vegetation.

e. ***Elimination of Multi-Unit or Triplex Dwellings.***
There is no elimination of Multi-Unit or Triplex Dwellings.

f. ***Minimized Access to Sullivan Road.***
The Applicant proposes a ten-foot-wide driveway across Sullivan Road Parcel SA-360-A-X for a single-car garage, which is the maximum width allowed pursuant to LMC § 15-13-8(1)(h)(7) *Parking Areas & Driveways,* and LMC § 15-3-3(H)(1) *General Parking Area and Driveway Standards.* The proposed driveway from the garage is 18 feet long to connect with the gravel driveway.

g. ***Decreased Density*.**
The Applicant does not propose decreasing density. The Applicant proposes a structure that builds to the fullest extent allowed under the minimum Setbacks.

3. **Incorporation of Pedestrian and Landscape Improvements Along Park Avenue, Sullivan Road, and Eastern Avenue**
The Applicant proposes a walkway to connect the new SFD to the sidewalk on Park Avenue. By moving the driveway to the rear of the structure, there is more space to create a prominent front entrance and yard viewed from Park Avenue.



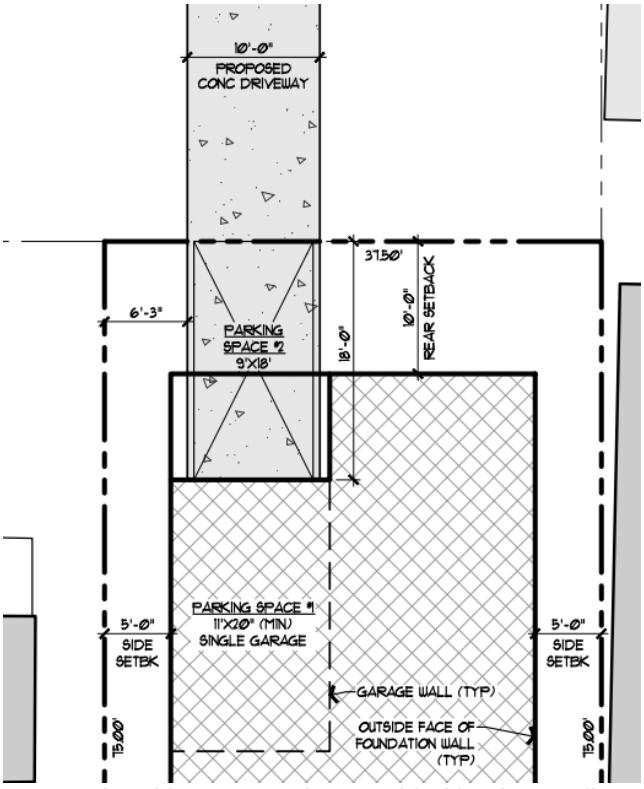
Proposed plans showing a walkway, provided by the Applicant.

4. **Parking Mitigation**
   The plans show all parking in the rear of the structure, and free from the Front Setback. See Section IV below for the full Parking analysis.

C. **Affordable Housing Applicability**
   Resolution 05-2021 states, “The development of affordable housing units that are not part of any housing obligations resulting from a Master Planned Development or an Annexation Agreement are exempt from the requirements of this Resolution.” Therefore, the SFD does not trigger affordable housing obligations.

(V) The request for driveway access complies with parking requirements outlined in LMC § 15-3-6.

LMC § 15-2.4-6, *Conditional Use Permit Review*, states Parking requirements must be met as part of a CUP. LMC § 15-3-6(A) requires two parking spaces for a SFD. Parking Spaces must be at least nine feet in width by 18 feet in length.[7] The Applicant proposes one unenclosed Parking Space nine feet in width and 18 feet in length. Parking Spaces within a garage must be at least 11 feet by 20 feet.[8] The Applicant proposes one garage Parking Space that is 11 feet by 20 feet.



Proposed parking space plan provided by the Applicant.

[7] LMC § 15-3-3(F)(1)
[8] LMC § 15-3-4(A)(1)

(VI) The proposal may be Conditioned to meet the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

1. **Size and location of the site:**

   No unmitigated impacts
   The size of the Lot complies with the HRM Zoning requirements as outlined above. The request moves driveway access from Park Avenue to Sullivan Road.

2. **Traffic considerations including capacity of the existing Streets in the Area:**

   Additional Discussion with City Engineer
   Traffic Impact Studies (TIS) are required for developments with 25 or more SFDs. Therefore, this CUP for one SFD does not require a TIS. The proposed SFD requires two Parking Spaces.[9] The request moves driveway access from Park Avenue to Sullivan Road. The traffic impact is minimal regardless of whether the driveway is accessed off Park Avenue or Sullivan Road. However, the City Engineer testified at the last work session that the last policy and neighborhood input was against additional improvements to the gravel driveway in this location, which would lead to increased use.

3. **Utility capacity, including Storm Water run-off:**

   Condition of Approval recommended
   On December 3, 2024, the Development Review Committee required that the utilities be accessed from Park Avenue (see Condition of Approval 9).

4. **Emergency vehicle access:**

   No unmitigated impacts
   On December 3, 2024, the Park City Fire District noted that Emergency vehicle access would be from Park Avenue, even if driveway access was from Sullivan Road.

[9] LMC § 15-3-6(A)

5. **Location and amount of off-Street parking:**

   No unmitigated impacts
   The proposed SFD requires two Parking Spaces.[10] The request moves driveway access from Park Avenue to Sullivan Road, reducing the visibility of cars on the site from Park Avenue within the Historic District. See Section IV above for the full Parking analysis.

6. **Internal vehicular and pedestrian circulation system:**

   No unmitigated impacts
   The proposed SFD requires two Parking Spaces.[11] The request moves driveway access from Park Avenue to Sullivan Road and would reduce the visibility of cars from Park Avenue and prohibit vehicles from parking within the Front yard. Pedestrians could access the SFD from either Park Avenue or Sullivan Road.

7. **Fencing, Screening, and landscaping to separate the Use from adjoining Uses:**

   Condition of Approval recommended
   There are no proposed fences, screening or landscaping currently. Proposed fences, screens, and landscaping must comply with LMC § 15-2.4-3 *HRM Lot and Site Requirements*, LMC § 15-5-5(N) *Landscaping*, and § 15-13-8 *Regulations for Residential Infill in Historic Districts*.

8. **Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:**

   Condition of Approval recommended
   The final design will be reviewed under an HDDR application and the SFD will be required to comply with Historic District Design Regulations outlined in LMC § 15-13-8, wherein new infill residential buildings shall "…reflect the historic character. . .[and]. . . be compatible with historic structures in materials, features, size, scale and proportion, and massing. . .[and]. . .reinforce visual unity within the context of the Streetscape or character area. . ."

9. **Usable Open Space:**

   Condition of Approval recommended
   There will be no dedicated Open Space on the property. There is no proposed landscaping currently. Landscaping will be required to comply with LMC § 15-2.4-3 *HRM Lot and Site Requirements,* LMC § 15-5-5(N) *Landscaping*, and § 15-13-8 *Regulations for Residential Infill in Historic Districts*.

[10] LMC § 15-3-6(A)
[11] LMC § 15-3-6(A)

10. **Signs and Lighting:**

Condition of Approval recommended
There are no proposed signs or lighting currently. Signs and lighting will be required to comply with the Municipal Code of Park City (MCPC) Title 12, *Sign Code*, LMC § 15-5-5(J) *Outdoor Lighting*, and LMC § 15-13-8 *Regulations for Residential Infill in Historic Districts*.

11. **Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:**

Condition of Approval recommended
The Applicant notes that, "by locating the vehicular access and parking at the rear of the property, the historic pedestrian pattern of Park Avenue is preserved on the lot and reinforced along the neighborhood block."

Properties on Park Avenue, photos taken by Staff.

The proposed SFD will be required to comply with Setbacks and Height outlined in LMC § 15-2.4-3 *HRM Lot and Site Requirements* and § 15-2.4-5 *HRM Building Height* and the mass must be similar to existing SFDs on Park Avenue, wherein most structures off Park Avenue are one story adjacent to the street. The final design of the structure will be required to comply with LMC § 15-13-8, requirements for new residential infill in Historic Districts. Building height and massing will be further addressed during the HDDR application review.

12. **Noise, vibration, odors, steam, or other mechanical factors that might**

affect people and Property Off-Site:

Condition of Approval recommended
All utility or mechanical equipment shall comply with Setback requirements and exceptions outlined in LMC § 15-2.4-3 *HRM Lot and Site Requirements* and with screening requirements outlined in LMC § 15-13-8(B)(1)(e) *Regulations for Residential Infill in Historic Districts.* The proposed Use shall comply with MCPC Chapter 6-3, Noise.

13. **Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas:**

Condition of Approval recommended
There are no proposed reoccurring delivery and service vehicles or loading and unloading zones. Trash and recycling cans will be required to be screened and not visible from Park Avenue. The Applicant notes they are tentatively planned to be screened on the north side of the structure by a low wall.

14. **Expected ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities:**

No unmitigated impacts
The Applicant notes that the proposed SFD is to be used by the Owner, and is not proposed to be a Nightly Rental, which is an Allowed Use under LMC § 15-2.4-2. If the property were proposed to be used as a Nightly Rental, the property owner would be required to obtain an active business license from the Finance Department.

15. **Within and adjoining the site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site:**

Condition of Approval recommended
The site is relatively flat and is not on Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, or on Steep Slopes. The site is within the City's Soil Ordinance Boundary and is required to comply with the regulations outlined in MCPC Chapter 11-15, *Park City Landscaping And Maintenance Of Soil Cover* at the building permit stage.

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:**

No unmitigated impacts
Goal 15 of the General Plan is to, "Preserve the integrity, mass, scale,

compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations." Community Planning Strategy 15.7 of the General Plan encourages pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes. The request for driveway access off Sullivan Road helps to preserve Park Avenue's historic character and keeps vehicles in the rear, allowing for a pedestrian-oriented design along Park Avenue.

(VI) The Development Review Committee reviewed the proposal on December 3, 2024 and requires the following Conditions of Approval.

- All Parking Spaces shall be located within the site, and not on City property.
- All utilities shall be accessed from Park Avenue.
- The site shall comply with the MCPC Chapter 11-15, *Park City Landscaping And Maintenance Of Soil Cover*, and building permit requirements for properties in the Soil Ordinance Boundary.

The Engineering Department also notes that their preference is for the driveway to be accessed off Park Avenue, and not off Sullivan Road.

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 23, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 23, 2024. The *Park Record* published courtesy notice on December 23, 2024.[12] The Planning Commission conducted a work session on January 9, 2025, and continued a public hearing to February 12, 2025.

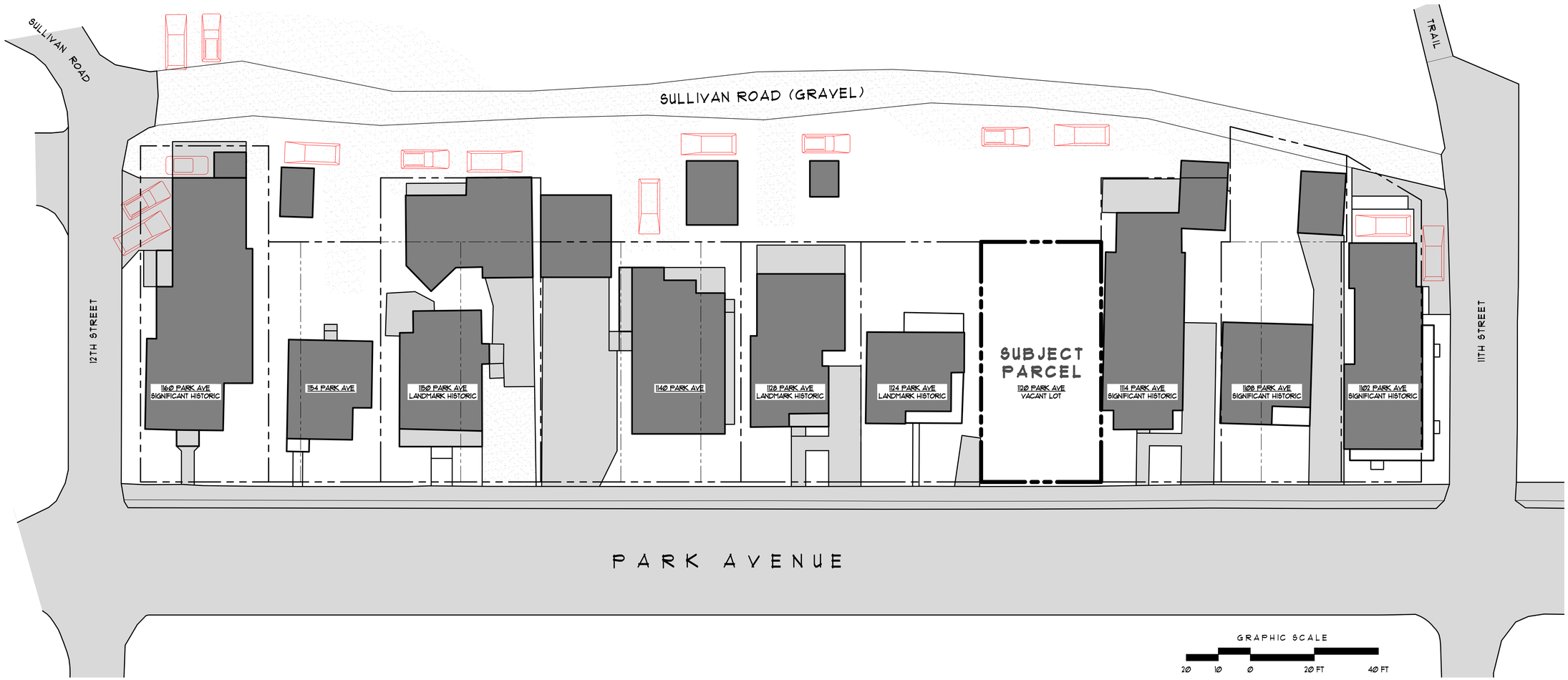
Public Input

Staff did not receive any public input at the time this report was published.

Exhibits

Exhibit A: Proposed Plans
Exhibit B: Applicant's Narrative
Exhibit C: Arborist's Report

[12] LMC § 15-1-21



ACTUAL NORTH
PROJECT NORTH

EXISTING NEIGHBORHOOD SITE PLAN

1/16" = 1'-0"

LEGEND

- ENCLOSED STRUCTURE (HOUSE, GARAGE, SHED, ETC.)
- PAVEMENT (ROAD, DRIVEWAY, WALKWAY, PATIO, ETC.)
- DIRT/GRAVEL ROAD OR DRIVEWAY (APPROXIMATE BOUNDARY)

SITE AND BOUNDARY INFORMATION REFERENCED FROM DOCUMENTS RECORDED WITH SUMMIT COUNTY. WHERE DOCUMENTATION WAS NOT AVAILABLE, INFORMATION WAS APPROXIMATED FROM AERIAL IMAGERY, PHOTOGRAPHS, AND FIELD OBSERVATIONS.

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STATE OF UTAH · MICHAEL JAMES STOKER · 132705 · LICENSED ARCHITECT

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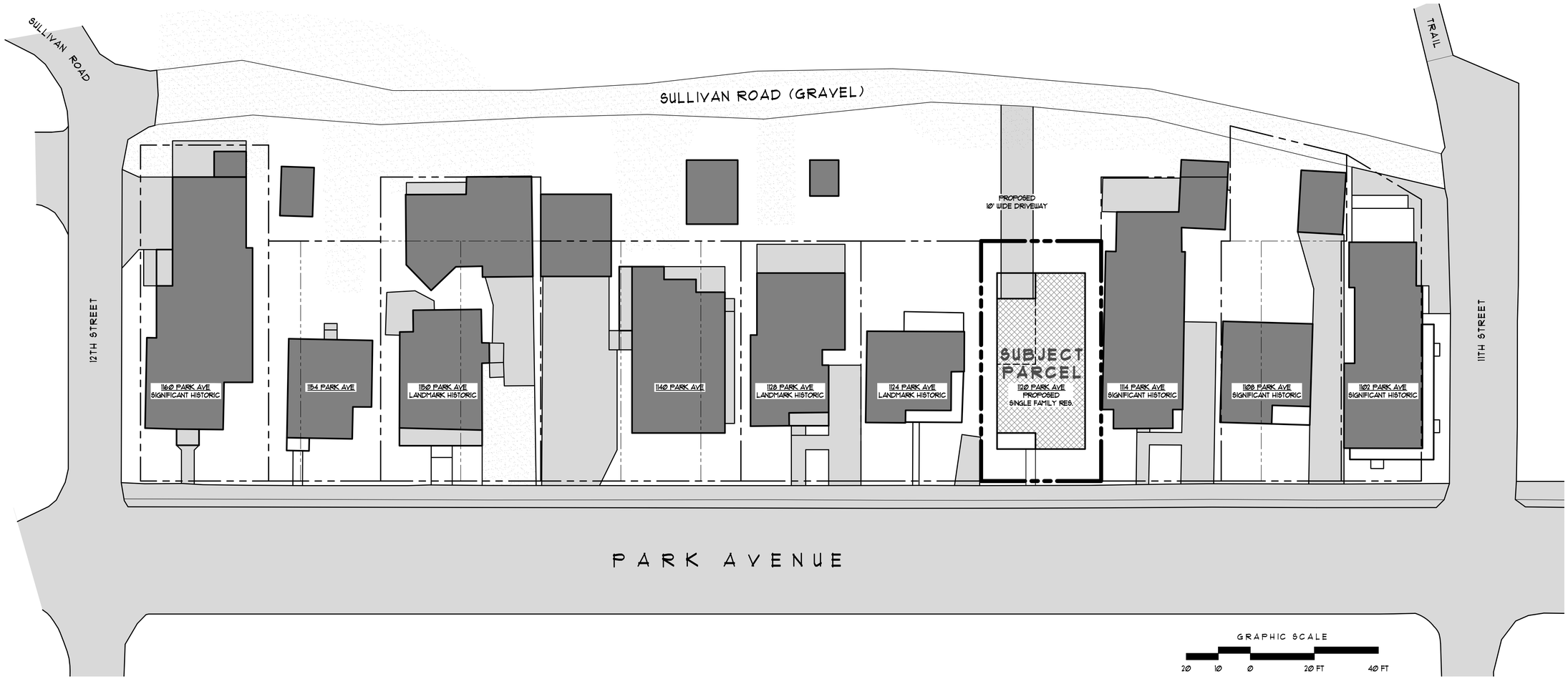
KAREN BACKSTROM, AIA, LEED AP - ARCHITECT
1733 SIDEWINDER DRIVE
PARK CITY, UTAH 84060
435-647-5816
www.stokerarch.com

STOKER ARCHITECTURE, INC.

1120 PARK AVENUE RESIDENCE

A NEW HOME FOR KIRKHAM, LLC
LOT A, DOUBLE H PLAT AMENDMENT, 1120 PARK AVENUE, PARK CITY, UT 84060

Date	10/10/24 CUP
Revisions	
1	
2	
3	
4	
Drawn	
Project	22-674-1
Sheet	SP-1



ACTUAL NORTH
PROJECT NORTH

PROPOSED NEIGHBORHOOD SITE PLAN

1/16" = 1'-0"

LEGEND

- ENCLOSED STRUCTURE (HOUSE, GARAGE, SHED, ETC.)
- PAVEMENT (ROAD, DRIVEWAY, WALKWAY, PATIO, ETC.)
- DIRT/GRAVEL ROAD OR DRIVEWAY (APPROXIMATE BOUNDARY)

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Date	10/10/24 CUP
Revisions	
1	11/27/24
2	
3	
4	
Drawn	
Project	22-674-1
Sheet	SP-2

VICINITY PLAN

PROJECT INFO

OWNER:
KIRKHAM LLC
c/o TERRENCE McGRATH
1001 42nd STREET, SUITE 200
OAKLAND, CA 94608

PARCEL:
DBLH-A
DOUBLE H PLAT AMENDMENT

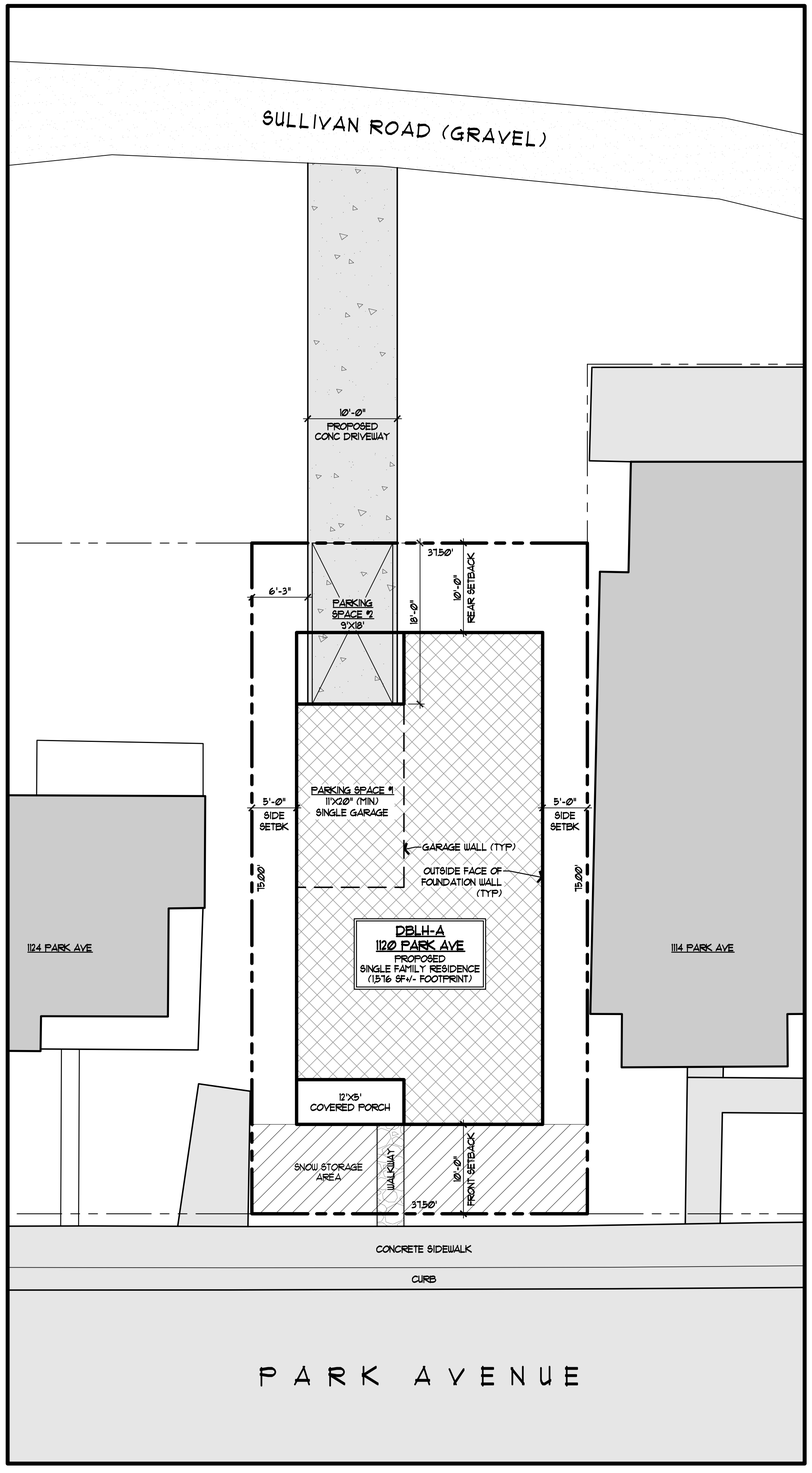
PHYSICAL ADDRESS:
1120 PARK AVENUE
PARK CITY, UT 84060

ZONING:
HRM DISTRICT

PROPERTY PARAMETERS:
LOT AREA= 2,812.5 SF (0.06 ACRE)
BUILDING PAD= 1,512.5 SF
ALLOWED FOOTPRINT= NO MAXIMUM
PROPOSED FOOTPRINT= 1,376 SF+/-

VACANT LOT:
PROPOSED SINGLE FAMILY RESIDENCE

NOTES:
1.
SITE PLAN CREATED USING
'RECORD OF SURVEY & EXISTING CONDITIONS MAP'
PROVIDED BY 'PARK CITY SURVEYING'
SIGNED AND DATED 01/18/2022.
2.
ALL UTILITIES TO BE ACCESSED FROM PARK AVE.
3.
LOT IS LOCATED WITHIN THE 'SOIL ORDINANCE BOUNDARY' WHICH REQUIRES COMPLIANCE WITH LMC 11-15 PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER.



ACTUAL NORTH
PROJECT NORTH

PROPOSED SITE PLAN
1/8" = 1'-0"

GRAPHIC SCALE
5 0 5 FT 10 FT 20 FT

MICHAEL J. STOKER, AIA, NCARB - ARCHITECT
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1120 PARK AVENUE RESIDENCE

A NEW HOME FOR KIRKHAM, LLC
LOT A, DOUBLE H PLAT AMENDMENT, 1120 PARK AVENUE, PARK CITY, UT 84060

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Project	22-674-1
Sheet	SP-3

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Kirkham, LLC
c/o Terrence McGrath
1120 Park Avenue
Park City, UT 84060

CONDITIONAL USE PERMIT APP
Item 2. Written Statement

Pursuant to LMC 15-2.4-8, the Owner is requesting a Conditional Use Permit be granted for a driveway accessing the property at 1120 Park Avenue with exclusive connection to Sullivan Road. No driveway access from Park Avenue is requested in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.

By locating the vehicular access and parking at the rear of the property, the historic pedestrian pattern of Park Avenue is preserved on the lot and reinforced along the neighborhood block.

Kirkham, LLC
c/o Terrence McGrath
1120 Park Avenue
Park City, UT 84060

CONDITIONAL USE PERMIT APP
Page 3, Project Description Item 1.

GENERAL DESCRIPTION

The Owner is requesting a driveway accessing the property at 1120 Park Avenue be connected exclusively to Sullivan Road. No driveway access from Park Avenue is requested in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.

ANSWERS TO QUESTIONS

- How will the proposed use "fit-in" with surrounding uses?

Locating the driveway and parking at the rear of the property, accessible from Sullivan Road, is consistent with the current vehicular pattern at Park Ave properties from 11th Street to 12th Street.

-What type of service will it provide to Park City?

Not so much a service, rather an attempt to alleviate the vehicular impact along Park Avenue.

- Is the proposed use consistent with the current zoning district and with the General Plan?

Yes.

- Is the proposed use similar or compatible with other uses in the same area?

Yes.

- Is the proposed use suitable for the proposed site?

Yes.

- Will the proposed use emit noise, glare dust, pollutants, and odor?

No.

- What will be the hour of operation and how many people will be employed?

N/A

- Are other special issues that need to be mitigated?

No.

Tree Health Report: Homeowner 36” DBH Elm Tree Front Right

Date: January 9, 2025
Location: 1124 Park Ave , Park City, Utah 84060

The elm tree located in the homeowner’s yard presents significant health concerns and safety risks that suggest removal may be the best option, particularly given the proximity of high-risk targets such as a busy sidewalk, residential house, and street. While the tree shows some signs of vitality, it also has several issues that compromise its structural integrity and overall health. These concerns include evidence of borer activity, previous heading cuts leading to decay, broken branches, bacterial wet wood, and the inherent weakness of the softwood species. The combination of these factors increases the likelihood of the tree failing, making it a safety hazard for both property and people.

One of the primary concerns is the presence of borer frass, which indicates an active infestation of elm borers or other wood-boring insects. These pests weaken the tree by disrupting its vascular system, ultimately compromising its structural stability. The damage caused by the infestation may be extensive, allowing for further pathogens to enter the tree and accelerate its decline. Additionally, previous heading cuts on the tree have created large open wounds that have allowed for fungal and bacterial infections to take hold, leading to internal decay. This decay not only weakens the tree’s structure but also creates points of vulnerability, making it more susceptible to further damage from external stresses such as wind, storms, or physical impact.

The presence of numerous broken branches throughout the tree is another significant issue. Some of these branches appear to be freshly broken, while others show signs of long-term damage. Regardless of their age, these broken branches pose immediate risks of falling, particularly during severe weather events. With the ongoing decay and weakening of the tree's structure, the likelihood of additional branches breaking off increases, making the tree even more dangerous. These damaged branches represent a clear safety risk to both the property and the individuals who may be in the vicinity.

Additionally, the tree exhibits symptoms of bacterial wet wood, a condition characterized by dark, oozing liquid or a foul odor coming from the trunk. This bacterial infection further contributes to the tree’s weakening by causing internal rot and decreasing its overall stability. As the infection progresses, it may lead to even greater structural compromise, putting the tree at higher risk of failure. The combination of bacterial wet wood and ongoing decay further diminishes the tree’s resilience and ability to withstand environmental pressures.

Another contributing factor is the tree’s softwood nature. Softwoods are generally less durable and more prone to breakage and decay compared to hardwood species. This inherent weakness, when combined with the damage caused by the pests, decay, and bacterial infection, makes the tree increasingly unstable. Softwood trees are also less capable of regenerating and recovering from significant damage, which further underscores the potential for failure in the near future.

Given the tree’s deteriorating condition and the potential hazards it presents, especially in such close proximity to high-traffic areas, the risks of keeping the tree outweigh any potential benefits. The location of the tree, near a busy sidewalk, a residential house, and a street, makes it especially dangerous. In the event of tree or branch failure, there is a significant risk of injury to pedestrians, damage to property, or disruption to traffic. The damage could occur suddenly, without warning, and lead to serious consequences.

While it may be possible to attempt treatments for the pest infestation and decay, the extent of the damage and the tree's weakened state suggest that recovery is unlikely. Even with ongoing treatment, the tree’s structural integrity is compromised, and it is more likely to continue declining, potentially leading to more severe safety hazards over time. Removal of the tree would eliminate these risks and prevent further damage, providing a safer environment for both the homeowner and the community.

In conclusion, the elm tree presents several significant health and safety concerns that make it a candidate for removal. Given its declining condition, ongoing decay, and the proximity of high-risk targets, removal is the most effective and prudent solution to mitigate the hazards it poses. A certified arborist should be contacted to carry out the removal process in a safe and controlled manner to ensure the protection of both property and people in the surrounding area.

These observations are purely based on visual inspection, and Savatree will not be held liable in the event of the tree's failure.

Tom McCollins

Savatree ISA Certified Arborist MN 4891A

435-200-5544