

Addendum to Traffic Impact Analysis

**North Silver Lake Lodge
Deer Valley
Park City, Utah**

*Submitted to:
Think Architecture
Park City Corporation*

November 2013


Sara R. Collins
11-27-2013



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1. INTRODUCTION AND SUMMARY

1.1. Purpose of Report and Study Objectives

The purpose of this addendum is to document and update the conclusions of a study undertaken to identify the traffic impacts of the proposed North Silver Lake Lodge project at approximately 7101 Silver Lake Drive in the Deer Valley area of Park City, Utah. The original study was approved in 2009. The original study was undertaken and submitted in 2009 for a development of 16 single family and 38 condominium residential units.

This report is in response to the November 5, 2013 Planning Commission hearing, where an updated addendum was requested that reflects the inclusion of 85 lockout units within the 38 condominium units. This creates a total of 125 keys on site within the same 241,814 square foot approved plans.

1.2. Executive Summary

Traffic levels in the project vicinity are assumed to be the same or less than levels recorded in 2009. The Utah Department of Transportation (UDOT) traffic statistics indicate that traffic in Park City, and specifically the Deer Valley area, have remained the same or decreased.

This analysis assumes a peak 100% occupancy of all condominiums and all condominium owners exercising their option to lock out part of their unit. According to Stein Eriksen Lodge, the peak week of occupancy in 2012 was 89% from December 26 to December 31.

The overall average daily traffic (ADT) with this revised concept is expected to be less than that of an independent condominium and home development, due in large part to the amenities and shuttle services to be provided by the property manager, Stein Eriksen Lodge, via their successful Transportation Demand Management (TDM) Program. TDM programs focus on changing or reducing travel demand, particularly at peak commute hours, instead of increasing roadway supply. Thus, TDM makes more efficient use of the current roadway system by reducing auto trip through providing a shift from single-occupant vehicles (SOV) to non-SOV transportation options. Assuming maximum occupancy and lockout utilization, and the maximum number of resort shuttles, airport vans, and limousines, a total of 415 trips per day could be expected, or 200 trips with Travel Demand Management (TDM). Even under maximum trip scenario, all traffic was still projected to function at LOS (Level of Service) A, which is acceptable for a roadway of this classification.

All conclusions from the original study are valid for this revised site plan. This section of the 2009 report is reprinted in the conclusions section of this report.

2. PROPOSED PROJECT

2.1. Proposed Project

The North Silver Lake project was approved for 16 single family and 38 condominium residential units. The property owner is now requesting to include 85 lockout units within the 38 condominium units. The “lockout” potential would allow individual owners to rent out one or two bedrooms using a separate door and key. A total of 125 keys could exist if the full lockout capability was used. This change was evaluated including traffic for an assumed 85 additional keys.

In the original approvals, The Planning Commission requested a reduction in parking required under the Land Management Code. A total of 76 spaces were required by code and an additional 4 were provided for a total of 80 stalls approved for the proposed density. Since the density is not changing, the owner is proposing no change to the number of parking stalls. Stein Eriksen Lodge, the managing entity for The Stein Eriksen Residences plans to utilize their existing TDM program, which provides shuttle service for guest staying in their managed properties. This program is outlined in greater detail in a report to be provided.

This project will have ski-in-ski out capability which when coupled with the existing TDM program significantly mitigates the need for guest use of private vehicles. Deer Valley and Park City attractions will be accessible by skis or resort shuttle. Stein Eriksen Lodge has provided a transportation analysis during the peak period that documented the rate of vehicle usage for both condominiums and lockout units.

For the purpose of this study, the highest expected vehicle traffic was estimated to evaluate the overall traffic impact on the project.

Figure 1 – Site Location & Surrounding Area



3. STUDY AREA CONDITIONS

3.1. Site Area Buildout 2009-2012

The study area has been impacted, since 2009, by economic conditions. Scheduled construction projects did not go as planned. Conditions are similar to 2009, as shown in Figures 2 and 3, which show the area buildout from 2007 to 2011.

Figure 2 – Site Area 2007 (With 2009 Project Shown)



Figure 3– Site Area 2011



4. ANALYSIS OF EXISTING CONDITIONS

4.1. Analysis of Existing Conditions

Given the economic slowdown, traffic volumes in the Park City/Deer Valley area have remained constant or have declined. No new developments have opened in the area since the study was completed. An excerpt from the publication *Traffic on Utah Highways*, prepared by the Utah Department of Transportation, is included and shows traffic from 2009 to 2011.

2011 Traffic on Utah Highways

| ROUTE NAME | BEG. ACCUM. MILEAGE | END ACCUM. MILEAGE | LOCATION DESCRIPTION | 2011 AADT | 2010 AADT | 2009 AADT |
|------------|---------------------|--------------------|----------------------|-----------|-----------|-----------|
| 0224 | 4.664 | 5.554 | Deer Valley Drive | 13,910 | 13,955 | 20,750 |
| 0224 | 5.554 | 5.737 | Bonanza Drive | 18,575 | 18,630 | 18,705 |
| 0224 | 5.737 | 6.040 | Park Avenue | 19,720 | 19,780 | 19,860 |

5. PROJECTED TRAFFIC

5.1. Travel Demand Management (TDM)

The following planned amenities will significantly reduce trips from the proposed development.

Stein Eriksen TDM analysis is a part of a separate report to be provided.

Ski-In/Ski-Out Access

This figure shows the ski-in ski-out access from the project. Ski access is provided to Silver Dollar, Last Chance, and Success Ski Runs. From here, access is available to the Carpenter Express or Silver Link ski lifts.

Figure 4– Ski-In/Ski-Out Access



5.2. Trip Generation

Using current trends and future traffic projections, projected trip generation was determined. These values are summarized in the following table and were compared with the Institute of Transportation Engineers, (ITE) 9th Edition *Trip Generation Manual*. The manual includes the following land use categories (ITE Codes) for trip generation.

Recreational Homes - (ITE Code 260)- ITE *Trip Generation Manual* defines this category as the following: “Recreational homes are usually located in a resort containing local services and complete recreational facilities. These dwellings are often second homes used by the owner periodically or rented on a seasonal basis.” Trips for the single-family luxury homes in the project are generated using this data.

Residential Condominiums -(ITE Code 230)- ITE *Trip Generation Manual* defines this category as the following. “Residential condominiums/townhouses are defined as ownership units that have at least one other owned unit within the same building structure. Both condominiums and townhouses are included in this land use.” Trips from this land use are generated using the following variables: dwelling units (DU's), persons, and vehicles.

Lockout Units - ITE does not include a category for lockout unit condominiums. The “Residential Condominium” is still the land use, which best describes the project function. In the case of lockout utilization, the overall square footage, number of beds, and number of parking spaces remain the same. One method of analysis would be to simply assume each key would be a separate dwelling unit; however, in this case, that method would produce an artificially high trip projection.

The other two variables used to evaluate trips are the number of persons and the number of vehicles. In the case of lockout utilization, the overall same square footage, number of beds and number of parking spaces remains constant. This data for each condominium unit are shown in the Appendix, North Silver Lake Lodge, Unit Analysis.

When evaluating the project with lockouts or without lockouts, using the parking space or vehicle variable, produces the most intuitive results. While full lockout utilization may produce more trips, it will not produce three times the trips, as a single-party occupied condominium.

Tables 1 and 2 show the projected peak trips generated by the project as a standalone project, and with TDM managed by Stein Eriksen Lodge.

Table 1 – Projected Peak Trip Generation - Without TDM
9th Edition ITE Trip Generation Manual

| Development | ITE Code | Development Units (DU) | Variable (Dwelling Units or Vehicles) | ADT | PM Peak Hour | | |
|---|----------|------------------------|---------------------------------------|-----|--------------|----|-----|
| | | | | | Total | In | Out |
| Recreational Homes | 260 | 16 | NA | 51 | 4 | 2 | 2 |
| | | | Dwelling Units | | | | |
| Residential Condominiums* | 230 | 38 | 38 | 221 | 20 | 13 | 7 |
| | | | Vehicles | | | | |
| Residential Condominiums (All Keyed Units including Lockouts) | 230 | 125 | 80 | 267 | 26 | 17 | 9 |
| Total * | | | 80 | 318 | 30 | 19 | 11 |

* The lesser trip generation rate, Residential Condominiums by dwelling units, was not used; lockout condominium rate by vehicles was used.

Table 2 - 2013 Projected Peak Trip Generation- With TDM
9th Edition ITE Trip Generation Manual

| Development | ITE Code | Development Units (DU) | % Using Vehicle | Adjusted Variable Vehicles | ADT | PM Peak Hour | | |
|--|----------|------------------------|-----------------|----------------------------|-----|--------------|----|-----|
| | | | | | | Total | In | Out |
| Recreational Homes | 260 | 16 | NA | | 51 | 4 | 2 | 2 |
| Condominiums 2, 3, 4 & 5 Bedroom Units | 230 | 38 | 33.33%* | 13 | 43 | 4 | 3 | 2 |
| Lockout Condominium Units | 230 | 85 | 10%* | 9 | 30 | 3 | 2 | 1 |
| Resort Shuttles* | | | | | 30 | 4 | 2 | 2 |
| Airport Van/Limo* | | | | | 20 | 2 | 1 | 1 |
| Maintenance/ Staffing* | | | | | 19 | 4 | 3 | 1 |
| Total | | | | | 193 | 21 | 13 | 9 |

*Data from Stein Eriksen Lodge Management Group

6. TRAFFIC ANALYSIS

6.1. Capacity Analysis

The Intersection analyses have been conducted in accordance with the *Highway Capacity Manual* 2000 guidelines, using *Synchro Version 7* software. The following table shows the existing Level of Service (LOS) and delay for the intersections within the influence area of the proposed development. Delay is listed for worst approach leg and the intersection. Where there is a free movement at an unsignalized intersection (no stop is required), intersection LOS is not calculated by the software. Approach LOS for the stopping traffic is shown in parentheses. This analysis uses the peak trip generation, as shown in Table 1, without TDM.

Table 3 – Projected Capacity Analysis Results

| Intersection | PM Peak Hour | |
|--------------------------------------|----------------------|---------------------------|
| | Average Delay (secs) | Intersection Approach LOS |
| Silver Lake Drive and Project Access | 5.6 | A(A) |
| Silver Lake Drive and Royal St. | 3.4 | A(A) |

7. CONCLUSIONS AND RECOMMENDATIONS

This updated traffic analysis assumes conservatively that 100% of the condominiums will be occupied and further assumes that 100% of the owners will exercise their options to lock out part of their units. In contrast, according to Stein Eriksen Lodge, occupancy during the peak week in 2012 (December 26-31) only reached 89%.

Assuming a maximum 100% occupancy and lockout utilization, along with the maximum number of resort shuttles, airport vans, and limousines, the peak number of additional trips will not exceed 200 per day. Even under this worst case scenario, all traffic is projected to function at LOS (Level of Service) A, which is fully acceptable for a roadway of this classification.

All conclusions from the original study are valid for this revised development proposal.

8. APPENDIX



Stein Eriksen Lodge has always been committed to conservation of our natural resources as well as reducing our overall carbon foot print. In particular we have been effective in reducing vehicular trips thorough our Transportation Demand Management Program (TDM) which encourages our employees to take public transit and ride share and our guest to use our much heralded Shuttle System. When we assumed Management responsibilities for The Chateaux we effectively integrated that property into our TDM Program. It is our full intent to extend this program to the Stein Eriksen Residences once completed and operational.

Stein's successful TDM Program starts with our "coordination" and "information" efforts. Both through our reservation system and concierge services we recommend that ALL guests use private modes of transportation to and from the Airports serving our Community. Our current tracking shows that over 90% of our guests, staying at Stein Eriksen Lodge or The Chateaux, arrive and depart without use of their own vehicle (or car rental).

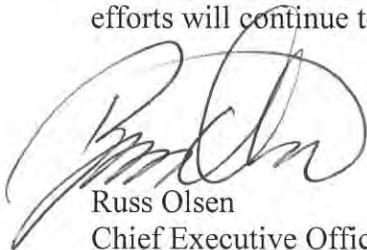
| | Units | Lockouts | Total Keys | 50% Occup. | 80% Occup. | >95% Occup. |
|--|-------|----------|------------|------------|------------|-------------|
| Stein Eriksen Lodge (actual) | 65 | 119 | 184 | 7 | 9 | 18 |
| % of Guest Drive Vehicles | | | | 7.6% | 5,5% | 10.3% |
| Stein Eriksen Residences projected with Shuttle Service | 38 | 85 | 125 | 5 | 6 | 12 |
| Stein Eriksen Residences projected without Shuttle Service | 38 | 85 | 125 | 46 | 69 | 92 |

Once on Property all guests are encouraged to use our complimentary shuttle service to all destinations in the greater Park City area such as Old Town, PCMR, Deer Valley and the Canyons. Due to the conscious limitation of parking in the Deer Valley and Park City area, our guests overwhelmingly prefer to be shuttled back and forth to ski areas, restaurants, and shops. Shuttles leave the hotel every half hour (or more often when requested). Pickups are also convenient and are either pre-arranged or by call to the Concierge 24/7.

"Ridesharing" and "carpooling" is the other focus of our TDM Program and principally applies to our employees. Nearly all our employees either arrive at our Property via Carpools (carrying two to five persons), Vanpools (carrying six or more persons) or via mass transit (city bus system). This applies for not only our employees with relatively fixed schedules (i.e. office staff) but retail and residential service employees as well, regardless if working year round or seasonally. While it is anticipated that some additional staffing will be required at the Stein Eriksen Residences when fully built out, most of the additional grounds and housekeeping services will be undertaken by existing employees.

As we did when we took over management of The Chateaux, all employees once arriving in North Silver Lake area, will be shuttled as necessary between the Properties.

Stein Eriksen Lodge continues to commit itself to implementing a TDM plan that will effectively reduce peak period and daily auto usage in and around its Properties. We are confident that our efforts will continue to yield success for our residents, guests, and neighbors.

A handwritten signature in black ink, appearing to read 'Russ Olsen', written in a cursive style.

Russ Olsen
Chief Executive Officer

Exhibit H – Parking Requirement per Unit

| Unit Number | Unit Area (SF) | Required Number of Parking Spaces | Square Footage by Type of Area | Type of Area: Main (M) or Lockout (L) | Number of Keys |
|-------------|----------------|-----------------------------------|--------------------------------|---------------------------------------|----------------|
| S-311 | 2,506 | 2.0 | 1,764 | M | 3 |
| | | | 359 | L | |
| | | | 383 | L | |
| S-411 | 2,508 | 2.0 | 1,766 | M | 3 |
| | | | 359 | L | |
| | | | 383 | L | |
| S-414 | 4,362 | 2.0 | 2,455 | M | 4 |
| | | | 867 | L | |
| | | | 614 | L | |
| | | | 426 | L | |
| S-412 | 4,207 | 2.0 | 2,378 | M | 4 |
| | | | 453 | L | |
| | | | 753 | L | |
| | | | 623 | L | |
| S-413 | 4,207 | 2.0 | 2,378 | M | 4 |
| | | | 453 | L | |
| | | | 753 | L | |
| | | | 623 | L | |
| S-511 | 2,666 | 2.0 | 1,780 | M | 3 |
| | | | 359 | L | |
| | | | 527 | L | |
| S-512 | 3,718 | 2.0 | 2,756 | M | 3 |
| | | | 377 | L | |
| | | | 585 | L | |
| S-611 | 2,666 | 2.0 | 1,780 | M | 3 |
| | | | 359 | L | |
| | | | 527 | L | |
| S-613 | 4,411 | 2.0 | 2,498 | M | 4 |
| | | | 428 | L | |
| | | | 614 | L | |
| | | | 871 | L | |
| S-612 | 3,717 | 2.0 | 2,756 | M | 3 |
| | | | 584 | L | |
| | | | 377 | L | |
| E-421 | 4,390 | 2.0 | 2,424 | M | 4 |
| | | | 450 | L | |
| | | | 345 | L | |
| | | | 1,171 | L | |
| E-422 | 4,390 | 2.0 | 2,424 | M | 4 |
| | | | 450 | L | |
| | | | 345 | L | |
| | | | 1,171 | L | |
| E-521 | 4,383 | 2.0 | 2,661 | M | 4 |
| | | | 693 | L | |
| | | | 546 | L | |
| | | | 483 | L | |

| | | | | | |
|-------------|-------|-----|-------|---|---|
| E-621 | 4,389 | 2.0 | 2,661 | M | 4 |
| | | | 699 | L | |
| | | | 546 | L | |
| | | | 483 | L | |
| NE-131 | 4,005 | 2.0 | 2,775 | M | 3 |
| | | | 654 | L | |
| | | | 576 | L | |
| NW-132 | 4,451 | 2.0 | 2,528 | M | 4 |
| | | | 525 | L | |
| | | | 614 | L | |
| | | | 784 | L | |
| NE-231 | 4,077 | 2.0 | 2,634 | M | 3 |
| | | | 815 | L | |
| | | | 628 | L | |
| NW-233 | 3,582 | 2.0 | 2,428 | M | 3 |
| | | | 525 | L | |
| | | | 629 | L | |
| NE-331 | 3,880 | 2.0 | 2,635 | M | 3 |
| | | | 617 | L | |
| | | | 628 | L | |
| NW-332 | 3,441 | 2.0 | 1,970 | M | 3 |
| | | | 674 | L | |
| | | | 797 | L | |
| NW-333 | 3,581 | 2.0 | 2,421 | M | 3 |
| | | | 525 | L | |
| | | | 635 | L | |
| NW-334 | 2,390 | 2.0 | 1,846 | M | 2 |
| | | | 544 | L | |
| NW-432 | 3,955 | 2.0 | 3,955 | M | 1 |
| NW-433 | 3,018 | 2.0 | 2,104 | M | 3 |
| | | | 449 | L | |
| | | | 465 | L | |
| NE-531 | 4,815 | 2.0 | 3,626 | M | 3 |
| | | | 541 | L | |
| | | | 648 | L | |
| NW-532 | 4,932 | 2.0 | 3,969 | M | 3 |
| | | | 465 | L | |
| | | | 498 | L | |
| W-241 (ADA) | 1,442 | 1.5 | 1,532 | M | 1 |
| W-341 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |
| W-342 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |
| W-343 (ADA) | 2,048 | 2.0 | 1,582 | M | 2 |
| | | | 466 | L | |
| W-441 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |

| | | | | | |
|-------|-------|------|-------|---|-----|
| W-444 | 4,410 | 2.0 | 2,523 | M | 4 |
| | | | 865 | L | |
| | | | 621 | L | |
| | | | 401 | L | |
| W-442 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |
| W-541 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |
| W-542 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |
| W-543 | 4,026 | 2.0 | 2,348 | M | 4 |
| | | | 409 | L | |
| | | | 728 | L | |
| | | | 541 | L | |
| W-641 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |
| W-644 | 4,398 | 2.0 | 2,523 | M | 4 |
| | | | 865 | L | |
| | | | 610 | L | |
| | | | 400 | L | |
| W-643 | 2,046 | 2.0 | 1,580 | M | 2 |
| | | | 466 | L | |
| W-642 | 1,978 | 1.5 | 1,377 | M | 3 |
| | | | 307 | L | |
| | | | 294 | L | |
| | | 75.5 | | | 125 |

| Current Code | per DU |
|---------------------|--------|
| 1,000 SF or less | 1 |
| 1,000 SF - 2,000 SF | 1.5 |
| more than 2,000 SF | 2 |

| Summary: | |
|---------------------------------|------------|
| Private units: | 38 |
| Common ADA units: | 2 |
| Required parking spaces: | 76 |
| Lockout units: | 85 |
| Keys: | 125 |



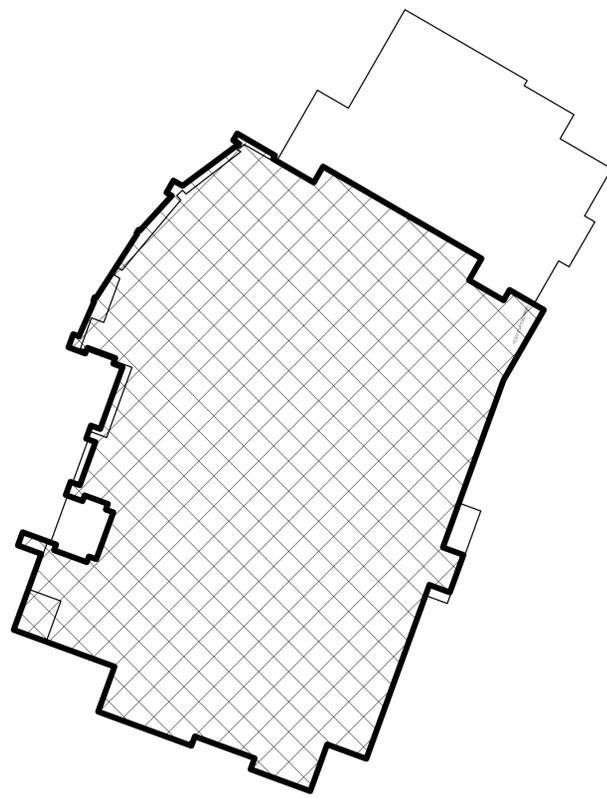
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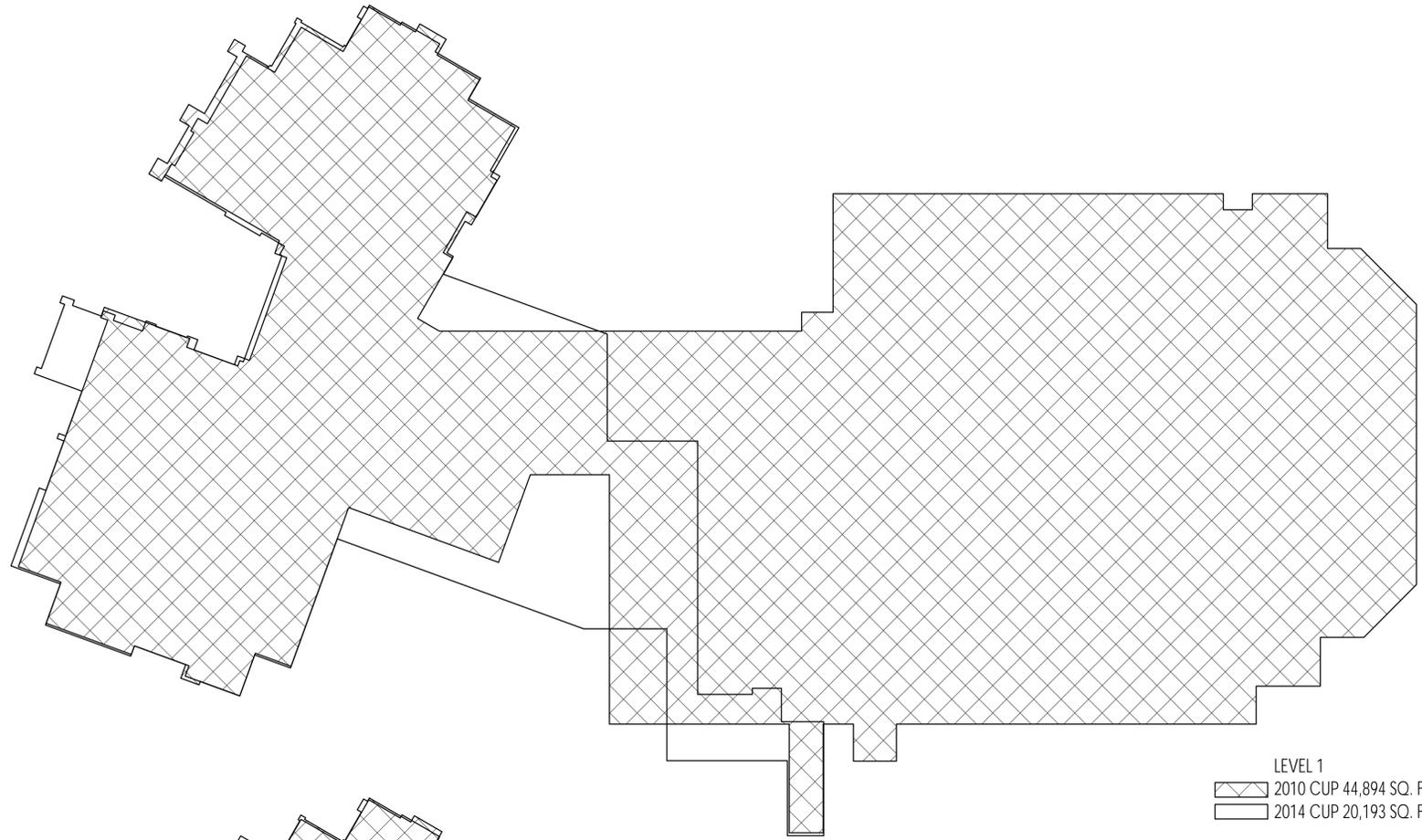
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2014 CUP 16,031 SQ. FT.

CUP COMPARISON LEVEL 0
3/64" = 1'-0"

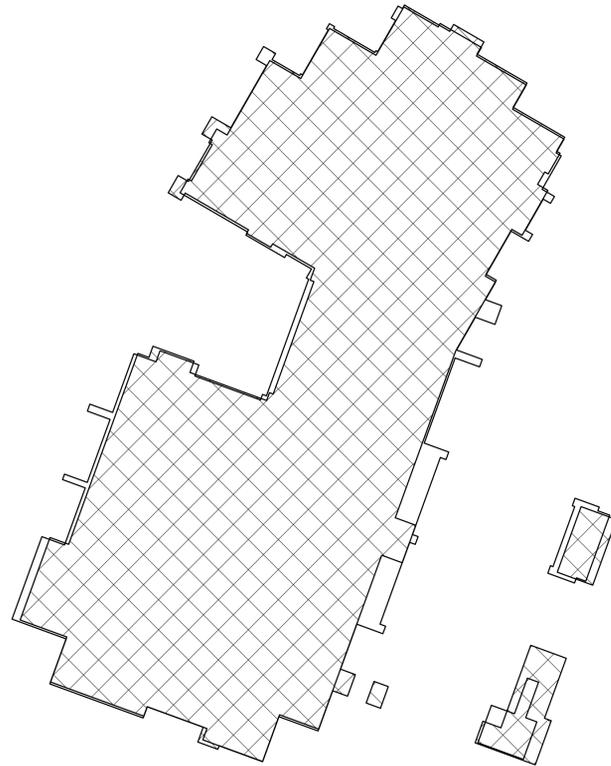
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2014 CUP 20,193 SQ. FT.

CUP COMPARISON LEVEL 1
3/64" = 1'-0"

2
001



LEVEL 2
2010 CUP 48,469 SQ. FT.
2014 CUP 48,283 SQ. FT.

CUP COMPARISON LEVEL 2
3/64" = 1'-0"

3
001

STEIN ERIKSEN
RESIDENCES
7101 S. SILVER LAKE DRIVE, PARK
CITY, UTAH 84060

PROJECT NO. 13022

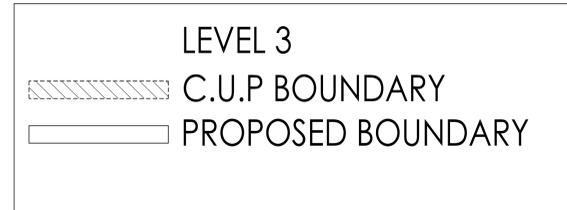
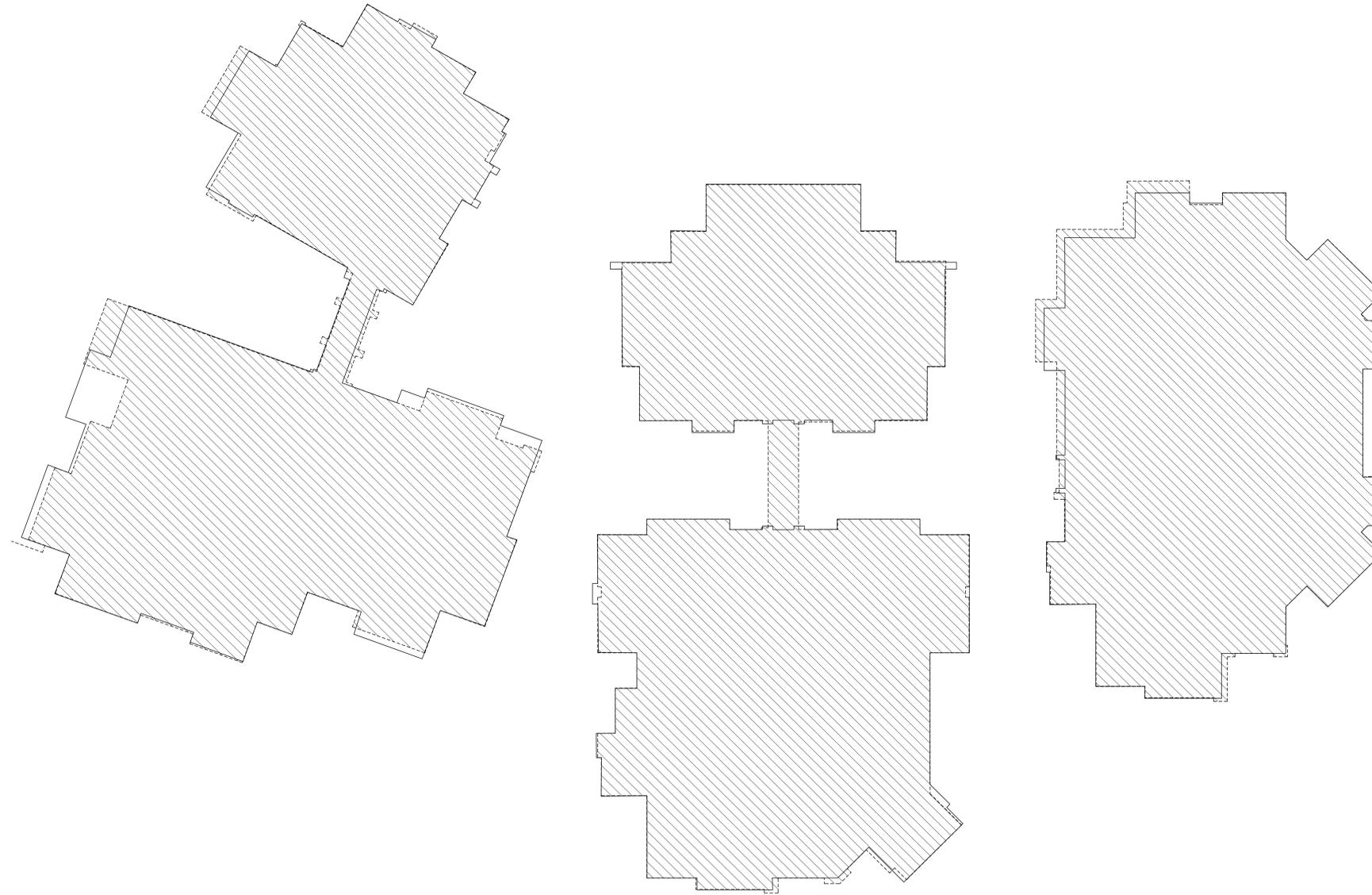
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REVISIONS:

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COMPARISON

SHEET NUMBER:

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STIEN ERICKSON LODGE
NORTH SILVER LAKE
PARK CITY, UTAH

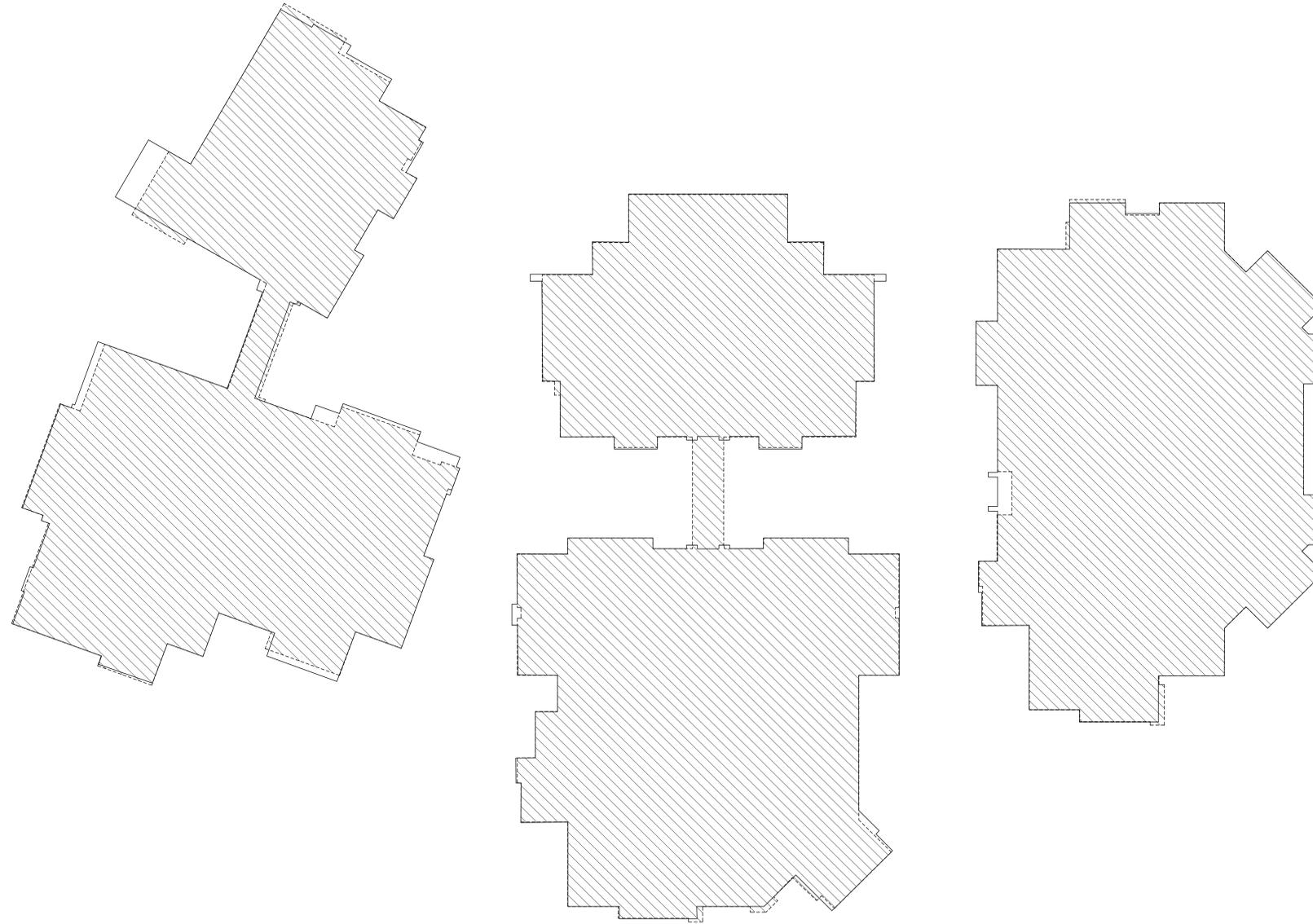
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REVISIONS: JES

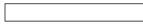
LEVEL 3
BOUNDARIES

SHEET TITLE:

SHEET NUMBER:

REVIEW
- -
BUILDING



LEVEL 4
 **C.U.P. BOUNDARY**
 **PROPOSED BOUNDARY**

STIEN ERICKSON LODGE
NORTH SILVER LAKE
PARK CITY, UTAH

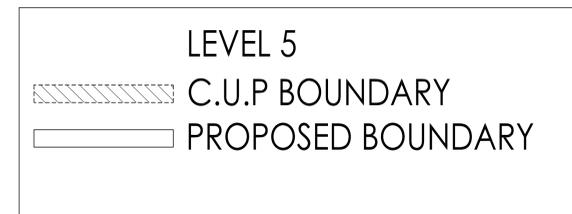
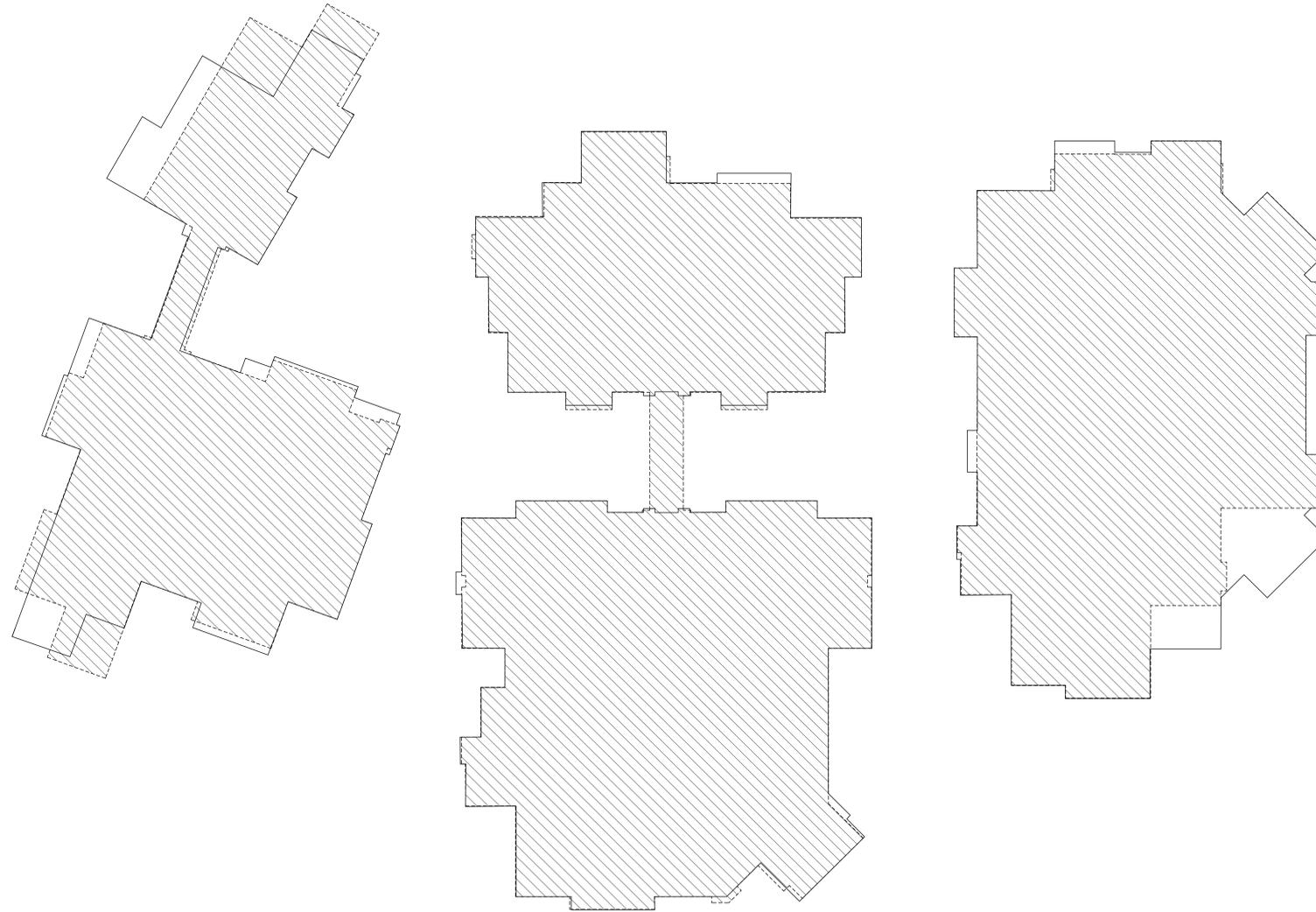
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REVISIONS: JES

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BOUNDARIES

SHEET TITLE:

SHEET NUMBER:

REVIEW
- -
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**STIEN ERICKSON LODGE
NORTH SILVER LAKE**
PARK CITY, UTAH

PROJECT NO. 13021
DATE: JAN 1, 2013
REVISIONS: JES

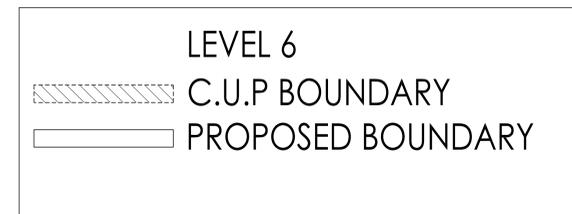
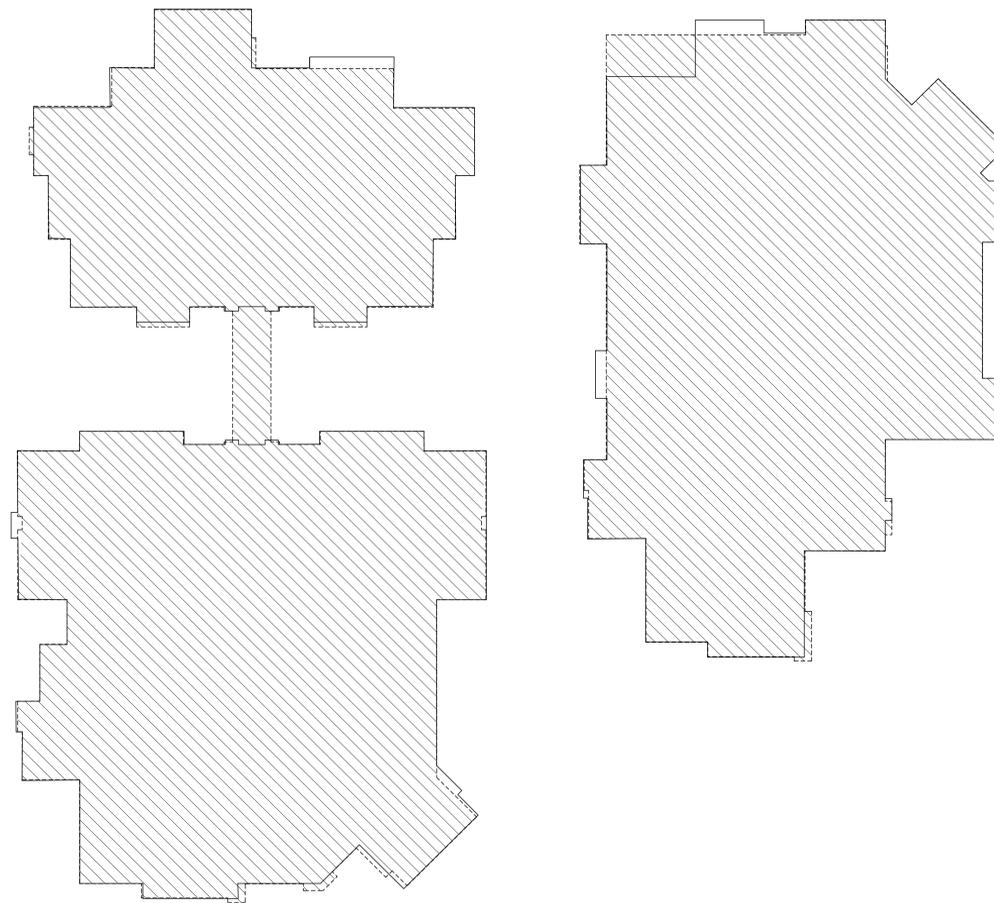
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SHEET TITLE:

SHEET NUMBER:

BUILDING

REVIEW



STIEN ERICKSON LODGE
NORTH SILVER LAKE
 PARK CITY, UTAH

PROJECT NO. 13021
DATE: JAN 1, 2013
REVISIONS: JES

LEVEL 6
BOUNDARIES

SHEET TITLE:

SHEET NUMBER:

BUILDING

REVIEW

Francisco Astorga

From: Erin Hofmann <erhofmann@gmail.com>
Sent: Tuesday, November 05, 2013 2:22 PM
To: Francisco Astorga
Subject: Lockouts at Stein Residences

Dear Park City Planning Department,

I'm a resident in Old Town and am writing to support Stein Eriksen Residences' application to build lockouts in their new units. I work for a company in Salt Lake City that hosts conferences in Park City, and we find that lockout units make it easier to find suitable accommodations for those attending our meetings. I'm also a fan of Stein Eriksen Lodge and am pleased they will be offering our community another great product.

Sincerely,

Erin Hofmann
1013 Woodside Avenue
Park City, UT 84060
801.597.4694

Francisco Astorga

From: Rachel Sharwell <RSharwell@hotelparkcity.com>
Sent: Tuesday, November 05, 2013 11:22 AM
To: Francisco Astorga
Subject: Lockout

Dear PC Planning Dept.,

I am writing to express my support to grant approval to Stein Eriksen Residences for their application to seek approval for lockouts.

I'm aware there are many developments in Deer Valley that also offer lockout units. As a hotel industry professional in Park City, I see firsthand that lockouts provide greater convenience for both our visitors and our properties. We provide a greater service to our guests by giving them the flexibility to rent units that can be adjusted to meet their needs based on the size of their group. I often frequent Stein Eriksen Lodge, and I know they will do a great job in managing this new addition to Silver Lake's lodging offerings.

Sincerely,

Rachel Sharwell
3348 S. Forest Meadow Road
Wanship, Utah 84017
801.792.3101



Rachel Sharwell
Director of Conferences and Event Sales
HOTEL PARK CITY
2001 Park Avenue
Park City, UT 84068
Office: 435 940 5011
fax: 435-940-5002
rsharwell@hotelparkcity.com

Francisco Astorga

From: Ryan Walsh <rpw3174@gmail.com>
Sent: Tuesday, November 05, 2013 3:42 PM
To: Francisco Astorga
Subject: Stein Ericksen Residences Lockouts

> I live in Park City, ski at Deer Valley and frequent Stein's for apres ski.

>

>

>

> I understand other properties like the Residences feature lockouts and this allows more flexibility, benefitting both visitors and owners, so I am writing to express support for building lockouts in the Stein Eriksen Residences.

>

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>

> Thank you,

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>

>

> Ryan

>

Dear Bellemont Neighbor,

It was announced this week that Regent Properties, the developer of North Silver Lake, has entered into an alliance with Stein Eriksen Lodge Deer Valley to manage their 54 luxury residences. The development will now be called **Stein Eriksen Residences**. I wanted to share this information with you because I believe it's a great step forward, not only for the development, but for the community as a whole and brings to a close the many years of planning, discussion and uncertainty associated with the parcel in close proximity to us.

In addition to managing Stein Eriksen Lodge the lodge management already also manages the Chateaux Deer Valley. They have done a fantastic job there and I am sure will do the same with The Stein Eriksen Residences.

As many of you know I have been associated with discussions about this parcel for many, many years. Like many of you my opinions have been both favorable and negative with the various proposed owners and plans. I initially had some reservations about the current Regent development proposal for this property. But now having had a chance to see the plans and the quality and care that has not only gone into the construction but the preservation of the surrounding land, Nancy, my wife, and I are fully supportive of the project as it is currently being executed. I believe if they execute what is now being planned, that this development will positively affect the values of our properties over the coming years.

Since Regent acquired the property they have been open and accessible to the community. The alliance with Stein Eriksen Lodge will insure that they fully understand the soul and character of Park City, and that a project will be completed that is consistent with our neighborhood. Stein Eriksen Lodge's involvement will also ensure a long term commitment from a local operator whom we know and trust.

As an owner at Stein Eriksen Lodge and Bellemont, I couldn't be more excited about the new partnership between Stein Eriksen and Regent, and I hope you'll join me in welcoming the North Silver Lake project to the Stein Eriksen family. I look forward to Stein Eriksen Lodge and Regent sharing more of their plans and schedule with all of us.

Enjoy the rest of your summer. We hope to see you in the fall and when the snow flies!!

Sincerely,

Carm Santoro

Francisco Astorga

From: Nancy Nichols <nancynichols1@aol.com>
Sent: Monday, December 09, 2013 8:40 AM
To: Francisco Astorga
Subject: Support for Regent Properties' Lockout Request

Importance: High

Dear Park City Planning Commission,

I am a longtime Park City local and season pass holder at Deer Valley writing to express my support for Regent Properties' proposal to add lockout units to the Stein Eriksen Residences.

This perfectly reasonable request doesn't entail any additional square footage to their project; it simply changes the layout of the condominium units which will allow it to better accommodate guests. More importantly, it does not materially change the nature of the 16 single-family homes that are part of the development, which will continue to serve as a buffer between the condo units and their neighbors.

This project looked like it would be a good neighbor when I first learned about it several years ago, and the recent announcement of Stein Eriksen Lodge's management of the property makes me even more confident that this will be the case. I know Stein's will do a superior job managing this property as they do with everything else. Please grant this request by voting in favor of their proposal.

Sincerely,

Nancy Nichols

Francisco Astorga

From: Nancy Tallman <nancytallman@gmail.com>
Sent: Monday, December 09, 2013 4:04 PM
To: Francisco Astorga
Subject: North Silver Lake Lockouts

Dear Park City Planning Commissioners,

I'm a resident of Park City and am writing to encourage you to approve the request of Regent Properties' to add a lockout component to their North Silver Lake development. I recently learned that the project will be affiliated with Stein Eriksen Lodge and as an enthusiast of Steins as well as Deer Valley, I believe Stein Eriksen Residences will be a great neighbor and addition to Silver Lake's residential and lodging offerings. I know many of Park City's visitors enjoy having the option to stay in units with lockouts and that many properties in Deer Valley and around town successfully offer this convenience.

Steins also offers a great shuttle service for their guests, so I don't believe the concerns of increased traffic are valid. If I were a guest in Silver Lake, I would certainly make use of their convenient transportation.

Thank you for considering this matter and all the work you do for Park City.

--

Nancy Tallman
Real Estate Strategist



nancy.tallman@sothebysrealty.com
[blog | insideparkcityrealestate.com](http://blog.insideparkcityrealestate.com)
facebook.com/insideparkcityrealestate

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Francisco Astorga

From: Brian Kahn <bkahn1@gmail.com>
Sent: Tuesday, December 10, 2013 8:24 AM
To: Francisco Astorga
Subject: Support for North Silver Lake Lockouts

Dear Planning Commissioners,

I would like to go on record supporting Regent Properties' request for lockouts at their new development in Silver Lake that is being managed by Stein Eriksen Lodge. As an enthusiast of Stein's and a Deer Valley skier, I believe any property managed by Steins is good for our community and our guests. I realize there have been some concerns expressed regarding increased traffic, but I am familiar with the exceptional guest shuttle service Stein Eriksen Lodge has long offered its guests. Given that owners and guests of Stein Eriksen Residences will be offered this transportation amenity, I don't see traffic becoming a legitimate issue. Moreover, I understand lockouts are a common feature of properties in Deer Valley, so I see no reason why this request, which is not out of the ordinary, should not be granted.

I'm excited to see another great property in Deer Valley, which I know will be exceptionally managed by Stein's first-rate hospitality team. Please grant approval for this lockout request.

Sincerely,

Brian Kahn

Park City Resident

Francisco Astorga

From: R Riley <riley@team19.com>
Sent: Tuesday, December 10, 2013 5:05 PM
To: Francisco Astorga
Subject: North Silver Lake development
Attachments: PastedGraphic-3.tiff; PastedGraphic-1.tiff

Dear Park City Planning Commission

Re: Regent Properties, North Silver Lake development

As a resident of Park City, a past resident of Silver Lake Village and a promoter of the area as a destination for family and friends I wanted to convey my support for the current request of Regent Properties. The North Silver Lake development appears to be a solid addition to the quality properties here in Park City and specifically Deer Valley. In conjunction with the owners and managers of the Stein Eriksen Lodge this will be a fine addition to the offerings that can be enjoyed by those who live and visit alike.

Their specific request, to add a “lock out” capability to their development approval is reasonable and can be a benefit to both owners and users. By allowing Regent this request you increase the viability of the project and the flexibility of the individual owners without impacting the critical concerns normally faced by your board.

When faced with decisions such as this, consideration has to be given to the intent of the change and the ramifications thereof. Do the changes requested make the project better for all concerned or do they create a hardship that will ripple through the neighborhood that outweigh the positive? In this case I would suggest there will be very little effect felt beyond these meetings to discuss it.

- No change in the number of beds is being requested
- No additional hard surface area is being requested ie. Parking stalls
- The requested change is consistent with the second home nature of the overall Deer Valley development.
- Overall traffic caused by the proposal will likely go unchanged as most guests at current high end properties are using transportation options provided by the operator and not driving their own vehicles.

Combine these conclusions with the quality nature of the developer and the Stein Eriksen team, who will manage the property in the same way that created the only 5 Star hotel in Utah, and this has to be seen as a benefit for the area.

Thank you for the consideration of my correspondence in your decision and good luck with the ongoing work planning for the future of Park City.

Rod Riley
1502 Crescent Road
Park City 84050
4356199907

Please excuse typos and the brevity of response from this device.

One Utah Center, Suite 800
201 South Main Street
Salt Lake City, UT 84111-2221
TEL 801.531.3000
FAX 801.531.3001
www.ballardspahr.com

Thomas G. Bennett
Tel: 801.531.3060
Fax: 801.531.3001
bennett@ballardspahr.com

December 11, 2013

By Electronic Mail and by U. S. Mail

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Re: Stein Eriksen Residences (the "Project")—Response to 12/6/13 Letter from Robert C. Dillon

This firm represents SR Silver Lake, LLC ("SRSL") in connection with its development of a condominium project on Lot 2B of the North Silver Lake subdivision plat, currently known as the Stein Eriksen Residences (the "Project"). The Project is being developed pursuant to a Conditional Use Permit approved by Park City on July 1, 2010 ("CUP"). SRSL has applied for an amendment to the CUP to allow lockouts to be created in the stacked condominium units that were approved through the CUP process. This letter is written in response to a letter regarding this proposed amendment from Robert C. Dillon to the Planning Commission dated December 6, 2013 (the "Objection Letter"). This letter will address the issues raised by Mr. Dillon's letter in the same order as set out in the Objection Letter.

1. Past History. The first three points of the Objection Letter attempt to resurrect issues concerning square footage, building height, open space, the wording of the Condition of Approval regarding lockouts, and the propriety of SRSL's building permit for its model unit. These are all issues that have been hashed out in 13 public meetings of the Planning Commission and City Council, and (in regards to the permit issue) through multiple meetings with City staff. Mr. Dillon took every opportunity to express his views on these issues in that process. Many changes were made to the Project in that process. His opinions on these issues have been heard, considered and addressed in the CUP that is currently in effect.

2. Parking. The Objection Letter argues that a request for approval of lockouts should be accompanied by an increase in the number of parking spaces in the Project, even though it is admitted in the Objection Letter that the LMC does not require additional parking. The fact that no additional parking is required by the LMC for lockouts in the Project's stacked condominiums is thoroughly analyzed in the Staff Report prepared for the December 11, 2013 Planning Commission meeting. The Table of Residential Parking Ratio Requirements in LMC 15-3-6 specifically requires additional parking if there are lockouts in single family and duplex buildings. The Table does not require additional parking for lockouts in Multi-Unit Dwellings. The LMC is silent on this issue not

DMWEST #10431567 v2

out of inadvertence or neglect. Because most of the lockouts in Park City are located in Multi-Unit Dwellings, it is only reasonable to conclude that the City Council consciously determined not to require additional parking for lockouts in such buildings. The Project will contain 80 parking spaces, which is more than the 76 spaces required by the LMC. SRSL is not requesting any reduction in the baseline LMC parking requirement, even though such a reduction might be justified. The Planning Commission's recent review of actual parking use at several of the larger projects in Deer Valley has led many to conclude that the base parking requirement may be too high. To require more than the Code-required parking for the Project is unnecessary and contrary to Park City's stated goals of encouraging less private vehicle use and more public transit, private shuttle services and other traffic-reducing means of transportation.

3. The Project is not a Hotel. After acknowledging that the LMC does not require additional parking spaces for lockouts in Multi-Unit Dwellings, the Objection Letter argues that the Project should now be reclassified as a hotel under the LMC, which would require the additional parking that Mr. Dillon desires. Developers and operators of condominium projects in Deer Valley have continually upgraded the level of services and on-site amenities provided to their owners and guests. As a result of this process, many of the amenities once found only in hotels are now commonly found in luxury condominium projects. There are multiple residential condominium projects in Empire Pass and other parts of Deer Valley that have check-in desks, onsite managers, concierge services, nightly housekeeping, and other facilities and services traditionally associated with hotels. But that does not make those projects hotels. The Project will include a small restaurant and spa facilities, but these are intended for the sole use of the owners of condominium units in the Project and their guests. Their operations are not intended for, and will not be marketed to, members of the public who are not residing at the Project. In fact, having such facilities at the Project will reduce the number of vehicles trips to and from the Project, since it will not be necessary to leave the Project to obtain a meal or enjoy spa services. These amenities will further reduce the need for owners and guests to utilize private vehicles for transportation while in residence and will, as a result, reduce parking needs.

4. Withdrawal of Plat Applications. SRSL has recently withdrawn its plat applications for the Project. This is simply because SRSL, in consultation with the Planning Department, decided to plat the Project on a single condominium plat, rather than utilize a more complicated platting approach originally contemplated that required the review and approval of three separate plats. This decision had nothing to do with the application to amend the CUP to permit lockouts.

Conclusion

While the Objection Letter attempted to expand the scope of the issues to be considered with this CUP amendment, the decision before the Planning Commission is a narrow one. The Planning Commission must simply determine whether there are any additional impacts created by permitting the requested lockouts in the Project; and, if there are any additional impacts, determine whether those impacts been appropriately and reasonably mitigated in the development plan submitted by SRSL. The analysis clearly shows that the additional impacts are minimal, primarily a small increase in traffic, and that no additional mitigation measures are required.

Planning Commission
December 11, 2013
Page 3

Thank you for your thorough and thoughtful consideration of these issues.

Very truly yours,

A handwritten signature in black ink that reads "Tom Bennett". The signature is written in a cursive, slightly slanted style.

Thomas G. Bennett

TGB/mje

Cc: Thomas Eddington
Polly Samuels McLean

DAN & LINDESY POSTAL /
DERON & HEATHER WEBB
6434 SILVERLAKE DRIVE
PARK CITY, UTAH 84060

December 11, 2013

Mr. Daniel T. Gryczman
Executive Vice President
Regent Properties
11990 San Vicente Blvd., Suite 200
Los Angeles, California 90049

Dear Daniel,

Thank you for taking the time to discuss your development of the Stein Eriksen Residences at North Silver Lake. As I mentioned, as property owners adjacent to your development (we are located at 6434 North Silver Lake Drive) we had several concerns that I will outline below, which you have worked with us to resolve:

1. Access to Stein Eriksen Residences at North Silver Lake in Deer Valley (SER).
2. Parking on Silverlake Drive
3. Future management with the proposed lockout/parking plan

While we presented you and your team with a number of concerns, we appreciate the following steps that you have taken to address these issues:

1. Confirming/stipulating that those guests of Stein Eriksen lodge and other related facilities will not have access to the pool and facilities at SER.
2. Stipulating that "In the event vehicles driven by employees, guests, or owners of the Project are parked on Silver Lake Drive, the manager of the Project shall cause said vehicles to be towed away immediately."
3. Stipulating that "Lockouts shall be an approved use so long as the Project is managed by the Stein Eriksen Lodge Management Corporation or other similar manager in a "Luxury" manner. Luxury means of a quality comparable to the quality of the Stein Eriksen Lodge as of December 9, 2013, which had received Five Diamonds from AAA, 5 Stars from Forbes, & Conde Nast Traveler Gold List recognition."

Throughout this process, you and your team have shown that you do indeed intend to be a good neighbor and part of our community in the Evergreen Subdivision in the Silver Lake area of Deer Valley Resort and therefore we support your request for the proposed Conditional Use Permit Modification. Thank you again for taking the time to work with your neighbors to help ensure the compatibility of SER.

Kind regards,


Dan Postal


Deron Webb

Cc: Mr. Francisco Astorga, Park City

RECEIVED
DEC 11 2013

Rodney Alan Riley
1502 Crescent Road #138
Park City, Utah 84060
435-619-9907

Dear Park City Planning Commission

Re: Regent Properties, North Silver Lake development

As a resident of Park City, a past resident of Silver Lake Village and a promoter of the area as a destination for family and friends I wanted to convey my support for the current request of Regent Properties. The North Silver Lake development appears to be a solid addition to the quality properties here in Park City and specifically Deer Valley. In conjunction with the owners and managers of the Stein Eriksen Lodge this will be a fine addition to the offerings that can be enjoyed by those who live and visit alike.

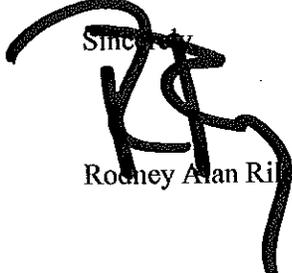
Their specific request, to add a "lock out" capability to their development approval is reasonable and can be a benefit to both owners and users. By allowing Regent this request you increase the viability of the project and the flexibility of the individual owners without impacting the critical concerns normally faced by your board.

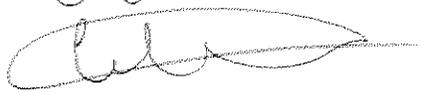
When faced with decisions such as this, consideration has to be given to the intent of the change and the ramifications thereof. Do the changes requested make the project better for all concerned or do they create a hardship that will ripple through the neighborhood that outweigh the positive? In this case I would suggest there will be very little effect felt beyond these meetings to discuss it.

- No change in the number of beds is being requested
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- The requested change is consistent with the second home nature of the overall Deer Valley development.
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Combine these conclusions with the quality nature of the developer and the Stein Eriksen team, who will manage the property in the same way that created the only 5 Star hotel in Utah, and this has to be seen as a benefit for the area.

Thank you for the consideration of my correspondence in your decision and good luck with the ongoing work planning for the future of Park City.

Sincerely,

Rodney Alan Riley

I AGREE WITH THE ABOVE STATEMENT
CELESTIE L. ANDERSON

pcmommy@gmail.com

I agree with the contents of this letter.
Planning Commission - Feb. 12, 2014

TRACIE HEEFERMAN

Francisco Astorga

From: Brian Smith <bsmith@veriskhealth.com>
Sent: Wednesday, December 11, 2013 11:54 AM
To: Francisco Astorga
Subject: letter of support

Importance: High

Dear Planning Commission,

As a frequent guest of Stein Eriksen Lodge and the Glitretind restaurant, I am writing you to strongly express my support for Regent Properties' request to create lockout units at their North Silver Lake Lodge project.

By joining forces with Stein Eriksen Lodge, Regent is partnering with one of the most respected names in the hospitality business and the epitome of a good corporate citizen. They are responsible people, and their guests are responsible people. That's why to get around the area, SEL's guests rely on their shuttle service, which I have observed first hand.

Further proof of this project's lack of negative impacts can found in the Planning Department's staff report, which includes a new traffic study on the project that concludes the addition of lockout units will not generate more cars on the street.

I have long been impressed by Stein Ericksen Lodge's commitment to managing a first-rate property while also being an asset to the Park City community as a whole. I'm confident that their expertise in property management will allow them to skillfully manage the lockout component of the new units. This proposal may represent a change to the original development application, but it is by no means out of line with other, similar developments in Silver Lake. I support this project, and I hope that you will as well.

Thank you for your time and consideration.

Sincerely,

Brian Smith
Park City Resident



Brian C. Smith | Senior Vice President, Business Development and Alliances

Verisk Health - Corporate Sales

PHONE 801.285.5825 **MOBILE** 626.298.3178

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Exhibit J2 – Public Comments against

Lockouts/North Silver Lake Lodge

tabailey [tabailey12@aol.com]

Sent: Friday, October 25, 2013 5:03 PM

To: planning

As a full time resident of Park City at 7013 Silver Lake Drive, we are adamantly opposed to granting the lookout request submitted by the developers of the North Silver Lake lodge on Silver Lake Dr. It has been our understanding throughout this process that no lockouts would be allowed and that the developer agreed to this. I am both astounded and deeply disappointed by this request and urge that no lockouts be approved. To approve this would be yet another example of the City's seeming disregard throughout the approval process for the interests of the established residents of Evergreen and the adjacent communities in favor of the economic interests of the developer, Deer Valley ski resort, the city coffers, and now Stein Erikson Lodge. Please disapprove this egregious overreach.

Thomas A. Bailey and Mary Frances Bailey

7013 Silver Lake

Park City, UT

435-901-8848

North SilverLake Lodge lock out units

Gib Myers [gmyers1@mac.com]

Sent: Friday, October 25, 2013 7:33 PM

To: planning; Mathew Evans

I live on Perseverance Court and want to second the email that Tom Boone has sent to the planning commission. This is a country build on laws and agreements among its people and institutions. I am shocked that after all the discussions and agreements about the size and shape of this project that the developer would come back to ask for these lock outs. I strongly urge the council to reject this request. Already, the modern looking tower, presumably demo units, that they have built is completely out of character for the neighborhood. Enough is enough. Do your job and do not let them escalate this project further.

sincerely, gib myers
#6 Perseverance Court

North Silver Lake project

Benjamin Schapiro [BSchapiro@questm.com]

Sent: Sunday, October 27, 2013 3:35 PM

To: planning

Dear Sirs and Madams, I have lived in the Silver Lake area of Deer Valley for 25 years. First in a townhouse called Trailside and for the past 18 years at 15 Bellevue Court.

I receive the Park Record when I am in Baltimore and read about the developpers of the North Silver Lake project attempting to increase the density by including 125 lock out units in the condo development. I know that with the input of neighbors and others you were careful to limit the number of residential units in this new project. Now, it seems kind of strange that the developer can come back and try to increase the units post fact.

Pleas know that I am opposed to the increase and hope that the Planning Commission recognizes the request for what it is and rejects it as it is not withing what our neighborhood has been or what we want it to be going forward.

Ben

Benjamin S. Schapiro

QuestMark Partners

bschapiro@questm.com

410-895-5811

North Silver Lake Lodge

Michael Warren [MichaelW@nuwi.com]

Sent: Monday, October 28, 2013 10:36 AM

To: planning; Mathew Evans

Attachments: image001.jpg (3 KB)

To: Planning Commissioners

Re: North Silver Lake Lodge

7101 Silver Lake Drive

During the approval process, we were told that the 16 single family homes would act as a buffer to the 38 condominiums and that the condominiums were of a size and quality to be compatible with our surrounding neighborhood. In addition, **from the first review in 2008 until the final approval, a stated Condition of Approval of the project was that there would be no lockout units.** It was always clear that this condition was accepted by the developer as a way to make the project more tolerable to our community and therefore the Planning Commission.

We have now learned that the developer wants approval for 125 lockout units within the 38 condominiums. We have been asked to believe that this substantial change in the use of the property can be more than fully mitigated through an effective van pool/shuttle program. It is obvious that the creation of 163 rental units versus the approved 38 condominiums positively changes the economic model for the developer, the City and Deer Valley. However, it is not what was approved after years of discussion and review.

Furthermore, the parking provided in the original approved plan is grossly inadequate if the number of units is effectively more than tripled by creating the lockout units.

North Silver Lake, as it has been developed, is a quiet single family community. As a result of a Master Plan that did not appropriately evolve as the community was developed we have been required to accept a project that is of a mass and scale that is not compatible with the neighborhood. Now we are being asked to accept a use and occupancy that is clearly not compatible with the surrounding community and specifically identified as an unacceptable condition in the project's approval.

The developer's creation of a vision of a project that was compatible with the surrounding neighborhood, during the approval process, is totally contradictory to their current request. I therefore request that the Planning Commissioners' do not approve this application and require the developer to comply with the no lockout unit condition of the project's approval.

Thank you for your consideration.

Michael Warren

8240 Woodland View Drive

MICHAEL WARREN

PRINCIPAL

NEW URBAN WEST, INC

1733 OCEAN AVENUE, SUITE 350 SANTA MONICA, CA 90401

TEL: 310.566.6362 FAX: 310.394.6872 CEL: 310.345.4690

Francisco Astorga

From: Lisa Wilson <lisa@winco.us>
Sent: Wednesday, November 06, 2013 3:53 PM
To: Francisco Astorga
Subject: tonights meeting

Dear Planning Commission,

The developer has requested a major change to the Deer Valley MPD at the North Silver Lake Lodge site or new Stein Erickson Lodge location according to the Park Record.

Is it ethical for the City to more than double the entitlements on one lot from 54 units to 125 units?

Are the Development Rights stated in a Master Plan Development that buyers rely on meaningless?

The Deer Valley MPD states the entitlements on 7101 Silver Lake Drive are to be a maximum of 54 units. If the Planning commission permits lock-outs, will the project no longer comply with the Deer Valley MPD?

125 units is a huge change in entitlements from 54 units. The developers request is not simple a variance but a radical change from the Deer Valley Master Plan.

Public Process for the North Silver Lake Lodge

During the public process that began around 2008, the North Silver Lake Lodge developer suggested the project would be compatible with the existing built out residential neighborhood. During multiple public hearings developers council stated the average unit size would be approximately 6,000 sq. ft. The surrounding neighborhood consists of built-out residential single family homes that are approximately 6,000 sq. ft. or more.

The following was provided as a break down by the Park City Planning Department to demonstrate the 6,000 sq. ft. average unit size in the North Silver Lake Lodge etc.

May I have the square footage of the project broken down:
a. total square footage
b. total common area
c. total square footage below grade
d. square footage of each of the towers above and below grade and, which towers are connected by a bridge above or below grade?

A. Total Square Footage : 332,493

Condos: 241,814
Homes: 90,679
Totals: 332,493

B. Common Area: 100,521

241,814 (entire condos) – 141,293 (residential) = 100,521 total Common Area including the commercial space

Of the 100,521 sf of common area, 62,000 sf is parking.

C. Total Square footage below grade: 77,452 sf

| | |
|---------------------|--------------------------------|
| Parking Level 1 | 29,560 |
| Parking Level 2 | 32,440 (partially below grade) |
| Building 3 Level 00 | 15,452 |
| TOTAL | 77,452 |

D.

| | |
|-------------|--|
| Building 1. | 42,238 sf |
| Building 2 | 22,496 sf |
| Building 3 | 70,358 sf (level 00 is below grade 15,452) |
| Building 4 | 44,722 sf |

Parking under buildings 1, 2, and 4 is underground in level 1 (29,560 sf) and partially underground. (32,440 sf).

The connection located between building 2 and building 4 is 9 feet wide by 28.5 feet and is located above grade.

The parking garage is connected to building 3 below grade.

It appears now the developer would like to make the project **incompatible** with the surrounding neighborhood. Instead of approximately 6,000 sq. ft, lock-outs would make the unit size average around 2,000 sq. ft. Over 100 units averaging 2,000 sq. is incompatible with the surrounding neighborhood and contrary to what was discussed during public hearings.

Conclusion

The change would significantly increase the number of units within the Deer Valley MPD and North Silver Lake. Allowing lock-outs would change the compatibility argument used by the developer throughout the

public process to gain approval. Property owners within the Deer Valley MPD have not been notified of a major change to the Master Plan.

FYI - The Ritz tried to move unit density from the Deer Valley Parking Lot to the same site years ago. The request to transfer density failed. Lot 2B is not a receiving zone. Units were moved off the parcel years ago, presumably to make the unit size larger.

Allowing one developer to significantly increase unit entitlements beyond what is stated in the Master Plan is a dangerous precedent.

If the developer no longer desires the units size to be around 6,000 sq. ft, **the building foot print will need to dramatically decrease.**

Sincerely,
Lisa Wilson

Francisco Astorga...please make this letter part of the public record for this meeting.

Francisco Astorga

From: Eleanor Padnick <epadnick@roadrunner.com>
Sent: Tuesday, November 12, 2013 9:26 PM
To: planning; Mathew Evans; Francisco Astorga
Cc: Glenn Padnick
Subject: Stein Eriksen Lodge (formerly North Silver Lake Lodge)

Dear Members of Park City Planning Commission,

My house is located at 8 Bellemont Court, directly adjacent to the development at 7101 Silver Lake Drive.

I was stunned to learn that the developer is trying to get approval for 125 lockout units. It was my understanding that lockout units were NOT allowed as part of receiving approval for this development.

These lockout units would **quadruple** what was approved by the Planning Commission. **38** condominiums would become **163** rental units. The project was argued as being compatible with the single family homes surrounding it. It is unconscionable to now argue that a 400% increase in rentals would not negatively impact the surrounding community, and that shuttles would prevent any negative effect.

I ask that the members of the Park City Planning Commission stand by what they approved originally and not agree to this increase.

Thank you for your consideration.

Eleanor Padnick

Francisco Astorga

From: Thomas A Bailey <tabailey12@aol.com>
Sent: Tuesday, November 19, 2013 1:56 PM
To: Francisco Astorga
Subject: Re: Public Hearings - Stein Eriksen Lodge Residences project aka North Silver Lake

Mr. Astorga,

Thank you for keeping us informed.

I remain adamantly opposed to the additional lockouts. It seems that this project has turned into a hotel which makes the interpretation of the existing CUP unintelligible. Frankly, I am totally confused as to what is going on. Hopefully, you can make some sense out of this and restore the project to a density that is compatible with the neighborhood.

Tom Bailey
Cell: 435-901-8848

Sent from my iPad

On Nov 19, 2013, at 1:08 PM, Francisco Astorga <fastorga@parkcity.org> wrote:

Concerned resident,

Thank you for submitting public comment and/or showing an interest in the Stein Eriksen Lodge Residences project, formerly known as North Silver Lake. The Planning Commission had a work session discussion (no action taken) on November 6, 2013 regarding their filed Conditional Use Permit (CUP) Modification request to allow 85 Lockout Units to be accommodated within the approved four (4) stacked flats, condominium buildings. The draft minutes are to be reviewed and adopted by the Planning Commission tomorrow night, see the following link
<http://www.parkcity.org/index.aspx?page=14&recordid=2128>.

The other two submitted applications are further subdivisions of Lot 2B, in accordance with the terms and conditions of a Conditional Use Permit approved on April 28, 2010, consisting of a total of 54 units, 16 single-family dwellings and duplexes, and 38 condominiums (multi-unit) in four (4) stacked flats:

- The Subdivision Plat divides Lot 2B into: 16 lots of record, Parcel A to consist of the 38 condominiums units, Parcel B which is not intended for development; and a Road Parcel which serves as the access drive for each of the lots as well as the condominium project.
- The Condominium Record of Survey Plat covers the area designated as Parcel A on the Subdivision Plat. This condominium plat creates the 38 stacked condominium units. It shows each of the four multi-story buildings to be included in the condominium project and designates the boundaries for each of the 38 condominium units, together with all common areas, limited common areas and other areas designated for joint use. This property is currently encumbered by a Record of Survey Plat for North Silver Lake Lodge that was recorded on April 19, 2005. That plat would be terminated of record immediately prior to the recordation of the condominium plat submitted with this application.

We noticed public hearings for the three (3) items to take place tomorrow Wednesday November 20, however, the Planning Commission will not be reviewing any of the requested applications tomorrow night. The items will be simply continued to the next Planning Commission meeting which is to take place on Wednesday December 11. See attached agenda. If you submitted written public comment, it will be added to the staff report, packet, with its accompanying full review and public hearing. Let me know if you have any questions.

Sincerely,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

<PL-13-02034 NSL - CUP Mod. PC Staff Report & Exhibits 11.06.2013.pdf>

<Planning Commission Agenda 11.20.2013.pdf>

Francisco Astorga

From: Ron Kirk <rkirk@kirkhorse.com>
Sent: Wednesday, November 20, 2013 10:51 AM
To: Francisco Astorga
Subject: CUP modification to allow 85 lock-out units

I live at 4 Lucky Star Drive on the corner of Silver Lake Drive, so my home is one of the most affected by the (over) development of 7101 Silver Lake Drive.

I am opposed to your granting permission for 85 lock-out units. I do not believe the rental activity this would foster was ever envisioned for this location.

Ronald K. Kirk

859-321-0099

Francisco Astorga

From: Eleanor Padnick <epadnick@roadrunner.com>
Sent: Tuesday, December 10, 2013 8:36 PM
To: Francisco Astorga
Subject: Re: Stein Eriksen Lodge Residences CUP Lockout Units

Dear Francisco,

On June, 24, 2010, "**All parties stipulated to additional conditions of approval #19 that "no lockouts are permitted within this approval"**". (see entire section below)

It seems disingenuous for the applicant to ask for lock out units now and make it sound like the Planning Commission did not approve of lockout units merely "because the applicant did not ask for them" previously. They did not ask for them because they agreed to the condition that lockout units were NOT permitted in the approval.

It seems to me that as the project proceeds, the developer is asking for a little more and a little more. Lockout units were not included in the approved plans and should not be added on now.

I would like you to present my letters with the Planning Commission. Thank you for suggesting that.

Eleanor Padnick 8 Bellemont Court

11. The April 28, 2010 CUP approval was appealed. The City Council reviewed the appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval". The City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010

On 12/9/2013 8:51 AM, Francisco Astorga wrote:

Eleanor,

The reason that the Planning Commission did not approve the Lockout Units in 2010 is because the applicant did not ask for them then. The exact June 24, 2010 condition of approval states the following:

19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.

The applicant changed their mind and are now requesting Lockout Units, which is a conditional use within this district and have to be reviewed and approved by the Planning Commission. The Planning Commission must review each of the items when considering whether or not the

proposed conditional use mitigates impacts of and addresses the items as outlined in Land Management Code § 15-1-10(E). See staff report page 226 - 231. Let me know if you have any other questions. Otherwise I might be seen you at the meeting.

Sincerely,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

From: Eleanor Padnick [<mailto:epadnick@roadrunner.com>]
Sent: Saturday, December 07, 2013 1:17 PM
To: Francisco Astorga
Subject: Re: Stein Eriksen Lodge Residences CUP Lockout Units

Dear Mr. Astorga,
I don't understand how the Staff can *now* recommend approving lockout units when "...on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval"."

I hope that the Planning Commission considers that the project went ahead with the stipulation that there be NO lockout units for good reasons, and there is no reason to change that at this time.

Eleanor Padnick, 8 Bellemont Court

On 12/6/2013 2:34 PM, Francisco Astorga wrote:

Concerned resident,

The Planning Commission will be reviewing the submitted Conditional Use Permit application for Lockout Units during their upcoming regular meeting this Wednesday December 11, 2013. The meeting will start at 5:30 pm. The meeting will be held at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060.

I have attached a copy of the staff report. This report does not contain the packet page numbers or the exhibits. Another e-mail will come your way with the exhibits. Please make sure to visit our website later on today at www.parkcity.org to download the staff report/exhibits with the corresponding page numbers.

Sincerely,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

Francisco Astorga

From: Lisa Wilson <lisawilson@me.com>
Sent: Wednesday, December 11, 2013 3:46 PM
To: Francisco Astorga
Subject: Minutes Flawed update

Hi Francisco,

Still lots of errors. Can you replace the email I sent a few minutes ago. Holidays and I really don't have time for this.

Thanks,
Lisa

Begin forwarded message:

From: Lisa Wilson <lisawilson@me.com>
Subject: Minutes Flawed
Date: December 11, 2013 3:30:23 PM MST
To: Francisco Astorga <fastorga@parkcity.org>
Bcc: Lisa Wilson <lisawilson@me.com>

Hi Francisco and Planning Commission,

I am just starting to look over things for tonight's meeting. Some flaws I have found in the minutes for Nov. 6th are as follows.

Pg. 2. "The original CUP was approved in 2010".

This is false. The original approval was July 8th, 2009. Planning meetings leading up to the original approval were Aug 13th 2008, Oct 22nd 2008, Feb 25th 2009, May 27th 2009.

Pg. 2 "The original approval indicated that if the applicant requested a lockout unit in the future, it would require a conditional use permit request"

This is false. I see no mention of lockouts in the "original approval" on July 8th 2009.

Pg. 2 "The proposed plans were in substantial compliance with the original approval with a few conditions."

This is false. The maximum number for units according to the Deer Valley MPD is 54. The original CUP has 56 units. 2 extra units are ADA units and were not included as part of the 54 unit total. The project is not in "substantial compliance" with the original 54 unit approval. 56 units exceeds the DV MPD maximum. Staff failed to count 2 units.

Pg 2. Planner Astorga noted that on pages 26 and 27 of the Staff report outlined the details of the conditional use permit approval, the appeals and two extensions.

Does page 26 and 27 mention the July 8, 2009 approval, the October 29th 2009 Appeal, and the Nov. 12th 2009 Appeal? I haven't had the chance to read everything yet.

Pg. 5 Planner Astorga stated that parking was the second point of discussion. He noted that the original CUP (July 8, 2009 is original CUP seems forgotten) indicated that the project needed to provide 106 parking space."

This is incorrect. Please read the July 8th, 2009 Staff report. 3 spaces were required for units over 2,500 sq. ft. in size. 54 units all have an avg size greater than 2,500 sq. ft. 162+ spaces were required originally.

54 x 3 = 162 parking units required originally. Also parking spaces should have been required for the 2 ADA units. I am not certain how to figure out parking for the ADA units.

Pg. 6 Planner Astorga clarified that this section of the Staff report was not intended to reopen the approved conditional use permit

From the first public discussion for the North Silver Lake Lodge, that is the Stein's Residences today, beginning April 13th 2008 to date, there is nothing in the public record from the developer that the project is a "Hotel" , of course until on November 6th 2013.

Adding lockouts creates a new Conditional Use Permit. The project has not had a full public hearing with regards to a Hotel in the midst of an established residential neighborhood. A new set of public hearings is needed to change a Condominium project into Steins Hotel.

The average size of living units within the central buildings are 3,663 sq. ft. The periphery units avg. size is 5,499 sq. ft. in the current CUP.

According to the new General Plan the average unit size in Upper Deer Valley is over 6000 sq. ft. Some units within the new request will be only 250 sq. ft. How is 250 sq. ft. rental units/condos compatible with an average of over 6000 sq. ft. for upper Deer Valley?

The project no longer in compliance with section 15-1-10

The use is no longer compatible with surrounding structures in use, scale, mass and circulation with the existing neighborhood at 250 sq. ft.

The Developer is requesting a new Conditional Use Permit. The new permit is for a Hotel, rather than a Condominium Project. If the developer wanted a Hotel, the developer should have been clear in the intent from the start. This is classic developer "smoke and mirrors" also known as "bait and switch".

This site initially had vested rights for around 70 units. As the area began to build out and size of homes and Condo's became large, Deer Valley requested change the vested rights to a 54 unit

maximum. 54 units appeared to help maintain the size consistency in the neighborhood. Now the developer wants more over 100 units. 100+ units is inconsistent in compatibility with the DV MPD.

A Hotel request is very different from a Condominium CUP. When approved the project was expected to be ownership of primary residences or by 2nd home owners, or for commercial tenants in large condo's similar to what exists at the Stag Lodge.

The Summit County estimated value on the lot has been \$1.2 million since 2005 for tax purposes. I provided one tax bill for 1 of 6 homes platted on the lot last Planning Meeting (Nov 6, 2013. I also provided a Trust Deed for \$85 million.

If this is a Hotel site, the project should have been taxed as a Hotel site, instead of a value of \$1.2 million. Millions of dollars have been lost in tax revenue to the City, County and Park City Schools already.

Park City School District lost the most. 56% of property tax revenue goes to Park City Schools. Please fix this error in the Nov. 6th Planning minutes. I was quoted incorrectly. 56% of property tax revenue goes to PC Schools not 85%.

Stein Erickson is a great operator and well respected. Unfortunately, the public process that began in 2008 never suggested a possibility of over a hundred room Hotel. I appreciate the fact it would make life easier for Steins, but this is not the responsibility of the City to make Steins management easier.

This past week I had the pleasure of talking with Alaskan Senator Lisa Murkowski while she and many of her staff were in Park City. According to one DC staff member the Stein Erickson Lodge requires those that wish to stay over the Holiday Season take over an entire Condominium unit over the Holidays. The possibility of lock-outs is not an option at Stein's during the Holidays Season.

Clearly Steins has the client base to fill the Stein's residences, even if only large units are available.

The current project is out of Compliance with LMC.

1.55. COMPATIBLE OR COMPATIBILITY. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

250 sq. ft. is non compatible with 6000 plus square feet in size identified in the Upper Silver Lake Area in the new General Plan.

The current project is out of compliance with the Deer Valley MPD. At the time of the July 8, 2009 the DV MPD stated a hotel room or Lodge Room shall constitute 1/2 a dwelling units

At 85 lockouts in the central building equates to 42.5 units. Adding the 16 homes and 2 ADA units the project is 60.5 units. The project at 60.5 units is not compliance with the 54 unit DV MPD maximum.

Conclusion

1. This is a new permit request that changes the project from large Condominiums to small Hotel units.

This is would require a new permit process.

2. The developer has asked to exceed the vested right entitlements established in the Deer Valley MPD that most relied upon when they invested in Deer Valley. The current request violates the DV MPD

3. The request is out of compliance with compatibility defined in the LMC.

The project was approved in the first place because the developer suggested the units where compatible in size with the surrounding neighborhood. 250 vs 6000 sq. ft is not compatible.

It's almost 5:00 Francisco. Sorry for Typo's.

See you soon,
Lisa Wilson
6538 Silver Lake Drive

Lisa Wilson
lisawilson@me.com

Francisco Astorga

From: Isaac Stein <isaac@steinfamily.com>
Sent: Thursday, February 06, 2014 3:53 PM
To: Francisco Astorga
Subject: North Silver Lake Lodge (Stein Erickson Residences)

Dear Planning Commissioners.

Having owned a home in Park City since 1979, I have seen the good and the bad of our local development process. But the strange machinations surrounding this NSLL project, especially the recent changes, have set a new low and I hope that you will step in and address some of the obvious problems.

I live at 6696 Silver Lake Drive and am down the street from NSLL. Like many of the neighbors, I was not opposed to development on the site but assumed that the city would ensure compatibility, traffic and parking issues were systematically addressed. As you know, the first project proposed on the site (by an earlier owner) was so massive that it would literally have created the largest building in Summit county! Mercifully, that project died after strong opposition.

The current owners proposed a more rational project and after some discussions many of us agreed to the project **as approved** and looked forward to its fast construction. But since that approval, the project has been changed in dramatic ways that contradict what was originally approved and have made the project wholly unacceptable to our community and, I hope, to you as the Planning Commission.

I will leave to our attorneys and others more knowledgeable the details that tie the current version of the project to the original representations of the owner. Let me just focus on three key areas:

1. Lockouts – It is crazy that the owner can now propose adding 85 lockout units after for years asserting that they had no intentions to ever have lockouts. In effect, they are creating a hotel in the middle of a neighborhood of single family homes and they are doing so without the hearings on compatibility, parking and traffic that a hotel application would have raised! This is way beyond bait and switch as they made their representations of no lockouts to you as well as us. People at the model house are actually telling visitors that the project will operate ‘just like a hotel’ and people from Stein Erickson are saying the same thing. If that is the proposal, then let’s have the necessary hearings and test whether this meets the standards for a hotel, especially with a restaurant and spa now added to the proposal.
2. Height – We and you were explicitly told that the height of the perimeter houses would be held to the same height as the surrounding houses, or 33 feet. The new model house is 50 feet high! How can that make sense. A ring of 50 foot buildings will now surround the large condo buildings in the center of the site. How did that building permit for the model get issued!!
3. Architecture – We are a community of mountain lodge style homes. The project’s architect and developer made repeated representations to you and us that they would have a similar architectural style. Instead, we are presented with a model that is self-described as modern and contemporary....and it is very different than any of the surrounding houses. Just look at the brightly lit entry sign which is wildly out of character with the rest of the neighborhood.

The project you once approved, and we accepted, has been changed into something very different. Before construction proceeds any further, we believe that you need to review carefully the major changes that have been made unilaterally by the developer.

Thank you for your consideration of our concerns.

Isaac Stein
6696 Silver Lake Drive

Isaac Stein
Isaac@Steinfamily.com
650.324.1245

Francisco Astorga

From: Pamela stevenson <pestevenson1@gmail.com>
Sent: Thursday, February 06, 2014 4:03 PM
To: Francisco Astorga
Cc: Tom Boone
Subject: Stein Eriksen Residences-deviations from the plan

To the Park City Planning Commission

Attn: Francisco Astorga

I concur with the objections raised by Mr Tom Boone in his letter of February 6th.

I am a seasonal resident with two homes in Park City-one in Summit county, and one in Wasatch county.

I specifically object to the inclusion of lockouts, the increased height of the buildings, including the one already built, and also the design of the development, which is not in keeping with the surrounding neighborhood.

This past summer I noted the construction on the Stein residences plot. When I returned in mid-December, I was shocked to see what looked like a space-station landed in the middle of a cozy, log-cabin, country home neighborhood. While anyone may argue that the show-house is stylish in itself, it does not fit in with the neighborhood--nor does the back-lit sign heralding its arrival. It would be more suited to a downtown condo development, but not situated in this neighborhood.

Design aside, I am distressed that something could be built that so overtly contravenes the rulings of City Council. What kind of oversight is being taken during the construction process to confirm that developers are building to plan--it seems more than just a little remiss that this has been built with the express intent to *just build it the way we want to, and let Council ask their questions later...or we (the Developer) will just have to beg mercy and see what deal we can cut with them afterwards*. The developer seems to be thumbing its nose at our City Council as well as building in direct opposition to the permissions granted.

As Tom succinctly puts it: ... This organization *believes that it is not obligated to its representations to the City during the approval process*.

Yours truly,

Pamela E Stevenson
7550 Royal St East
Park City, UT 84060
Cell: 647 281 4933

--

Pamela E Stevenson

Francisco Astorga

From: babbooopop@aol.com
Sent: Thursday, February 06, 2014 3:09 PM
To: Francisco Astorga
Subject: Lighted monuments on Stein Ericksen Silver Lake Drive property!

The lighted signs at the entrance to this new development are NOT pre-approved NOR are they in keeping with the nature of Evergreen! What next? Neon? Music blasting? LED screens with moving images? Inflatable Santas? The developer has NOT picked up broken and fallen signage. In general, the site is a mess, as will be evident once the snow melts. Who is minding the store at City Hall? E. Wayne Baumgardner, 6635 Silver Lake Drive. (645-7969), a resident of this neighborhood since 1993-94.

Francisco Astorga

From: Tom Boone <tomboone@aol.com>
Sent: Thursday, February 06, 2014 1:58 PM
To: Francisco Astorga
Subject: North Silver Lake Conditional Use Permit & Record of Survey

Francisco,
Please include the following in the material forwarded to the Planning Commissioners for the upcoming meeting.
Thank You
Tom Boone

February 6, 2014

To: Planning Commissioners
Re: Stein Eriksen Residences/North Silver Lake Lodge
7101 Silver Lake Drive

It was my hope with the issuance of the first building permit that this project would rapidly move forward in accordance with its approvals and become a tremendous success. It is now clear that the developer intends not to build the project as it was approved, materially changing its commitment to the City and the community. The changes are significant, impacting the project's use, building height and architectural design.

First, the application to change the Condition of Approval and allow 85 lockout units reflects the desire of the developer to change the stated use of the project and operate the project like a hotel. Lockouts were specifically discussed at several meetings of the City Council and Planning Commissioners. It was clear that although lockouts were permitted under the MPD the inclusion of lockouts would create a use for the project that was not compatible with the surrounding community. The developer's representations to the City and the community throughout the entire approval processes always reflected a desire for the project to be compatible in use to the mature single family neighborhood that surrounded it. The project's architect John Shirley captured the developer's intent in the July 8, 2009 Planning Commission meeting when he said "*He believed that the developer had a unique plan in trying to create a project that had a quaint village feel to encourage residents to use it more as a long-term residence versus nightly*". The request to now rent 85 individual bedrooms in addition to the 54 approved units is a material change by the developer in the character of this project. Not only will the intensity of use increase but the character and quantity of support necessary will increase materially. The negative impact of this level of activity on our neighborhood cannot obviously be mitigated by a few vans and should not be approved.

Second, in discussions with Planning Staff I have been informed that the 16 perimeter homes can be built to a height of 45' + 5' as documented in the Deer Valley MPD. I raised this question because the first home built towers over the surrounding community, clearly exceeding the maximum height of 33' for homes in the surrounding community, and violates the developer's commitment. The proposed Condominium Plat documentation reflects that the plate height of the "model" home is 45'. Starting with the very first public meeting, to the last, the developer proudly stated that the perimeter homes would act as a buffer for the community from the four 50' condo towers in the center of the project. I have attached below excerpts from Planning Department Staff Reports and also Planning Commission and City Council Meeting minutes which

reflect the developer's commitment. This commitment was repeated regularly by the Planning Staff as well as Mr. Clyde, Mr. Peart and Mr. Shirley representing the developer. This commitment by the developer was made to mitigate the impact of the four condo towers that were clearly not compatible in height, mass and scale to the surrounding community. This commitment was also reflected in the plans submitted to the Planning Commissioners dated 5-13-2009 which stated on page 17 ... *"Even though not required, perimeter homes in the Project are less than 33'-0" in height (with a few minor exceptions) to foster compatibility with the surrounding community."* It is clear from all of the documentation that the Planning Commissioners, the City Council, the Planning Staff and the developer all believed that this architectural design helped mitigate the large mass and scale of the project. As I have learned through this process mitigation is required by the Land Management Code when a project is not compatible with the community. The developer should be required to submit plans reflecting that all remaining perimeter homes will be built to a maximum height of 33' and the City should enforce this condition.

Third the project's design features were presented by the developer and their architect to be similar and compatible to the surrounding community. The renderings presented reflected a scale and design that complemented the existing community. The model home that has been completed and the marketing of the project as "Mountain Contemporary" by the developer is not compatible with the surrounding community or representative of the drawings that were presented. It is clear that the developer intends to make a new unique architectural statement with this project. This is further reflected by the internally lit glass monument sign that bears no resemblance to any other sign for a retail store, hotel or residential community in Park City. The project's new architectural design should be submitted in reviewed by the Planning Commission to assure compatibility as required under the Land Management Code.

It has been my continually expressed hope that this project be very successful and therefore completed as quickly as possible. The neighbors have been looking at a hole in the ground for over 10 years and the ongoing construction will have a significantly negative impact on our community. The developer by choosing not to build the project as approved is putting the timely completion of this project in jeopardy.

Lockouts were specifically excluded to enhance the projects compatibility with the community. It would be unacceptable to now peel off this requirement without reexamining the compatibility of the entire project.

The height limitation of 33' for the perimeter homes has from the beginning been the major mitigant to buffer for the surrounding community from the mass and scale of this project. The fact that this 33' height commitment is not a condition of approval of this project and not to be enforced by the City is unacceptable. The restriction should be enforced on all remaining homes. If it is not, the approved CUP should reopened to determine if there are adequate mitigants to the mass and scale of the project.

The project was never represented by the developer to be contemporary in design. The fact that they have changed the project's design is just another reflection of an organization that believes that it is not obligated to its representations to the City during the approval process. Plans should be submitted and reviewed by the Planning Commissioners to determine compatibility before another building permit is approved.

Thank for your consideration of these issues.

Tom Boone
Neighbor
7051 Silver Lake Drive

The following excerpts have been cut from Planning Staff reports and also Planning Commission and City Council meeting minutes:

Staff Report Dated 8-13-2008
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

..... The single family and duplex dwellings along the periphery of the site are substantially beneath the allowed height of 45 feet. The design attempted to keep the height of these buildings within the zone height of 28 feet with the additional 5 feet exception.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

..... The site has been designed to cluster the greatest density and massing in the center of the project. The central condominiums maximize the height allowance provided under the Deer Valley MPD of 45 feet plus the 5 feet exception for a pitched roof. The central condominiums have four stories above final grade and two stories below grade containing parking, the owners' lounge, and the ski lockers.

A mix of 22 single family homes and duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 22 units, 18 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining four are over the zone height due steep slope grade changes. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes from the 8-13-2008 Planning Meeting

Mr. Clyde referred to an earlier comment regarding the change from the units in the center of the project to the units on the edge. He stated that this is very common throughout the master planning process. Mr. Clyde pointed out that all the development at Empire Pass has taller units in the center surrounded by townhomes and PUD's. He noted that this is an intentional design to keep low scale units on the outside of the project. Mr. Peart was unsure that the adjoining homeowners understood that they moved the 45 foot building 115 feet further away from their homes.

Staff Report Dated 9-24-2008
Planning Commission Meeting

Back Ground

..... On August 13, 2008, the applicant discussed the CUP application with the Planning Commission during the regularly scheduled work session. During this meeting the Planning Commission provided the applicant with feedback on the plans. The Planning Commission concerns included scale and mass, existing vegetation, visual impact from town, overall impact of site, spacing between units, necessity of a site visit, loss of natural screening, closeness of roofs, and snow shed. The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

Staff Report Dated 10-22-2008 Planning Commission Meeting

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:

..... A mix of 16 single family homes and 4 duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 20 units, 15 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining five are over the zone height due to steep slope grade changes and moving homes closer to the center of the project to protect trees. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

.....

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes From 10-22-2008 Planning Meeting

Planner Cattan noted that the Planning Commission had commended the applicant on the effort they put forth in reducing heights along the periphery to match the adjacent zoning height of 33 feet from existing grade.

Mr. Peart stated that they met with various members of the community to get a sense of their objections to prior projects that were proposed to be developed on this site. They also looked at the project as if they lived across the street as neighbors. Mr. Peart remarked that the goal was to create a buffer between the taller buildings and the neighboring homes. The project was designed with a loop road around the perimeter of the project with single family, mostly downslope homes to create a soft streetscape. The average footprint on the perimeter is 2400 square feet. The average footprint in the Belle community is 3300 square feet. Mr. Peart stated that the homes on the perimeter are the same height, massing and scale as the surrounding properties.

Mr. Peart noted that the site is zoned for 45 feet height in all locations; however they felt it was important to build homes around the perimeter that was the same scale and mass as the surrounding homes.

The goal is to build a spectacular project with the highest quality of materials, great amenities, and a project that fits within the North Silver Lake community.

Staff Report Dated 2-25-2009
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

.....The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site. The site is allowed to have a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.
.....

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.
Footprint Decrease: The total footprint of the buildings has decreased by 17,719 square feet from the original site plan. There is more space between buildings and greater setbacks from the property lines.

Minutes 2-25-2009
Planning Commission Meeting

Mr. Shirley reviewed exhibits and talked about compatibility, recognizing it is as a major issue. The first exhibit showed the pattern of development on the site as it relates to the existing site. He believed that perimeter homes work well with the existing pattern that has been established on the neighboring communities. Mr. Shirley noted that the interior units run down the hill in a pattern that is consistent with the intent of the Deer Valley Master Plan.

Mr. Shirley reviewed a fog study and talked about the massing of the project. The project as it terraces on the hill fits within the 45 foot plus 5 foot component of the ordinance. Therefore, nothing exceeds the required height limits. Mr. Shirley stated that the applicants took it upon themselves to apply a 33 foot height limit, which is consistent with the neighboring homes. Just over 48% of the project footprint falls underneath the 33 foot height limit and those areas that are within the 33-45 foot height limit fall more to the lower side.

Mr. Shirley commented on architectural compatibility. He stated that the application is looking to develop a high quality project that will meet or exceed any of the projects expectations in this area or within Upper Deer Valley. The materials proposed will be of the highest quality. Mr. Shirley presented a series of renderings. He pointed out that the renderings were based on a compilation of modeling that was done on the site and aerial photographs of the site to make the renderings as accurate as possible.

Staff Report Dated 5-27-2009
Planning Commission Meeting

Back Ground

.....The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; **No Unmitigated Impacts**

..... The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; **No Unmitigated Impacts**

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height, with pitched roofs. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.

.....Architectural Detailing: The architectural detailing of the project is compatible with the surrounding area.

Conditions of Approval

14. Approval is based on plans dated May 22, 2009 and reviewed by the Planning Commission on May 27, 2009. Building Permit plans must substantially comply with the reviewed and approved plans.

Minutes dated 5-27-2009 Planning Commission Meeting

Planner Cattan reported that part of the master plan is a 45 foot height limit with an additional five feet for pitched roofs. She presented a display showing a 33 foot cloud over existing grade and noted that the applicant has self-imposed a 33 foot height limitation around the periphery. The project is above 33 feet in the central four units and in small portions around the periphery. For the most part they stayed under the self-imposed 33 foot height limit. The allowed height is 45 feet maximum.

Staff Report Dated 7-8-2009 Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; **DISCUSSION REQUESTED**

Building mass and bulk: The applicant has modified the previously reviewed plan by decreasing the overall mass and footprints of the buildings on the site. The total coverage of buildings and pavement has decreased from the original plan (128,660 sq. ft) to the current plan (110,444 sq. ft) by 18,216 square feet. The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating

smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk around the periphery of the site, adjacent to the existing neighborhoods. There has been a shift within the central building. The total square footage of the central buildings has increased.

Conditions of Approval

11. Approval is based on plans reviewed by the Planning Commission on July 8, 2009. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Minutes Dated 7-8-2009 Planning Commission Meeting

Vice-Chair Russack asked how they came to the current design configuration. Mr. Clyde stated that 16 perimeter homes and four interior buildings was an evolution of the plan based primarily on comments from the Planning Commission. Vice-Chair Russack clarified that he was specifically asking how they came to design the currently proposed plan as opposed to the plan approved in 2001. Mr. Shirley stated that from the beginning, the goal has been to come up with a project that would blend with the surrounding neighborhood. Any time he designs a Lodge, the goal is to be right up against the street with as large a facade as possible. The intent is to be front and center to draw attention. He believed the developer had a unique plan in trying to create a project that had a quaint village feel to encourage people to use it more as a long-term residence versus nightly. A larger lodge design was not appropriate for this site and Mr. Shirley felt the proposed design would become very valuable in the long term.

Mr. Clyde stated that this developer met with the neighbors two years ago and one of the comments they heard was the desire for smaller buildings on the perimeter of the project.

Minutes Dated 10-15-2009 City Council Meeting

.....The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project.

The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, "*The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission*".

.....Ms. Cattan illustrated a diagram of the project with 15 periphery homes where the developer self-imposed a height restriction of 33 feet.

.....With regard to scale, the 33 foot height requirement was self-imposed for the homes around the periphery and an evaluation was done of the average square footage of the homes in the area. Adjacent properties averaged 4,917 square feet and within the project, the average unit size is 4,227 square feet. The massing moves toward the center making it more compatible on the edge adjacent to the neighborhood.

The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project.

The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, "*The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission*".

He emphasized that none of the buildings break height restrictions; the perimeter units are 33 feet and the allowed zone height is applied in the interior only. Mr. Clyde felt that the 33 foot height is complimentary to the zoning in adjacent neighborhoods.

Minutes Dated 11-12-2009 **City Council Meeting**

.....The wording of a condition of approval should be clarified that no lockout units are permitted within North Silver Lake and would require Planning Commission approval but she clarified that they are allowed in the Deer Valley Master Plan.

Minutes Dated 4-28-2010 **Planning Commission Meeting**

.....Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and mut be approved by the Planning Commission.

Francisco Astorga

From: Brad Wilson <brad@winco.us>
Sent: Thursday, February 06, 2014 4:53 PM
To: Francisco Astorga
Subject: Stein Eriksen Residences

Francisco Astorga,

I have followed this process since it was going to be a Ritz Carlton 10 years ago. We fought hard with the developer over issues like building height and architectural compatibility with the surrounding neighborhood and that it would not be a hotel.

The developer stated at many meetings that the height of the surrounding buildings would be limited at 33 feet to create a buffer between the surrounding neighborhood and the project. Now It appears that they are trying not to honor this commitment.

The developer gave us many slide shows showing log exteriors and a mountainy looking project now with full blessing from the city they are building something contemporary that belongs in Malibu.

The stated many times that there would be no lockouts and it would not be a hotel. Now they are requesting lockouts.

They have placed a sign that is brighter than any sign in town for a grocery store on a street with no street lights with full blessing of the city.

Everything the developer said they would do has been a lie and the city is helping them perpetrate this lie on us by approving it.

The city building staff either has not read the minutes of the meetings, does not care what was said in the public process leading to approval, or has been paid off by the developer.

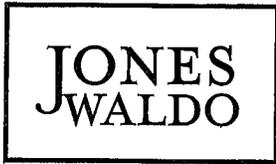
I have lost all faith in everyone in the building department.

No one at the city reads the minutes of the meetings they just rely on their memory and what the developer hands them. The city staff changes over so often that there has any corporate memory of what was negotiated or approved or said in any of the countless meetings. The meetings were a complete waste of time. I am embarrassed that I believed in and took part in the process that is blatantly being ignored by the builder with full backing of city.

If the changes they propose, that we fought so hard to prevent are approved I will have lost all faith in the planning commission as well as the rest of the city government.

The public planning process should be canceled if projects are just going to be re negotiated with the planning staff with no adherence to what was agreed to in the public process.

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AFFILIATED FIRM
LEAR & LEAR, LLP

February 6, 2014

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: CUP Application PL-13-02034 for North Silver Lake Lodge Project (the "Lockout Application"); Plat/Subdivision/Record of Survey Application PL-02225 for the above referenced project (the "Condominium Application")

Commissioners:

As you are aware, my firm represents a group of concerned homeowners in residential neighborhoods surrounding the Project, and this letter is sent on their behalf. Since the Planning Commission has joined the two hearings referenced above and comments sometimes relate to both hearings, we are responding with our comments on both applications in this letter.

Reference is made to two earlier letters sent to the Planning Commission regarding this application, one dated December 6, 2013 (the "12/6 Letter") and the other December 11, 2013 (the "12/13 Letter"), copies of which are attached as Attachments 1 and 2 to this letter. Reference is also made to the Park City Land Management Code (the "Code")

Lockout Application

1. My clients have consistently opposed the addition of lockout unit capacity to this Project. The addition of lockout units materially changes the intensity of Use making the Project incompatible with the surrounding neighborhoods. At a City Council hearing held on October 15, 2009, after the applicant had made representations to the planning staff that it had no intention to seek lockouts, the City Council directed planning staff to add a condition of approval regarding no lockouts being approved for the Project. A copy of a portion of the staff report presented at this hearing relating to lockouts is attached as Attachment 3 to this letter. After much discussion of lockouts at a Planning Commission hearing held on April 28, 2010, Condition of Approval No. 19 was added to the approved CUP for the Project. A copy of the April 28 minutes is attached hereto as Attachment 4 to this letter. It should be noted as a due process issue that my clients were not permitted any discussion about the final wording of the condition since the public hearing had been closed. The final wording included the following sentence: "The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission". It should also be noted that this sentence

was later omitted from the Condition of Approvals at several hearings held after April 28, 2010. We believe that the application for lockouts is such a material deviation from the Project approved by the current CUP that the entire Project should be reopened for review by the Planning Commission.

2. The addition of 85 lockout units is a substantial change in Use of the Project which cannot be mitigated under LMC§15-1-10. It essentially allows the Project to effectively have 98 units if it were evaluated as a Hotel under the Unit Equivalency provisions of the Code and the Deer Valley Resort Master Plan Development (“MPD”). As set forth in the 12/6 and 12/13 Letters, the only reason such an action would be permitted is that the Project was exempted from the application of the Unit Equivalency provisions of the Code by the MPD. However, the creation of the ability to have 85 additional rentable rooms without kitchens is a major increase in intensity of Use of the Project. Density under the Code is defined in both qualitative and quantitative terms. To function properly, numerous additional janitorial and service employees would have to be added, many more service vehicle trips would be added, shuttle trips for the occupants of the lockout units to food and beverage facilities would have to be added unless the City improperly permits the applicant to construct and operate restaurant, bar and spa facilities that would be open to outside visitors, in which case even more employees would be needed as well as additional parking for said employees and visitors to these facilities. The addition of these facilities would be a Hotel Use under the Code, and the CUP approval for this Project is for a Multi Unit Dwelling Use. A Hotel Use requires a new CUP for the Project. All of this additional traffic necessary to service the 85 lockouts would increase commercial traffic flow through the surrounding neighborhoods, particularly those who are confused and turn into Silver Lake Drive on the lower northern end instead at the higher southern end which is a short distance to the Project entry. Because of the above stated reasons, my clients object to Findings of Fact Nos. 25, 26, 51, 52 and 53 in the Staff Report dated December 11, 2013.

3. Further, a restaurant, bar and spa capacity is not permitted to be added as Support Commercial uses as Mr. Tom Bennett argues in his December 11, 2013 letter to the Planning Commission. The other facilities such as check-in desks, onsite managers, concierge services, nightly housekeeping recited by Mr. Bennett are in fact permitted in Multi Unit Dwelling projects as Residential Accessory Uses under LMC§15-6-8(F) and as Support Commercial Uses under LMC§15-15-1.54(A). The latter Code provision also provides that the Support Commercial Uses are limited to persons or users of the project and not persons drawn from off-site. Condition of Approval No. 15 (see 7/21/11 City Council minutes) provides that the final condominium plat for the Project may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010. Findings of Fact No. 4 (see 7/21/11 City Council minutes) provides that the applicant has included 5,102 square feet of support commercial space within this application. The plans that were approved did not include any retail commercial space. Any portion of the plans that had

labels for kitchen, bar or spa did not constitute an approval of such uses as they are not permitted in Multi Unit Dwelling projects under the Code as set forth above, and neither the Planning staff, the Planning Commission nor the City Council has the authority to approve Uses that are violations of the Code. Because of the above stated reasons, my clients object to Findings of Fact Nos. 51, 52 and 53 in the Staff Report dated December 11, 2013. We also object to the wording of Condition of Approval No. 4 in the Staff Report dated December 11, 2013 in that the wording is broad enough to allow access to the Support Commercial areas by almost every member of the general public. As written, it would only exclude trespassers.

4. As set forth in the 12/6 Letter, our clients objected to the issuance of the building permit that was approved by the PCMC Building Department and Legal Department for the first Unit in the Project without prior final approval of its condominium plat. In reliance on the applicant's prior representations that it did not anticipate any substantial modifications to the CUP such as lockout units, and that the Project would be built in accordance with all of the existing conditions of approval that then defined the Use of the Project as a Multi Unit Dwelling project, my clients decided not to appeal the issuance of the first building permit that prevented the CUP from expiring on July 21, 2013. The applicant has had years to modify its CUP or to seek a change in use to a Hotel Use. As a result of the applicant's misrepresentations and unreasonable delay in seeking the change in its CUP for lockouts resulting in our client's change in legal position, our clients would be substantially and inequitably disadvantaged by the major increase in intensity of use that the current application would allow if approved. My clients assert that the applicant should be estopped from seeking the approval for the lockouts on the grounds of promissory estoppel, misrepresentation and/or laches.

5. The request for lockout rooms highlights the problems with the number of parking spaces in the Project and the existing traffic study which justified reductions in required Code parking. The City has combined a 25% parking reduction that it granted in 2009 with a 2012 amendment to the parking requirements that lessened parking demand by 33% (from 3 spaces per >2000sf unit to 2 spaces per unit). The Project shouldn't get the benefit of both reductions. Other Projects have not received this type of treatment. For example, The Chateaux at Silver Lake, a condominium project which has a permitted Hotel Use with 74 Residential Units and 18 Commercial Units, has a parking garage containing 485 parking spaces, 316 of which spaces are committed to the use of the Residential Units and Commercial Units conducting Retail and Commercial Businesses.

The current traffic study is flawed in a number of ways. First, it took traffic counts at the height of the recession (when ski travel was low) and characterized "peak traffic" as Sunday, Jan 31, 2009 through Wednesday, February 3, 2009. Sunday through Wednesday is the slowest part of any week in a resort town. More importantly, those particular dates also missed Christmas week,

the Sundance Film Festival, January, 15-25, 2009, Martin Luther King, Jr. weekend, January, 16-19^t, 2009, and Presidents' Weekend, February 13-16, 2009, all of which were true peak traffic events. The traffic study does not reflect the impact of employee traffic or additional shuttle trips to accommodate lockout units without kitchens for a Project that should not contain restaurants, bars and other retail businesses which are proposed in this Project, but permitted only in Hotel projects. The 2013 supplement to the traffic study simply compounds the error by using the same 2009 peak travel dates, by failing to account for traffic arising from the rebounded economy and by assuming that the additional 85 lockout units and commercial space will produce *no additional traffic*.

Because of the above stated reasons, my clients object to Findings of Fact Nos. 34, 40, 47, 50, 52 in the Staff Report dated December 11, 2013. We believe that the lockout units, together with the condominium documents submitted under the Condominium Application constitute the operation of the Project as a Hotel Use, which use requires one parking space per room or suite and one parking place per 200 square feet of separately leasable floor area. Therefore, we object to Findings of Fact Nos. 40, 41, 42, 43 and 44 in the Staff Report dated December 11, 2013.

Condominium Application

My clients have asserted for years that the Planning staff, Planning Commission and City Council would not know what this Project and its ultimate Use would be until the applicant sought and received final approval of its condominium plat and declaration as required by the Code. Despite our objections to the first building permit as set forth in the 12/6/13 letter, the City permitted the applicant to commence construction in direct violation of the Code provisions that required that the condominium plat be finally approved before the issuance of any building permit. As a result, our clients have seen construction and major grading and excavation improperly started for a second time in ten years.

We have reviewed the condominium plat (the "Plat") and the condominium declaration (the "Declaration") submitted by the applicant and we find that those documents do not comply with the Conditions of Approval for the Project (as numbered in the April 28, 2010 Planning Commission minutes) as follows:

1. The square footage for the stacked Residential Units totaling 139,475 square feet exceeds the allowed square footage shown on the plans that were approved by the Planning Commission and City Council and violate Condition of Approval No. 15. We also object to Finding of Fact No. 29 in the Staff Report dated December 11, 2013.

2. Both the Plat and the Declaration show that the Project contains Retail Commercial Units that will house a bar, restaurant and spa that are Businesses under the Code and will be open to outside use by the general public. Only Support Commercial uses are permitted under the current CUP. Allowing these Retail Commercial Units will change the Use for the Project to Hotel Use that is not permitted under its existing CUP.
3. Adding Retail Commercial Units containing 4,913 square feet requires the addition of 25 parking spaces under the Code, thus requiring an increase in common square footage of the total Project in violation of Condition of Approval No. 15.
4. The Declaration allows the 2 ADA Units to be rented independently from the rental of another Residential Unit in the Project in violation of Condition of Approval No. 13. Allowing these ADA Units to be rented out independently or in conjunction with a small lockout unit is essentially a Nightly Residential Use that will increase the intensity of their use, thereby requiring at least 3 more parking spaces. We also note that these 2 units are designated common area, not counted as Units, and their square footage is not included in the residential square footage calculations for the Project even though they are used for that purpose.
5. The Declaration and the Plat do not contain square footages for the Buildings to be built as Residential Units on the areas designated as Units 11 through 16 in that they state that the square footages will be adjusted after construction to the actual square footages. The Plat and Declaration should show the actual plans for these Buildings in order that the project will not be allowed to exceed the approved square footage as required by Condition of Approval No.15.
6. We would like to point out that throughout the approval process the applicant has said that it would voluntarily impose a 33-foot height limitation on the perimeter units so that compatibility with the surrounding neighborhood structures could be mitigated by a transitional height increase from the perimeter buildings to the 50-foot tall stacked unit buildings in the interior. We believe that this representation induced the Planning Commission and City Council to accept the proposed plans for the interior buildings other than the south building. See Attachment No.5 for excerpts from various hearings regarding the 33-foot height limitation. We now see how much that voluntary imposed height restriction means to the applicant. The first perimeter unit has been constructed to a height of almost 50 feet and the exterior contemporary design is completely different than renderings submitted in connection with the CUP approval on April 28, 2010. There is no single family residential building in any of the surrounding neighborhoods over 38 feet and are all have mountain lodge exterior finishes. The current proposed Declaration and Plat would permit all of the 6 perimeter buildings to be constructed to the same 50-foot height and with similar exterior finishes. Also, the huge entry monument has been constructed and lighted in a manner completely incompatible with any of the surrounding neighborhoods and which is typical of a Hotel sign. This type of “bait and switch” tactic has

been utilized by the applicant throughout the approval process, including the latest application for lockout units and the inclusion of commercial retail units in the project.

7. The Declaration permits the Owner of the Support Unit to conduct Retail Activities that constitute Businesses under the Code, including weddings, meetings, conferences and the sale of food and alcoholic beverages, in all of the Support Limited Common Areas, which include the outside patio and pool areas. These Uses are only permitted in a Hotel project. These Uses, which are classified as Support Activities in the Declaration, are permitted to be sold to the general public, are Retail and Business Uses under the Code, and are not normal and customary for Multi Unit Dwelling projects. These Uses would also require additional parking under the Code for Retail Commercial activities. These are not Residential Accessory Uses that are permitted under LMC§15-6-8(F). These activities should be prohibited as a condition of approval of the Project and its condominium documents. Because of these Uses which are retail in nature and can be conducted outside of the structures on patios and lawns, we object to Findings of Fact Nos. 46 and 51 and in the Staff Report dated December 11, 2013.

8. The Declaration creates a contractible condominium which allows the declarant to withdraw any portion of the Project from the condominium regime. Such an action could seriously reduce the ratio of improved area to open space below the 60% minimum required by the Code. These provisions should be struck from the Declaration. It is interesting to note that the earlier condominium documents submitted and withdrawn by the applicant was for an expandable condominium with an area shown on the previously approved plans as entirely landscaped open space as a Parcel B not even included in the Project. Parcel B, comprising .462 acres, was permitted to be added under the proposed declaration as area that could be later added and improved with common area structures and improvements. Copies of the approved plan and the withdrawn plat are attached hereto as Attachments 6 and 7 to this letter. We urge the Commission to query the applicant on why this contractible feature is necessary and that it would not be used to add additional structures at a later date to Parcel B of the North Silver Lake MPD.

9. The Staff Report dated December 13, 2013 is silent on a phasing plan with time limits for the various elements of the Project. LMC§15-7.1-4(B) requires Planning Commission approval of a phasing plan. The Building Department approved a phasing plan after a community meeting required by Condition of Approval No. 17 that was modified by the City Council at a hearing held on June 24, 2010 and called for three phases over seven years for all of the Project except for the perimeter Residential Units, which had no time limit imposed. We have just discovered that the applicant submitted a new phasing plan to the Planning Department on May 5, 2011 that contains five phases and completely eliminates any completion timing requirements, stating only that phasing to be ordered as market dictates. A copy of the new phasing plan is attached as Attachment 8 to this letter. Because of substantially improved market conditions since the approval of the first approved phasing plan, we request pursuant to LMC§15-7.1-4(B)(3) that a

time limit be imposed on the completion of all of the perimeter Residential Units and the seven year period for completion of three phases that include the interior stacked Buildings be reduced to five years. We have steadfastly maintained that construction Use is included within the defined term of Use in the Code and must be considered in the determination of compatibility, particularly in the case of a Project that has been delayed for 35 years from the original MPD while all of the surrounding neighborhoods have been fully built out. The applicant has sought and received extensions for the last five years, and it is not entitled to continue indefinitely deferring completion of this Project.

Summary

We urge the Planning Commission to take the following actions:

- A. Deny the lockout application in its entirety. Lockouts are a major deviation in intensity of use which is incompatible with the surrounding neighbors and cannot be mitigated under LMC§15-1-10.
- B. Deny the use of any units in the Project, including Support Commercial and Support Limited Common Area, for a restaurant, bar or spa uses. The existing CUP in does not permit a Hotel Use.
- C. Require a new traffic study that addresses the flaws existing in the current traffic study. If the revised traffic study shows an increase in the level of traffic, require the parking requirements of the Project to be adjusted to meet the Code requirements without any reduction as presently allowed.
- D. Impose a 33 foot height restriction on all of the remaining un-built perimeter Residential Units.
- E. Require the applicant to submit a revised condominium plat and declaration that matches up with the CUP approval of a Multi Unit Dwelling project.
- F. If the applicant insists on lockouts and commercial units in the project that will host restaurant, bar, spa and other retail business, require them to file a new CUP for a Hotel Use, and the Planning Commission will review the entire Project for its cumulative impacts on neighboring uses.

Planning Commission
February 6, 2014
Page 8

We are submitting this objection letter in advance of receiving the new Staff Report for the February 12, 2014 hearings on the Lockout application and the Condominium application. To the extent that similar Findings of Fact or Conditions of Approval for the Project are renumbered, we want our objections applied to the renumbered items. To the extent that the new Staff Reports contain additional or changed Findings of Fact or Conditions of Approval from the December 11, 2013 Staff Report, we reserve our right to submit additional written objections or voice the same at the February 12, 2014 hearings. Additionally, as a matter of due process, and in consideration of our clients' long involvement with the approval process, we request pursuant to LMC§15-12-10 that our input at the hearing not be limited to 3 minutes as has been done in the past, that we be allowed to participate after the public hearing is closed in any necessary rebuttal to the applicant's presentation and that we be allowed to participate in resolving the final wording of any changes to the Findings of Fact and Conditions of Approval.

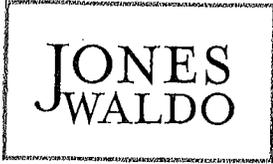
Sincerely,

A handwritten signature in black ink, appearing to read "R. C. Dillon", written in a cursive style.

Robert C. Dillon

Attachments

ATTACHMENT NO. 1



Attorneys Est. 1875

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AFFILIATED FIRM
LEAR & LEAR, LLP

December 6, 2013

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: CUP Application PL—13-02034 for North Silver Lake Lodge Project (the
“Project”)

Commissioners:

As you are aware, I represent a group of concerned homeowners in residential neighborhoods surrounding the Project, and this letter is sent on their behalf.

My clients have spent tens of thousands of dollars in legal fees over the years attempting to make sure that this Project is approved, constructed and completed in compliance with the PCMC Land Management Code and that it will be compatible with the surrounding neighborhoods as required by the Code. The City has made it abundantly clear through the actions of its Planning Staff, Legal Department, Planning Commission and City Council that this Project, at the urging of Deer Valley Resorts, is favored by the City and the surrounding neighbors just have to put up with it even though it most certainly isn't compatible with the surrounding neighborhoods.

First, the Project does not have to comply with the current unit equivalency requirements of the Code because it was exempted from such compliance by the terms of the Deer Valley MPD passed 20 years ago. This allowed the developer to pump up the residential square footage bounded only by height restrictions and open space requirements in the Code and the MPD. This was exacerbated by the fact that an additional provision of the MPD allowed the developer to count as open space a separate adjacent 4-acre parcel along with the surrounding ski runs as part of the open space, resulting in almost total coverage of the 6-acre parcel owned by the developer with the Project improvements.

Second, during the long process of the approval of the CUP for the project as a multi-unit residential dwelling project, my clients sought, and the Planning Commission and the City

Council put, a condition of approval that read as follows: "No lockout units are permitted within this approval". On April 10, 2010 this condition of approval was omitted by the planning staff in its staff report. We objected to the omission and the City Council required the planning staff to reinsert the condition of approval, which it did in its staff report to the City Council dated July 1, 2010. We now learn that the planning staff or legal department later added additional language to the condition of approval stating that no lockouts were requested at the time of approval; however, Planning Commission approval would be required if requested in the future. This is the first time my clients have heard of the additional language and object that it does not comply with the condition of approval language approved by the City Council in July, 2010.

Third, the City through a questionable legal interpretation of the Code allowed the developer to prevent the expiration of its CUP by allowing it to pull a building permit for one of the perimeter single-family residences without first filing its subdivision and/or condominium plats as clearly required by the Code. Attached is a copy of a letter dated April 26, 2013 we submitted objecting to the issuance of the building permit. We have always maintained that the City does not really know what this Project will be until the condominium plat and declaration are filed and approved as required by the Code.

Fourth, the developer has now filed an application to add 85 lockouts in the stacked buildings without adding additional parking because the Code is silent on a parking requirement for multi-unit residential dwellings. The Code requires a parking space for lockouts in single family, duplexes and hotel buildings. The developer also belatedly filed its subdivision and condominium applications, which applications clearly show that the developer intends to use the lockouts as part of a hotel use, not a multi-unit residential dwelling use similar to the existing Black Diamond project as approved in its CUP. The developer has hired Stein Eriksen Management, an organization that only manages hotel operations, to manage the Project.

Section 1.134 of the Code defines a hotel use as follows: "HOTEL/MOTEL. A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies. Lockout Units or 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 as part of the Unit."

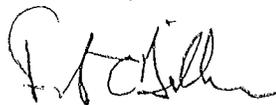
The developer's filed condominium documents included three commercial units, one support commercial unit, and 38 residential units. Commercial Unit 3 (5,731 sq ft) on the condo plat

looks like it houses a bar and a restaurant with kitchen on the first level. Commercial Unit 1 (1,339 sq ft) and Commercial Unit 2 (505 sq ft) on the condo plat looks like it houses their spa operations. These are commercial units that can be sold or rented to businesses operating them. Support Unit 1 (1,295 sq ft) on the condo plat houses their check-in lobby and administrative office. The declaration and the condo plat have a large segment of the project, including all the entry areas to the other three buildings, the corridors, the parking garage areas and the main porte cachere designated as limited common support areas appurtenant to Support Unit 1.

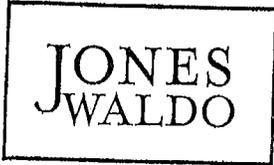
In the developer's CUP approval for a multi-unit dwelling project they said that they would only have 5,102 sq ft of resort support commercial space and no retail commercial space. This makes it a project like Black Diamond. Based on this type of use, they only had to have 80 parking spaces for the 38 residential units. They had 5 other parking spaces for the support staff. They are not permitted under their current CUP for a hotel use, which would require another CUP. If it's a hotel use, then they basically have to have one space for every bedroom (including the 85 lockouts) and 38 more spaces to cover the commercial unit use. Our guess is that they have to add 64 more parking spaces in the parking garage to comply with code for a hotel. That's probably at least one more subterranean level to the garage and more square footage to the project.

Last, we have now learned that the developer has withdrawn its subdivision and condominium applications and are only proceeding with the lockout application. They apparently don't want to deal with their hotel use issues before getting approval of the 85 lockouts. My clients strongly object to the lockouts. They change the nature and use of the Project making it even more incompatible with the surrounding neighborhoods. We urge the Planning Commission to reject the lockout application in its entirety, or at least delay any decision until the developer finally gets its subdivision and condominium documents approved and the City really knows that it has a project that complies with the Code in all respects.

Sincerely,



Robert C. Dillon



Attorneys Est. 1875

TEL: 435-200-0085
FAX: 435-200-0084

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PARK CITY, UT 84098

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AFFILIATED FIRM
LEAR & LEAR, LLP

April 26, 2013

HAND DELIVERED

Park City Council
Park City Planning Commission
Mark Harrington, Park City Attorney
Thomas E. Eddington, Jr., Park City Planning Department
Chad Root, Park City Building Department
c/o Ms. Jan Scott, Recorder
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: Building Permit No. BD-12-17792, North Silver Lake Lodge Project (the "Permit"),
as issued on April 17, 2013 to North Silver Lake Lodge, LLC (the "Applicant").

Dear Ms. Scott:

Jones Waldo Holbrook & McDonough represents a number of owner associations and owners of properties that adjoin or are in close proximity to the North Silver Lake Lodge Project (the "Project"). Please accept this letter as our clients' objection to and appeal of the Building Department's April 17, 2013 issuance of the Permit to the Applicant.

Our position is that a building permit may not be issued for a structure in a proposed subdivision or condominium project until the subdivision or condominium plat is approved, and no such plat has been approved for the Project. Park City Land Management Code ("LMC") Section 15-7.1-1 provides: "Whenever a Subdivision of land is proposed, ... before any permit for erection of a structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized agent, shall apply for and secure approval of such proposed Subdivision in accordance with ..." the procedures in Section 15-7.1-2. The procedures in Section 15-7.1-2 include submitting a subdivision application for approval by the Planning Commission and City Council and, after such approval, recording the approved subdivision or condominium plat with the County Recorder. None of this has been done for the Project. The prohibition against issuing a building permit under these circumstances is reinforced by LMC Section 15-7-10(C).

We understand that the City may be taking the position that the Project is entitled to a building permit because a condominium plat covering the Project land was recorded with Summit County in 2005 (the "Prior Plat"). But the conditional use permit pursuant to which that Prior Plat was approved expired on March 11, 2006, when the former developer failed to build the approved project. And, of course, the Prior Plat is now deemed void under Section 15.7.4(C) because no building permit was granted within three years of the Prior Plat's approval.

Moreover, granting the present Permit based on the Prior Plat would allow the Applicant to avoid compliance with the procedures in Section 15-7.1-2, including Planning Commission and City Council review of the Project in its current form, a form substantially different from that described in the Prior Plat. According to Finding of Fact No. 4 in the approval of the Project's conditional use permit, the "Project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units...." We are aware of no Planning Commission or City Council review of a subdivision or condominium plat for a project in this form.

Finally, we object and appeal because the Permit, if otherwise deemed valid by the City, was issued without a neighborhood meeting on phasing plans with minimum courtesy notices to my clients and neighboring HOA's as required by the City Council in its July 21, 2011 conditional use permit approval for the Project (*see* Condition of Approval No. 17).

On these grounds, we ask that the Permit be declared invalid immediately and that notice be provided to the Applicant to ensure that any work being done under the Permit is suspended.

Please do not hesitate to contact me if you have any questions.

Sincerely,

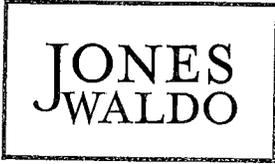
JONES, WALDO, HOLBROOK & McDONOUGH



Eric P. Lee

EPL/nbr

ATTACHMENT NO. 2



Attorneys Est. 1875

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AFFILIATED FIRM
LEAR & LEAR, LLP

December 11, 2013

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: CUP Application PL—13-02034 for North Silver Lake Lodge Project (the “Project”)

Commissioners:

Please refer to my letter dated December 6, 2013 regarding the above referenced matter.

I would like to correct a misstatement that I made regarding the change in language to Condition of Approval 19 and the prohibition of lockouts. In drafting my letter I reviewed my file and found two staff reports, one dated April 28, 2010 and the other dated July 1, 2010, copies of which reports are attached hereto. The April 28 report contained no Condition 19 prohibiting lockouts and the July 1 report contained a Condition 19 that read: “No lockout units are permitted within this approval”. Because the July 1 report was after the April 28 hearing where the staff was told to reinsert Condition 19, I assumed that the additional language about commission approval was later added by staff.

In preparing for today’s hearing, I reviewed the exhibits to Mr. Astorga’s staff report dated December 6, 2013. The exhibits included the minutes of the April 28 hearing that were not in my files when I drafted the December 6 letter. In those minutes it is clear that the language change was in fact directed by the commissioners. I am afraid that I had no recollection of this at the time I wrote my December 6 letter, only the recollection that the original condition was to be restored. I sincerely apologize for my faulty memory and the incorrect assumption. Apparently Katie Cattan had the same memory lapse when she drafted the July 1 report.

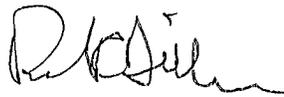
In reading the minutes of the April 28 hearing, the commissioners voted to reinsert the following Condition 19: “Lockout units have not been included within the current CUP application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission”. Neither the developer’s lockout request letter dated August 15, 2013 and labeled Exhibit A to Mr. Astorga’s December 11 staff report, nor the Dec

Planning Commission
December 11, 2013
Page 2

11 report itself, refers to the fact that adding lockouts has been deemed to be a substantial deviation from the approved CUP for the multi-unit dwelling project. The condominium docs filed by the developer and subsequently withdrawn clearly show that the use of the project will be changed to a hotel use which requires its own CUP with proof that that the project meets all of the requirements for a hotel use with commercial retail units under the Land Management Code. Obviously, parking would be a large problem for this project.

I will look forward to meeting with the commissioners at tonight's hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dillon", written in a cursive style.

Robert C. Dillon

ATTACHMENT NO. 3

STAFF REPORT - 10-15-09
CITY COUNCIL - QUASI-JUDICIAL APPEAL OF CUD

Staff: The property owner is vested for 54 units of density on Lot 2B. By the appellants rational any dwelling units within a MPD would be subject to a density reallocation and this is not accurate. The property owner is subject to the Deer Valley MPD and the applicable City Codes. The density was established within the MPD.

* (C) The City Council should also take a historical perspective with regard to the original use of the North Silver Lake Parcel under the MPD. From 1978, when the original MPD was approved, through 1985 when the Eighth Amendment to the MPD was approved, hotel projects usually contained hotel rooms that averaged approximately 600 square feet, and were owned and managed by hotel companies. It wasn't until the late 1980s or early 1990s that the concept of condominium hotels came into use when hotel companies began divesting themselves of ownership of projects and became principally managers of projects, and hotel developers began looking for ways to lessen their economic risks by having investors buy the rooms as condominium units. This concept promoted the increase in size of units, along with designs that feature lock-out rooms. Hotel units were never contemplated to be 3,663 square feet in 1978 and 1985. Furthermore, the concept of lock-out rooms has never been discussed during the hearings for this Project. The current floor plans submitted and approved by the Commission do not show any lock-out room floor plans for the stacked units. Allowing lock-out rooms would increase the intensity of use of the units in the four central building. The conditions of approval of this CUP Application should have prohibited the use of lock-out rooms as any such design and use could materially affect the traffic studies and the number of spaces required in the parking garage. ⁶ Condition of approval #11 as currently written should not allow the Applicant to later change its approved floor plan designs when it submits its condominium/subdivision plans to include lock-out rooms using an argument that such design change does not substantially change the density or intensity of use of the Project as approved.

* Staff: If the applicant were to change the floor plans to included lock-out units, the Planning Staff would require the applicant to go before the Planning Commission to discuss the substantial change to the application. The Applicant has communicated to staff that they do not anticipate any substantial modifications to the CUP, such a lockout units, and are willing amend Condition of Approval #11 to "No lockout units are permitted within this approval".

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on July 8, 2009.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire October 15, 2010, 12 months from October 15, 2009, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on July 8, 2009. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. No lockout units are permitted within this approval.
13. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
14. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
15. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on July 8, 2009 must be adhered to within the

*

- building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
16. The final condominium plat for North Silver Lake Lot 2B may not exceed the totals for common space and private space within Exhibit C and commercial as defined by the Deer Valley MPD.

Order:

1. The appeal is denied in whole. The MPD is approved with the amended Findings of Fact and Conditions of Approval as stated within the staff report.

Exhibits

- A. Appeal
- B. July 8, 2009 Planning Commission Staff Report
- C. Minutes of July 8, Meeting
- D. Letter addressing appeal from Applicant

ATTACHMENT NO. 4

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 28, 2010

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Principle Planner, Brooks Robinson; Katie Cattan, Planner; Francisco Astorga, Planner; Jacque Mauer, Planner; Polly Samuels McLean, Assistant City Attorney, Ron Ivie, Chief Building Official

=====

REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:50 p.m. and noted that all Commissioners were present except for Commissioner Savage, who was excused. Commissioner Luskin was expected to arrive later in the meeting.

II. APPROVAL OF MINUTES - March 24, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes of the March 24, 2010 meeting. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting. Commissioner Peek abstained since he had not attended. Commissioner Luskin was not present for the vote.

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planner Cattan reported that North Silver Lake was originally planned to be the first item on the agenda this evening. When the agenda was published it was inadvertently listed as the last item. The Staff requested that the Planning Commission adjust the agenda and move North Silver Lake to the first item. Planner Cattan had announced the change on the radio and sent emails to the North Silver Lake applicants.

MOTION: Commissioner Peek made a motion to move North Silver Lake to the first item on the agenda. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

Commissioner Pettit disclosed that she would be recusing herself from the 692 Main Street item, due to the fact that her firm is representing one of the applicants.

Chair Wintzer noted that Ron Ivie was leaving his position with the City. He recognized and appreciated the work Ron Ivie has done for the Planning Commission. Mr. Ivie has worked for the City for a long time and Prospector was one of many projects where his involvement greatly benefitted the City. Chair Wintzer stated that many of the historic structures in Old Town are still standing because of the fire codes Mr. Ivie implemented and he has raised the standards of construction to a higher level in Park City. Chair Wintzer thanked him for his service and acknowledged his efforts.

CONTINUATIONS AND PUBLIC HEARING

1. 1555 Iron Horse Loop Road - Master Planned Development
(Application PL-10-00899)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek made a motion to CONTINUE 1555 Iron Horse Loop Road to a date uncertain. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin as not present for the vote.

2. Echo Spur on Rossi Hill - Plat Amendment
(Application PL-0900818)

Chair Wintzer opened the public hearing.

Pam Maupin stated that she lives on Rossi Hill, west of the Echo Spur development. She remarked that the neighbors were not noticed but she had read about this meeting in the Park Record. Ms. Maupin stated that the proposed plan in 2007 had lots planned into seven buildings with eight dwellings. The 2008 plan had seven lots with eleven dwellings. She pointed out that the current proposal is for nine lots and 13 dwellings, including the three lots that were mentioned in the replat discussion during work session. Ms. Maupin had read minutes from the previous meetings and noted that at each meeting, the Planning Commission continually said that the density was not consistent with the neighborhood. She believed that all her neighbors agree that the project is too dense and it would significantly increase the traffic on Rossi Hill Drive. Ms. Maupin commented on the newest subdivisions in that neighborhood. The developer of Silver Pointe gave 15% undisturbed open space. The Gateway, which is currently under construction, gave 51% undisturbed open space. Ms. Maupin did not hear open space discussed this evening and she hoped that would be considered in future discussions.

Regarding the noticing, Director Eddington clarified that the item was only intended to be for work session. It was accidentally noticed on the agenda and, therefore, it required a public hearing. Director Eddington stated that when this item is scheduled on the regular agenda, courtesy notices would be mailed to the neighbors.

MOTION: Commissioner Pettit moved to CONTINUE the Echo Spur on Rossi Hill to a date uncertain. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

3. 1440 Empire Avenue - Conditional Use Permit
(PL-09-00725)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 1440 Empire Avenue Conditional Use Permit to May 12, 2010. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

CONSENT AGENDA

1. 7660 Royal Street, Sterling Lodge - Amendment to Record of Survey
(Application #PL-08-00561)

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

2. 1059 Park Avenue - Plat Amendment
(Application #PL-10-00918)

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

3. 352 Main Street - Plat Amendment
(Application #PL-09-00750)

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

4. 1895 Sidewinder Drive, Marriott - Plat Amendment
(Application #PL-10-00920)

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

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on all the items on the Consent Agenda based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in each of the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

Findings of Fact - 7660 Royal Street East

1. The property is located at 7660 Royal Street East.
2. The property is within the Residential Development (RD) District with Master Planned Development (MPD) Overlay.
3. The proposed amendment is located on level seven of the building and is appurtenant to the upper level of Unit 9.
4. The proposed amendment to the record of survey plat converts approximately 92 square feet of Common area to Limited Common to be used as storage.
5. The Homeowners Association voted 78.77% affirmative to approve the proposed change.

Conclusions of Law - 7660 Royal Street East

6. There is good cause or this Amendment to Record of Survey Plat.
7. The Amendment to Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
8. Neither the public nor any person will be materially injured by the proposed Amendment to Record of Survey Plat.
9. Approval of the Amendment to Record of Survey Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 7660 Royal Street East

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment (of Record of Survey) at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

Findings of Fact - 1509 Park Avenue

1. The property is located at 1059 Park Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lot 14 and the southerly 10 feet of Lot 15 in Block 4, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 35 feet wide by 75 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 2625 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet. There is an existing historic home located at 1059 Park Avenue.
5. The neighborhood is characterized by single family and multi-family homes and condominiums.
6. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 1509 Park Avenue

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval - 1509 Park Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of Approval is a condition precedent to recording the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are separately developable.

Findings of Fact - 352 Main Street

1. The property is located at 352/354 Main Street in the Historic Commercial Business (HCB) zone.
2. The HCB District is characterized by a mix of historic commercial structures and larger contemporary commercial structures.
3. The proposed plat amendment will combine Lot 14 and a portion of Lot 13, Block 22, Park City Survey and all of the 352 Main Street plat into two lots of record.
4. Proposed Lot 1 will be 6,085 square feet. Proposed Lot 2 will be 1,520 square feet.
5. An existing 8' wide access/utility easement exists from 354 Main through the 352 Main Street subdivision of the Park City Survey.
6. There is an existing 8' wide access easement with a 6' wide utility easement overlay from 333 Main through 352 Main to Swede Alley.
7. There is an existing 5' wide access easement on the eastern side of the property running parallel to Swede Alley.

8. A new easement is being created to the rear of 354 Main Street and to connect to the existing 8' wide access easement as identified in Finding of Fact 5 above.
9. The building meets all required setbacks for the HCB zone.
10. The plat amendment will not create any remnant lots.

Conclusions of Law - 352 Main Street

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

Conditions of Approval - 352 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

Findings of Fact - 1895 Sidewinder Drive

1. The property is located at 1895 Sidewinder Drive.
2. The Park City Marriott is located in the General Commercial (GC) zoning district.
3. The subject property combines Lots 10A, 10B, 10C, 10D, 11, 12A, 12B and 12C of the Prospector Square Subdivision into one lot of record.
4. The Park City Marriott proposes to add a second story meeting space over the Common Area of the Prospector Square Property Owners Association (PSPOA).
5. The PSPOA has signed an easement of granting permission for the addition.
6. Meeting space is considered Support Commercial not requiring additional parking. Parking is allowed in all Prospector Square lots (A-K): In addition Marriot has underground parking.

Conclusions of Law - 1895 Sidewinder Drive

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

Conditions of Approval - 1985 Sidewinder Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

REGULAR AGENDA/PUBLIC HEARINGS

3. North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planner Katie Cattan reported that the Planning Commission previously approved this application in July 2009. The approval was appealed to the City Council and the Planning Commission is currently reviewing the remand order that came from the City Council in November.

Planner Cattan noted that the remand had three orders: 1) The height, scale, mass and bulk of Building 3 shall be further reduced to meet the compatibility standard; 2) Further specificity regarding the final landscape plan and bond in consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; 3) Construction phasing and additional bonding beyond public improvement guarantee is to be required.

Planner Cattan focused her presentation on items 2 and 3. She noted that during the last meeting the Planning Commission had requested copies of the recording and the minutes from the November City Council meeting. That material had been provided and she believed it was helpful in clarifying that the City Council wanted the Building Department to be in charge of construction phasing and additional bonding for the North Silver Lake Development. Planner Cattan noted that the Planning Commission had also requested more specifics on exactly what the applicant was being asked to improve.

Planner Cattan stated that the Staff had drafted conditions of approval #16, 17 and 18. Condition #16 addressed the Wild Land Interface regulations. Condition #17 requires a phasing and bonding plan to insure site restoration in conjunction with building phasing beyond a public improvement guarantee to be improved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.

Planner Cattan reported that currently the site is a pit. She noted that the Chief Building Official, Ron Ivie, felt that if a building permit is not pulled within a year, the neighbors should not have look into that pit any longer. The actual pit itself should be capped with soil and re-vegetated with grass. In addition, trees should be planted at the entry way to cover the view into the pit.

Ron Ivie addressed the Planning Commission. He has been in Park City since 1980 and in those thirty years the City was forced to sue on three projects relative to public nuisance complaints for unfinished product. He noted that the City was awarded settlement on all three projects. Mr. Ivie stated that most people generally complete their projects in an acceptable time limit, but there are exceptions. He was not opposed to bonding or making appropriate conditions for site improvements and site stabilization, which is the traditional process. However, his question was whether or not the City should go beyond that process and require a completion guarantee. After hearing arguments on both sides, he believed it was a policy question that needed to be addressed by the Planning Commission and the City Council. Mr. Ivie personally felt that the City has been served well by prior policies.

NOTE: Due to problems with the recording equipment, the applicant's presentation was not recorded. The meeting was stopped until the problem was resolved.

John Shirley, the project architect, concurred with the Staff findings. Mr. Shirley presented slides showing minute changes that had been made since the last meeting.

Commissioner Luskin arrived at 7:35.

Chair Wintzer opened the public hearing.

Bob Dillon stated that he was an attorney representing 30 adjacent homeowners in the American Flag HOA who still object to Building 3. Mr. Dillon noted that the analysis section in the Staff report talks about Building 3 and he could not dispute that the current plan was better than what the applicants originally presented. However, from the standpoint of compatibility on mass, scale and size, it is still not compatible. Mr. Dillon recalled hearing something about a 29% height reduction, but he understood from the Staff report that the height was reduced from 79 to 72 feet. He noted that the side elevations were still showing 5 to 6 stories.

Mr. Dillon commented on the size of Building 3, which he had addressed in a letter he submitted in early April, explaining why this was such a difficult process. Part of the problem is that the applicants have expressed their intent for condominiums, but they have never presented a condominium plan. Mr. Dillon pointed out that every review session he has attended with both the Planning Commission and the City Council, there have always been questions but no answers. He believed the only way they could get an answer from the applicant was to require the condo plans and a map.

Mr. Dillon referred to construction phasing section in the Staff report and language stating that the staff, the Planning Commission, the City Council did not require a phasing plan for the proposed development. He believed that statement was absolutely wrong because the order from the City Council requires a phasing plan. Mr. Dillon expressed regrets that Ron Ivie was leaving because the community has benefitted from his expertise and administration of the City building codes. He noted that Ron Ivie made the comment that timing and phasing is critical. Mr. Dillon addressed the completion bond issue. He understood that bonding would go to mitigation in the event of a failure to complete. However, the critical part of this process is timing and phasing. Mr. Dillon commented on the idea that suddenly the City Council wants to

delegate issues to the Building Department. He had listened to the audio from the City Council meeting and he believes that the Council wanted the Planning Commission to establish conditions of approval for phasing and bonding. Mr. Dillon thought it was appropriate to seek advice from the Building Department on the timing of the phasing or the amount of the bonds. However, input should be given for approval by the Planning Commission pursuant to a phasing plan and bonding plan that is mandated as a condition of approval. Mr. Dillon objected to the Building Department managing the bonding.

Mr. Dillon commented on location and amount of off-street parking and objected to the recommendation for a 25% reduction in parking spaces. He noted that the reduction was being done on the basis of a mystical unit size and configuration. It is mystical because the applicant has not submitted a condominium plat and plans. It is unknown what they will bring forward for the CUP. Mr. Dillon noted that the previous condition of approval #12, which prohibited the use of lockouts, has disappeared from the current conditions of approval. He believed that prohibiting lockouts should be added back in as a condition.

Mr. Dillon objected to Condition #7 because there has been limited discussion regarding retention areas. He was disappointed that Ron Ivie had already left the meeting because he had wanted Mr. Ivie's opinion on whether the proposed water method on the site was a workable solution.

Mr. Dillon objected to the language in Criteria 14 of the Staff analysis that talks about expected ownership and management of the project. Without a condo plan, there is no way to know what the applicant will do. Mr. Dillon questioned why two ADA units were not included as part of the 54 units. Given that they are not included, he believes they are support commercial rather than common space, because they are used in support of commercial renting. He believes they should count towards the 14,525 square feet of support commercial. By not including the ADA units in the square footage allows the applicant to blow up the scale of Building 3. Again, there are no condo plans.

Chair Wintzer clarified that the Planning Commission would not see condo plans until there were construction drawings. The applicant cannot do construction drawings until the issues of the remand are resolved. Chair Wintzer explained that a plat has never been recorded before seeing construction drawings, and the Planning Commission has always approved projects with this level of sophistication of plans. He emphasized that there would not be a condominium plat prior to this approval.

Mr. Dillon objected to Conclusions of Law 1, 2 and 4. He understood why the dates were changed in the conditions of approval, but he questioned whether that could be done, since it gives the applicant an additional six or seven months to commence construction. Mr. Dillon stated that there is no real question of law that they can impose conditions of approval requiring phasing and bonding. The Planning Commission has broad authority to administer the mitigation of compatibility problems once they have been established. He noted that the City Council in its Conclusion of Law #2 stated that "The Planning Commission erred in applying Land Management Code 15-1-10-(D)(2 and 4) and LMC 15-1-10(E)(7, 8 and 11) by failing to mitigate the height, scale, mass and bulk of building three and maintain or enhance the context

of the neighborhood, failing to consider a specific landscape plan in relation to restrictions of Wild Land interface, to better separate the use from adjoining site and failing to mitigate visual and construction impacts by requiring a specific construction phasing plan.” Mr. Dillon pointed out that the last sentence was key to support his comments.

Mr. Dillon noted that earlier in the day he had submitted a short letter of response. He apologized for getting it in late, but he had not been able to read the Staff report until 5:30 that morning. He thought it was clear that as a matter of law, the City Council has told the Planning Commission that construction use is within the defined use of the Land Management Code. He pointed out that the uniqueness of this project is that the MPD and development have been delayed for 25 years. If this project had moved forward while the surrounding residential neighborhoods were being built, the compatibility of construction use would be non-existent. However, when everything builds out around the site and the developer has the benefit of building a project in the middle of these mature neighborhoods, at that point, construction use become a compatibility issue. Mr. Dillon stated that the Planning Commission cannot let construction use adversely impact these mature, built neighborhoods without mitigation. Mitigation is construction phasing and timing and bonding. It is the required mitigation and that is the reason why the City Council directed the Planning Commission to establish conditions of approval that address phasing and bonding requirements.

Mr. Dillon reiterated that the problem with developing phasing requirements is that the Planning Commission does not know what the applicant intends to build. He remarked that as a condition of the phasing, the Planning Commission can require that prior to any construction start, the applicant needs to submit condo plans for whatever phase is specified so they can understand what will be built.

Mr. Dillon clarified that the neighbors are not concerned with when construction begins. Their concern is knowing what would be built, how much would be built, and if there is a time limit for completion.

Mr. Dillon showed that the previous condo plat was convertible land sprinkled with a few units. In order to preserve their CUP, the applicant dug a hole and for years have pursued extensions to the CUP claiming that the project had started on time. He thought the Planning Commission should make the applicant show what they intend to build and that the Planning Commission should require that the project be phased with a timing start and completion from the date the permit is pulled. Mr. Dillon clarified that the neighbors want the project built. They have been looking at a pit for nine years and do not want to look at foundations for another nine years. Mr. Dillon suggested that the Planning Commission make building the foundations for Building 3 and six of the perimeter units as Phase I. The applicants should be required to present the condo plans and map. Once that is platted, the applicants can begin to sell the units.

Mr. Dillon pointed out that this is a hard market and timing is critical. The neighbors want this project to succeed if it is allowed to start. He explained that the intent for requesting these conditions is to allow the applicant to pre-sell so they can obtain financing.

Lisa Wilson stated that she is a Park City mom and she has lived on the slopes of Deer Valley

since 1993. She purchased a lot in Silver Lake in 1994. Ms. Wilson commented on the pit in the Spring. She drives by it everyday and there is fencing around it. Sometimes when she hikes by she sees deer that have somehow managed to jump the fence. The deer get stuck but they always find their way out. Ms. Wilson stated that when she drove by today the gate to the fence was flipped over and the green netting around the fence was flipped over. The sign announcing this public hearing has been on the ground for nearly two weeks. Ms. Wilson thought the pit needed to be covered because it is unsightly.

Ms. Wilson noted that she also owns a lot in Deer Crest. Due to the number of homes have stopped construction, at the last homeowners meeting the decision was made to change the CC&Rs to require bonding. Ms. Wilson believed the Planning Commission needed to consider more than just Building 3 when looking at the height. She noted that Building 3 is at the bottom, and the second and third tower are above that. She stated that from the bottom the building will terrace up the slope and it will look like one contiguous building. It will be very visible from Main Street.

Mr. Wilson stated that during the City Council meeting, Council Member Hier spoke about the mistakes that were made the last time. She has been attending Planning Commission meetings for a long time and everyone was left with the impression that a vested right existed for density under the 2001 CUP and it was approximately 460,000 square feet. They assumed there was nothing they could do about this project. Ms. Wilson noted that Council Member Hier made it very clear that this was not the case. The Harrison Horn CUP has expired and the vested density no longer applies. In looking at this project, a 25% reduction in one building has not made much of a difference in the size of the project.

Ms. Wilson stated that during the appeal process, there was 123,000 square feet of common area. She was unsure where that would be. Using the Treasure Hill website as an example, Ms. Wilson requested a summary of residential units by size and a summary of building area by use for this project so they can understand where the 123,000 square feet of common area is located. When she purchased her lot in 1994 it was bought based on entitlements. She understood there was a lot with potentially 54 units and 14,000 square feet of commercial. However, this project meets none of those parameters. To date, what is being proposed in their neighborhood is a hotel with a spa and a restaurant. Ms. Wilson stated that the area in the restaurant is commercial. She indicated a space identified as common area, but that space is where the public would go to eat. Ms. Wilson referred to language in the LMC that defines commercial space to emphasize the fact that money would be exchanged in all the "common space" areas as defined in this project. She noted that by definition, common area is for the use and enjoyment of the residents. She pointed out that the spa, restaurant and hotel lobby would be for the public and not just for residents.

Ms. Wilson wanted to see a project like the one she understood would be built when she purchased her property, which is 54 units, 60% open space and 14,000 square feet of commercial. Ms. Wilson pointed to a new area in the LMC called accessory uses, which allows buildings to become unlimited, and noted that areas such as lobbies no longer count towards the entitlement.

Ms. Wilson stated that per State Statute, notification must be given to the affected property

owners if the size of the structure is modified or the use is changed. Her property will be affected, but she was not notified that the changes to the MPD would increase the development in her area by 123,000 square feet.

Chair Wintzer requested that Ms. Wilson focus her comments on the three issues of the remand.

Ms. Wilson was concerned that the project has grown because of the accessory uses. She would like to see something that breaks down the square footage. She noted that Council Member Hier admitted that mistakes were made and the project became so large because it was approved without knowing the actual numbers. Ms. Wilson urged the Planning Commission not to make that same mistake again.

Chair Wintzer closed the public hearing.

Doug Clyde, representing the applicant, noted that many of the comments this evening were not germane to the appeal. He has been practicing the Land Management Code in Park City over twenty years and none of those definitions have changed. He has never worked on a project where accessory uses and common areas were treated different from the way they are treated in this project. Mr. Clyde noted that he has never seen a situation where the plat was tied to the CUP.

Mr. Clyde remarked that the ADA uses have been treated as common area in all the projects in Empire Pass, as well projects outside of Empire Pass. The City has adopted that practice as a uniform way to deal with ADA units. Regarding issues related to bonding and phasing, Mr. Clyde concurred with the Staff report and believes it represents what was instructed by the City Council.

Mr. Clyde showed the change they were talking about in terms of the 29% reduction in facade. He compared the first Building 3 with the current Building 3 to show the difference.

Tom Bennett, Counsel for the applicant addressed Ms. Wilson's concern that the project would balloon in size. He noted that Condition of Approval #15 specifically requires that the final condominium plat not exceed the square footage for all the various components that have been submitted. That condition should alleviate her concern.

Mr. Bennett addressed Mr. Dillon's concern that the project would not be completed and the neighbors would be left with an eyesore. Mr. Dillon offered a solution to require that buildings be completed within a specific time frame or for the Planning Commission to approve a phasing plan. Mr. Bennet stated that once construction is started, the International Building Code has provisions that cause the project to continue without interruption. He referred to Ron Ivie's comment earlier this evening that in the past 30 years there have been three instances where the City had to file an action because an incomplete building became a nuisance. Mr. Bennett recalled Mr. Ivie saying that the procedures that are currently in place with the Building Department to review construction, construction phasing and mitigation plans have worked well over the years. Mr. Bennett read Item #3 of the Order of the City Council, "Construction phasing

and additional bonding shall be addressed with respect to site restoration.” He believed that issue had been addressed in the Staff report and in the added conditions of approval with respect to bonding. Mr. Bennett clarified that addressing the bonding issue does not mean that the Planning Commission is the body to require it. That is the responsibility of the Building Department.

Mr. Clyde commented on the statement about hidden commercial uses in this project. He noted that the applicant has requested a specific number of square feet for a commercial use. Every commercial use requires a business license. Part of the business license process is for the Planning Department to verify whether or not the license application corresponds with the approval.

Planner Cattan reported that there was a letter from Bob Dillon on her email just prior to this meeting. She would email copies of his letter to the Commissioners.

Planner Cattan stated that the ADA units are consistent with how ADA units are platted throughout Empire Pass and throughout town. The purpose allows someone with ADA needs to have access to a common unit that cannot be rented separately.

Planner Cattan explained that she had two sets of plans on her desk. If the CUP is approved, they would be stamped as the approved set of plans. The plans outline all residential areas, commercial areas, and all of the common areas. Once the CUP is approved, the applicants cannot increase the density or unit size and they cannot increase the commercial space. Planner Cattan clarified that the applicants were not requesting a blind approval.

Commissioner Strachan remarked that the plans have not changed since the last meeting. His concerns relating to the amount of excavation still remain. Commissioner Strachan did not believe the comparison between the surrounding homes and this building was fair, since the existing homes are single family and this project is a multi-unit dwelling. The height comparison was fair but it did not support compatibility. Commissioner Strachan could not find compatibility because the MPD is not compatible with the surrounding neighborhoods. In his opinion, it would be difficult to build anything on that site in compliance with the MPD that would be compatible. Therefore, he could not support Conclusions of Law 1, 2, 3 and 4. Since the project has been recommended for approval by Staff and if the Planning Commission votes to approve, he suggested revising Condition #15 to specify a total square footage ceiling and require standard compliance with that ceiling. The applicant has presented a 70,350 square foot ceiling for the North Building 3A and that should be incorporated into Condition of Approval #15. He realized that as-built conditions might not reflect that square footage, but the Planning Commission should require substantial compliance.

Commissioner Peek believed the specific items in the Order from the City Council had been addressed in the re-design of Building 3, as well as in Conditions of Approval 2, 4, 5, 7, 14, 16 17 and 18.

Commissioner Pettit noted that Mr. Dillon had referenced a condition in the original approval regarding lock out units. Planner Cattan also recalled that it was in the original conditions and

she was unsure why it was left out. She offered to locate it on her computer so the Planning Commission could re-adopt it with this approval. Commissioner Pettit stated that the issue had been raised and if it was in the original approval they needed to make sure it was not inadvertently left out.

Commissioner Pettit concurred with Commissioner Peek, given that the Planning Commission review was limited to three issues that were remanded back from the City Council. She agreed that based on the re-design of Building 3, the applicant has met the issues of concern regarding mitigation and compatibility. Commissioner Pettit also found that the other issues remanded back with respect to the final landscape plan and the Wild Land Interface regulations had been satisfactorily addressed. She also agreed that the added conditions of approval with respect to construction phasing met the intent of the City Council. Commissioner Pettit was inclined to vote in favor of the CUP.

Commissioner Hontz stated that considering the review constraints, she agreed with Commissioners Pettit and Peek. Commissioner Hontz stated that after reviewing her comments from March 10th, she was disappointed that the Planning Commission had not seen a new staging/phasing map that identified how this would occur on site with the buildout. She did not want time frames, but she felt this important piece of information would have met what she believed the Planning Commission was required to see as part of Condition #28 from the City Council. She thought it would have benefitted the applicant to think that through as well. Her disappointment aside, Commissioner Hontz was willing to make findings and vote in favor of this application.

Commissioner Luskin appreciated the efforts of the applicant to revised this project. While he has seen a lot of improvements, he echoed Commissioner Strachan's comments. Commissioner Luskin stated that he was still troubled by a previous issue that was not mentioned this evening, which was the use of Royal Street. He reiterated his previous concern that Royal Street is continuously terrorized by the use of big trucks. It is a common recreational street that has become extremely dangerous. He understood the difficulty of walking on Marsac with construction vehicles, but Marsac does not have the same type of recreational use. Commissioner Luskin requested that the Planning Commission further discuss the matter.

Commissioner Strachan clarified that his comments directly related to Building 3A.

Regarding the issue of Royal Street versus Marsac, Chair Wintzer felt it was a toss up because construction traffic coming off a mountain is dangerous anywhere. He understood Commissioner Luskin's concerns but it would be unfair to the residents to put a hundred percent of the traffic on Marsac.

Chair Wintzer appreciated the applicant's effort to improve Building 3 and the project. He thought the project was better than it was before it was remanded back from the City Council. He applauded the City Council for their decision. Chair Wintzer remarked that being the last one in the neighborhood is never easy and it is a difficult problem to solve. He sympathized with the neighbors, but this site was always anticipated to have this type of use. Chair Wintzer believed it was time to let the project move forward.

Commissioner Pettit stated that the Marsac residents already bear adverse impacts that are borne by that neighborhood. She felt that the building department had a better understanding to determine where the flow of construction vehicles should occur. Commissioner Pettit thought it was unfair for the Planning Commission to make that determination as a condition of approval.

Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Commissioner Strachan asked if a request for lockout units would open the CUP for re-review. Assistant City Attorney McLean replied that it would be an amendment to the CUP. Without an actual application, it was difficult to comment on the scope of review. Commissioner Strachan stated that if a lockout would change the use, it would be different from what the Planning Commission approved. Ms. McLean clarified out that the request would be to amend the use. Commissioner Strachan pointed out that the project would already be built. Ms. McLean replied that Planning Commission could deny the amendment if it did not meet the criteria.

Planner Cattan noted that the amendment would need to occur prior to building the units to create lock out units. Therefore, it would come back to the Planning Commission before it was built.

Commissioner Strachan pointed out that nothing in the Staff report prohibits lock out units. Ms. McLean stated that the condition of approval drafted by Planner Cattan states that lock out units cannot occur without coming back to the Planning Commission for an amendment to the CUP. If that occurred, the Planning Commission would evaluate it for the lock out units, but it would not re-open the entire project. The review would be limited to the scope of the lock out units and whether or not it met the criteria of the CUP.

Commissioner Pettit requested that Planner Cattan read the drafted condition again for the record. Planner Cattan read, "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission".

MOTION: Commissioner Pettit moved to APPROVE the North Silver Lake Lodges Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with respect to adding Condition of Approval #19 as read into the record. Commissioner Luskin seconded the motion.

Commissioner Peek referred to Condition of Approval #17 and corrected "sight" to "site".

Commissioner Pettit amended her motion to include the spelling change in Condition #17.

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.

Mr. Clyde informed Commissioner Hontz that they had heard her request. The final site plan was produced, but it was inadvertently left out of the package. He noted that Ron Ivie had reviewed the final plan.

Findings of Fact - North Silver Lake CUP

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5140 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half of a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating, "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized 1/4 acre of the Lot 2B parcel to comply with the open space

requirement.

10. The current application site plan contains 70.6% of open space on the site, including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit utilizing the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with Section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

Conclusions of Law - North Silver Lake - CUP

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The use is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval - North Silver Lake - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate the impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty-foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the Urban Wild Land Interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire April 28, 2011, 12 months from April 28, 2010, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on April 28, 2010. Building permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space and commercial space as shown in the plans approved by the Planning Commission on April 28, 2010.
 16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
 17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.
 18. A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. The existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
 19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.
2. 1150 Deer Valley Drive - Conditional Use Permit
(Application #PL-09-00858)

Planner Francisco Astorga reviewed the conditional use permit application for construction within the Frontage Protection Zone at 1150 Deer Valley Drive, Snow Country condos. The applicant wishes to build two parking spaces to their existing parking lot. Planner Astorga stated that this proposal resulted from an amendment to a record of survey that the Planning Commission heard in October 2009. At that time the Planning Commission agreed with the Staff recommendation of not supporting the plat amendment, because it would increase the degree of the existing non-compliance due to the lack of parking mandated by the LMC. During the October meeting, the Planning Commission recommended that the applicant consider other options to mitigate the non-compliance issue.

Planner Astorga reported that based on that direction, the applicant decided to build two new parking spaces. He presented a site plan of the plat and noted that the LMC prohibits construction in the 0-30 foot no-build zone. Any construction beyond 30 feet to the next 100 foot requires a conditional use permit. Planner Astorga remarked that the proposal to construct two parking spaces would decrease the level of non-compliance.

The Staff report contained the Staff analysis regarding the CUP criteria. The impacts were all mitigated as described by the criteria.

Planner Astorga noted that the next item on the agenda this evening would be the amendment

ATTACHMENT NO. 5

The following are excerpts from Staff reports and Meeting minutes:

Staff Report Dated 8-13-2008
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

..... The single family and duplex dwellings along the periphery of the site are substantially beneath the allowed height of 45 feet. The design attempted to keep the height of these buildings within the zone height of 28 feet with the additional 5 feet exception.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

..... The site has been designed to cluster the greatest density and massing in the center of the project. The central condominiums maximize the height allowance provided under the Deer Valley MPD of 45 feet plus the 5 feet exception for a pitched roof. The central condominiums have four stories above final grade and two stories below grade containing parking, the owners' lounge, and the ski lockers. A mix of 22 single family homes and duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 22 units, 18 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining four are over the zone height due steep slope grade changes. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes from the 8-13-2008 Planning Meeting

Mr. Clyde referred to an earlier comment regarding the change from the units in the center of the project to the units on the edge. He stated that this is very common throughout the master planning process. Mr. Clyde pointed out that all the development at Empire Pass has taller units in the center surrounded by townhomes and PUD's. He noted that this is an intentional design to keep low scale units on the outside of the project. Mr. Peart was unsure that the adjoining homeowners understood that they moved the 45 foot building 115 feet further away from their homes.

Staff Report Dated 9-24-2008
Planning Commission Meeting

Back Ground

..... On August 13, 2008, the applicant discussed the CUP application with the Planning Commission during the regularly scheduled work session. During this meeting the Planning Commission provided the applicant with feedback on the plans. The Planning Commission concerns included scale and mass, existing vegetation, visual impact from town, overall impact of site, spacing between units, necessity of a site visit, loss of natural screening, closeness of roofs, and snow shed. The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

Staff Report Dated 10-22-2008
Planning Commission Meeting

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:

..... A mix of 16 single family homes and 4 duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 20 units, 15 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining five are over the zone height due to steep slope grade changes and moving homes closer to the center of the project to protect trees. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes From 10-22-2008 Planning Meeting

Planner Cattan noted that the Planning Commission had commended the applicant on the effort they put forth in reducing heights along the periphery to match the adjacent zoning height of 33 feet from existing grade.

Mr. Peart stated that they met with various members of the community to get a sense of their objections to prior projects that were proposed to be developed on this site. They also looked at the project as if they lived across the street as neighbors. Mr. Peart remarked that the goal was to create a buffer between the taller buildings and the neighboring homes. The project was designed with a loop road around the perimeter of the project with single family, mostly

downslope homes to create a soft streetscape. The average footprint on the perimeter is 2400 square feet. The average footprint in the Belle community is 3300 square feet. Mr. Peart stated that the homes on the perimeter are the same height, massing and scale as the surrounding properties.

Mr. Peart noted that the site is zoned for 45 feet height in all locations; however they felt it was important to build homes around the perimeter that was the same scale and mass as the surrounding homes.

The goal is to build a spectacular project with the highest quality of materials, great amenities, and a project that fits within the North Silver Lake community

Staff Report Dated 2-25-2009
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

.....The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site. The site is allowed to have a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans. Footprint Decrease: The total footprint of the buildings has decreased by 17,719 square feet from the original site plan. There is more space between buildings and greater setbacks from the property lines.

Minutes 2-25-2009
Planning Commission Meeting

Mr. Shirley reviewed exhibits and talked about compatibility, recognizing it is as a major issue. The first exhibit showed the pattern of development on the site as it relates to the existing site. He believed that perimeter homes work well with the existing pattern that has been established on the neighboring communities. Mr. Shirley noted that the

interior units run down the hill in a pattern that is consistent with the intent of the Deer Valley Master Plan.

Mr. Shirley reviewed a fog study and talked about the massing of the project. The project as it terraces on the hill fits within the 45 foot plus 5 foot component of the ordinance. Therefore, nothing exceeds the required height limits. Mr. Shirley stated that the applicants took it upon themselves to apply a 33 foot height limit, which is consistent with the neighboring homes. Just over 48% of the project footprint falls underneath the 33 foot height limit and those areas that are within the 33-45 foot height limit fall more to the lower side.

Mr. Shirley commented on architectural compatibility. He stated that the application is looking to develop a high quality project that will meet or exceed any of the projects expectations in this area or within Upper Deer Valley. The materials proposed will be of the highest quality. Mr. Shirley presented a series of renderings. He pointed out that the renderings were based on a compilation of modeling that was done on the site and aerial photographs of the site to make the renderings as accurate as possible.

Staff Report Dated 5-27-2009
Planning Commission Meeting

Back Ground

.....The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; **No Unmitigated Impacts**

..... The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; **No Unmitigated Impacts**

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height, with pitched roofs. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.

.....Architectural Detailing: The architectural detailing of the project is compatible with the surrounding area.

Conditions of Approval

14. Approval is based on plans dated May 22, 2009 and reviewed by the Planning Commission on May 27, 2009. Building Permit plans must substantially comply with the reviewed and approved plans.

Minutes dated 5-27-2009
Planning Commission Meeting

Planner Cattan reported that part of the master plan is a 45 foot height limit with an additional five feet for pitched roofs. She presented a display showing a 33 foot cloud over existing grade and noted that the applicant has self-imposed a 33 foot height limitation around the periphery. The project is above 33 feet in the central four units and in small portions around the periphery. For the most part they stayed under the self-imposed 33 foot height limit. The allowed height is 45 feet maximum.

Staff Report Dated 7-8-2009
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; **DISCUSSION REQUESTED**

Building mass and bulk: The applicant has modified the previously reviewed plan by decreasing the overall mass and footprints of the buildings on the site. The total coverage of buildings and pavement has decreased from the original plan (128,660 sq. ft) to the current plan (110,444 sq. ft) by 18,216 square feet. The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk around the periphery of the site, adjacent to the existing neighborhoods. There has been a shift within the central building. The total square footage of the central buildings has increased.

Conditions of Approval

11. Approval is based on plans reviewed by the Planning Commission on July 8, 2009. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Minutes Dated 7-8-2009
Planning Commission Meeting

Vice-Chair Russack asked how they came to the current design configuration. Mr. Clyde stated that 16 perimeter homes and four interior buildings was an evolution of the plan

based primarily on comments from the Planning Commission. Vice-Chair Russack clarified that he was specifically asking how they came to design the currently proposed plan as opposed to the plan approved in 2001. Mr. Shirley stated that from the beginning, the goal has been to come up with a project that would blend with the surrounding neighborhood. Any time he designs a Lodge, the goal is to be right up against the street with as large a facade as possible. The intent is to be front and center to draw attention. He believed the developer had a unique plan in trying to create a project that had a quaint village feel to encourage people to use it more as a long-term residence versus nightly. A larger lodge design was not appropriate for this site and Mr. Shirley felt the proposed design would become very valuable in the long term. Mr. Clyde stated that this developer met with the neighbors two years ago and one of the comments they heard was the desire for smaller buildings on the perimeter of the project.

Minutes Dated 10-15-2009
City Council Meeting

.....The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project. The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, "*The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission*".

.....Ms. Cattan illustrated a diagram of the project with 15 periphery homes where the developer self-imposed a height restriction of 33 feet.

.....With regard to scale, the 33 foot height requirement was self-imposed for the homes around the periphery and an evaluation was done of the average square footage of the homes in the area. Adjacent properties averaged 4,917 square feet and within the project, the average unit size is 4,227 square feet. The massing moves toward the center making it more compatible on the edge adjacent to the neighborhood.

The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project. The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, "*The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission*".

He emphasized that none of the buildings break height restrictions; the perimeter units are 33 feet and the allowed zone height is applied in the interior only. Mr. Clyde felt that the 33 foot height is complimentary to the zoning in adjacent neighborhoods.

Minutes Dated 11-12-2009
City Council Meeting

.....The wording of a condition of approval should be clarified that no lockout units are permitted within North Silver Lake and would require Planning Commission approval but she clarified that they are allowed in the Deer Valley Master Plan.

Minutes Dated 4-28-2010
Planning Commission Meeting

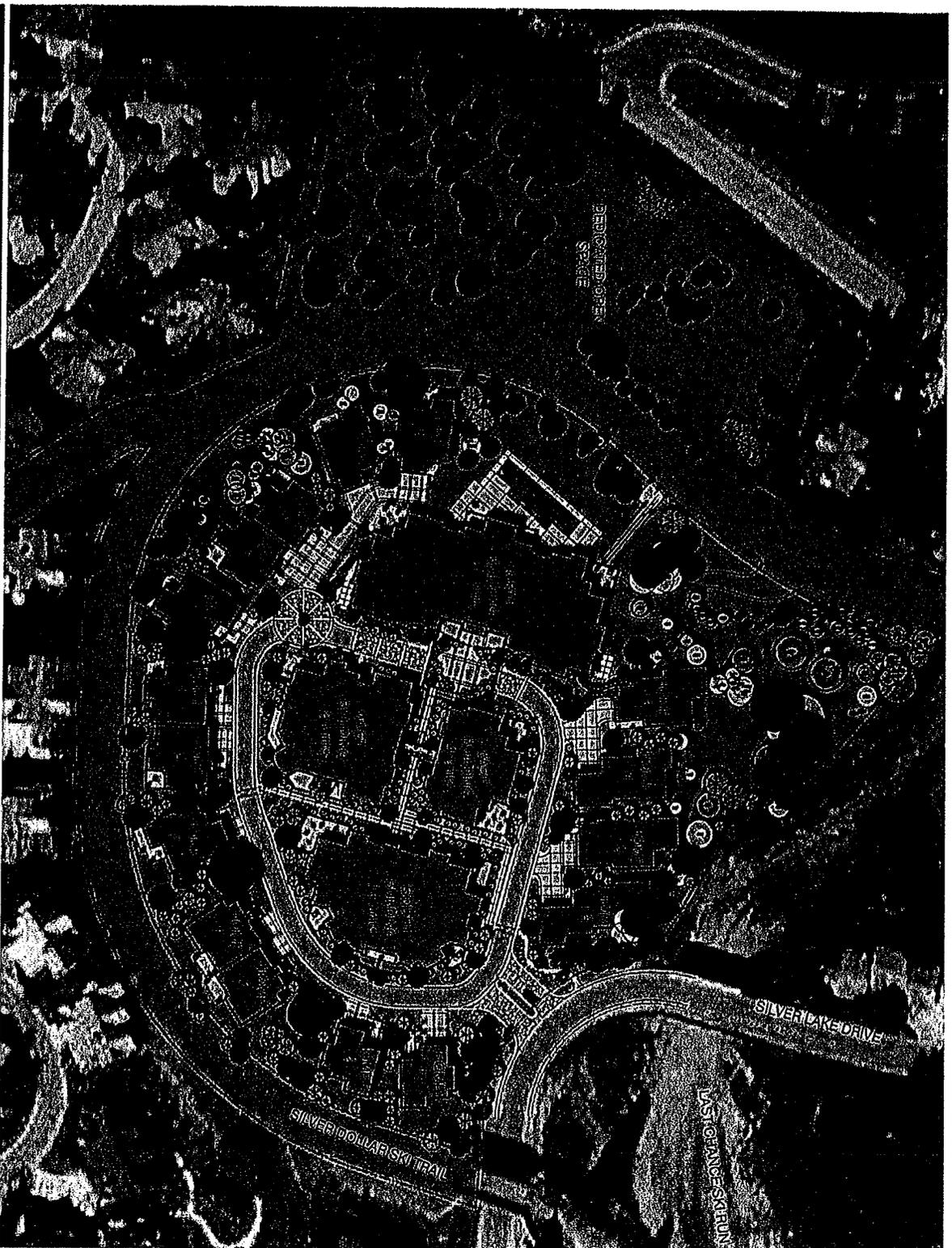
.....Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and mut be approved by the Planning Commission.

ATTACHMENT NO. 6



NORTH SILVER LAKE LODGE

PROJECT ANALYSIS

DETACHED HOMES

- 16 HOMES
- (2) UP HILL
- (14) DOWN HILL
- 32 GARAGES

CONDO HOMES

- 38 HOMES
- (11) TOWNHOMES
- (27) FLATS
- 100 PARKING STALLS

54 TOTAL HOMES

132 PARKING STALLS

Two accessible units to be owned and maintained by the home owners association.

MASTER PLAN

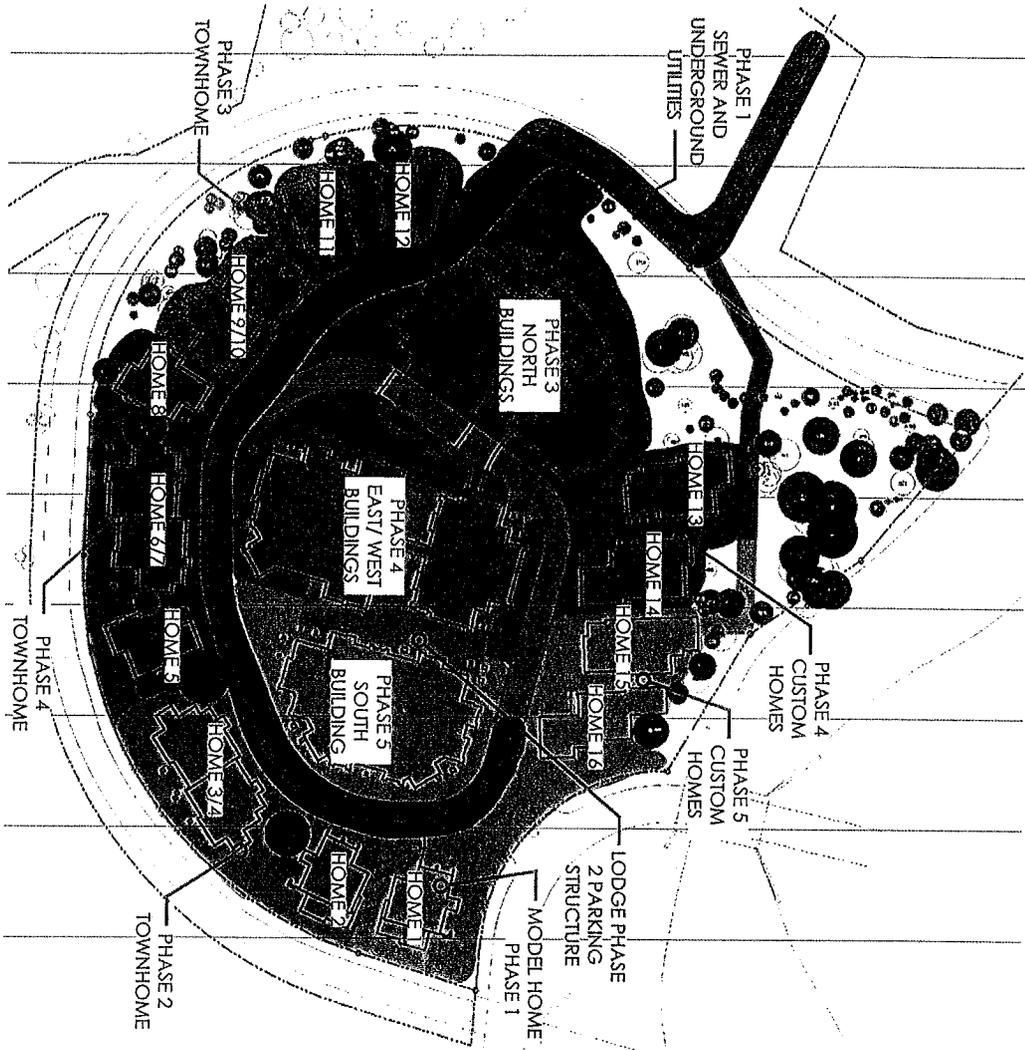
2009.02.25

Submission February 25, 2009

Feb. 12, 2010

ATTACHMENT NO. 7

ATTACHMENT NO. 8



PHASING PLAN GENERAL NOTES:

1. Phasing plan commencement and completion dates for each structure shall be adjusted as necessary to keep pace with home pre-sales.
2. Phasing to be ordered as market dictates.
3. Road/ drive access to be provided to each phase in compliance with fire access requirements including hydrants and fire truck turnaround.
4. Protection of existing vegetation as per construction mitigation plan and Arborcare tree protection plan dated April 2, 2009.
5. Portions of the work activities described within the phases on the chart are intended to occur concurrently.

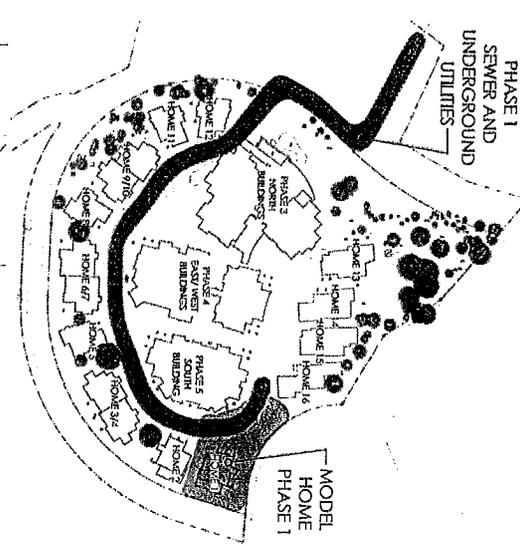
PHASING AND APPROXIMATE DURATION

| | |
|---------------------------|------|
| Phase 1 | |
| Underground Wet Utilities | 240 |
| Model Home #1 | 300 |
| Entry Drive | 65 |
| Phase 2 | |
| Lodge Parking Structure | 340 |
| Home #2 | 348 |
| Home #3 | 300 |
| Home #4 | 300 |
| Phase 3 | |
| North Building | 1040 |
| Home #9 | 300 |
| Home #10 | 300 |
| Home #11 | 348 |
| Home #12 | 348 |
| Phase 4 | |
| East and West Buildings | 780 |
| Home #6 | 348 |
| Home #7 | 300 |
| Home #8 | 300 |
| Custom Home #13 | 520 |
| Custom home #14 | 520 |
| Phase 5 | |
| South Building | 780 |
| Custom Home #15 | 520 |
| Custom Home #16 | 520 |

*Approximate duration in working days.

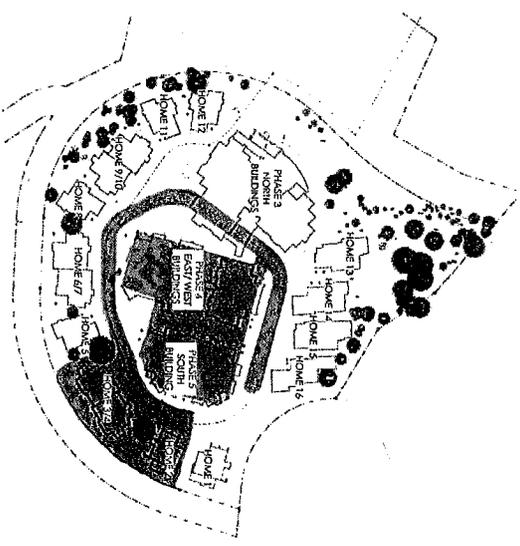
MAY 05 2011

PHASE 1 - SEWER AND UNDERGROUND UTILITIES



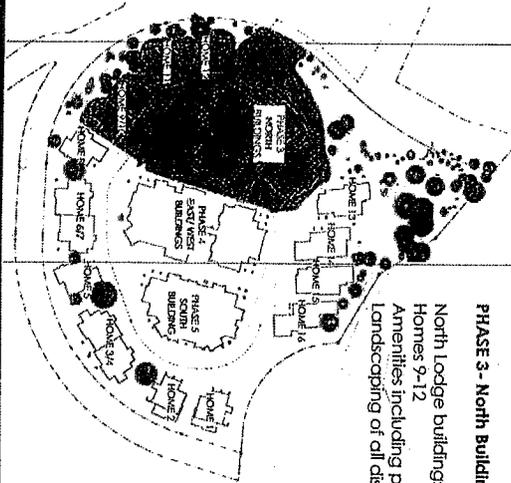
PHASE 1 - UNDERGROUND UTILITIES + HOME 1
 Deep utilities to be installed under roadway area in preparation for utility tie in. Home 1 is to be model home for single family residences.
 Entry drive and landscape south of entrance along Silver Lake Drive.
 Provide fire hydrants, storm drains, landscaping and lighting associated with disturbed area.
 Includes entry monument/signage.
 Phase 1 to start within 180 days of permit.

PHASE 2 - PARKING STRUCTURE

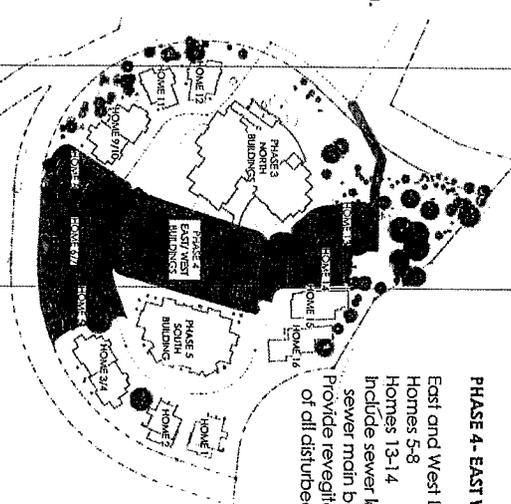


PHASE 2 - PARKING STRUCTURE
 Parking structure.
 Homes 2-4
 Includes completion of loop road hard surface, curbs, street lighting, storm drains and fire hydrants.
 Clear and grub all home building pads and reseed disturbed areas.

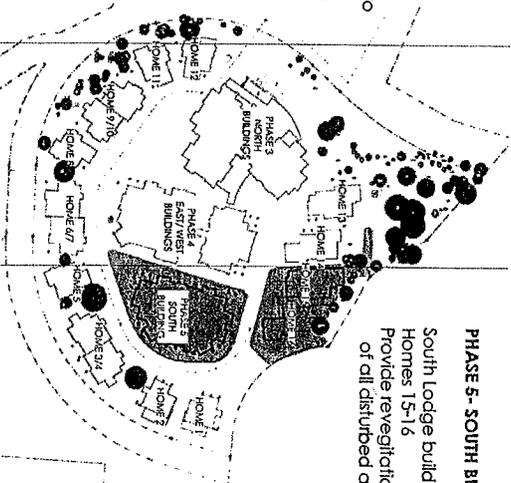
PHASE 3 - North Buildings
 North Lodge buildings
 Homes 9-12
 Amenities including pool and spa
 Landscaping of all disturbed area.



PHASE 4 - EAST WEST BUILDINGS
 East and West Lodge buildings
 Homes 5-8
 Homes 13-14
 Include sewer lateral line down to sewer main behind homes.
 Provide revegetation and reseed of all disturbed area.



PHASE 5 - SOUTH BUILDING
 South Lodge building
 Homes 15-16
 Provide revegetation and reseed of all disturbed area.



MAY 0 5 2011

Francisco Astorga

From: charlesloyd@comcast.net
Sent: Thursday, February 06, 2014 11:20 AM
To: Francisco Astorga
Subject: Re: North Silver Lake Conditional Use Permit & Record of Survey

Francis-

Please include the following statement in the Public Comment section of the staff report regarding the North Silver Lake Conditional Use Permit.

My name is Charles Loyd. I am an attorney, Park City business owner, fifteen-year homeowner in the American Flag Subdivision of Deer Valley, and past president of the American Flag Homeowners Association.

I am opposed to the request to add lockout units to the residences, now known as the Stein Eriksen Residences, under the North Silver Lake Conditional Use Permit. The monstrosity that this project has become is bad enough; adding lockouts will make it much worse.

The Deer Valley Master Plan, written in the early 1980s and approved by the city council, was a carefully crafted and considered document that authorized specific development from Snow Park to Silver Lake. The greatest densities, through the allocation of density units, were clustered in Snow Park and Silver Lake, while reduced densities were generated in the mid-mountain region through residential neighborhoods. The DV Master Plan was a binding document references throughout the development of Deer Valley, on which both developers and purchasers of lots and homes could rely to protect their investments. The primary reason the North Silver Lake Project was allowed to go forward despite its demonstrated incongruity with the surrounding residential neighborhood is that the project was included in the DV Master Plan and the developer was reasonable relied on that approval when making his investment. But by the same logic, the developed should not be given something to which he is not entitled, namely lockout units. Amending the DV Master Plan to allow lockout units in the low-density residential neighborhood would violate the legal rights of residents and undercut the authority of all planning documents.

The lockouts requested by the NSLCUP are poorly supported by any rationale other than perhaps developer profit. No showing has been made of any need by the community, in the form of additional housing or mid-mountain density units or anything else. In particular, no need has been shown for

single night accommodations in residential mid-mountain Deer Valley and they have heretofore no been allowed. The closest equivalent to SER, Stag Lodge, has a minimum four-night stay, no lockouts, and kitchens in every unit. Three large hotels service Deer Valley, and the explosion of density units at Canyons belies any need for additional overnight guest units in the immediate county. The lockouts themselves, while semantically distinguished as “not hotel rooms” in the staff report, will function as equivalents, with no amenities such as kitchens that suggest anything but one-night accommodations. In fact, the promotional materials for SER promise a lobby, bell service, valet parking, on-site spa, dining/bar/lounge, indoor/outdoor infinity pool, fitness center, business center, and on-site ski shop, ski valets, and guest ski lockers, all amenities commonly found in a hotel.

Apparently the best SER can do to offer a rationale for the increase in density units is to speciously claim to have no impact on traffic and parking. The Riley traffic study uses a period in October, one of the slowest times of the year in terms of room-occupancy according to Chamber of Commerce statistics, and January 30-February 3, about the slowest week of the winter. Christmas week and Arts Festival weekend would have been more illustrative. And the traffic counters were placed on Silver Lake Drive near SER, okay, but the second was placed on Royal Street above the turn-off most traffic takes to reach Silver Lake, and not even SER traffic to the Stein Eriksen Lodge or the Guardsman Connection would pass that spot if they take the shortest route. Finally, there is no mention of the impact SER traffic will have on Royal Street bicycle traffic, a much-loved route of road cyclists who have become a significant driver of summer tourism.

In closing, there is nothing in the staff report or the request for modification of the CUP that warrants amending the Deer Valley Master Plan to allow lockouts for the North Silver Lake Project. No showing of community need, not showing the DVMP was somehow flawed as to this project at the time of its approval by the city council, no showing that violating the valid legal right of surrounding Deer Valley homeowners to reasonable rely on the density approvals of the DVMP are warranted. The request for modification of the CUP should be denied.

Charles Loyd

6 Stanford Court

American Flag

Deer Valley

From: "Francisco Astorga" <fastorga@parkcity.org>
To: "Francisco Astorga" <fastorga@parkcity.org>
Sent: Tuesday, February 4, 2014 11:18:48 AM
Subject: North Silver Lake Conditional Use Permit & Record of Survey

Concerned resident,

The Park City Planning Commission will be reviewing the North Silver Lake Conditional Use Permit request for Lockout Units (in the multi-unit dwellings) and Condominium Record of Survey (plat) next Wednesday February 12, 2014. The staff report from the City will be published on the Park City website (www.parkcity.org) Friday afternoon. If you would like to send in public comments different from what you have already sent in, please do so by Thursday at 5pm so we can publish them in the staff report. We will also include all written comments already sent in.

Don't hesitate to contact us should you have any questions.

Respectfully,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

Planning Commission Meeting
April 28, 2010
Page 7

Conditions of Approval - 1985 Sidewinder Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

REGULAR AGENDA/PUBLIC HEARINGS

3. North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planner Katie Cattan reported that the Planning Commission previously approved this application in July 2009. The approval was appealed to the City Council and the Planning Commission is currently reviewing the remand order that came from the City Council in November.

Planner Cattan noted that the remand had three orders: 1) The height, scale, mass and bulk of Building 3 shall be further reduced to meet the compatibility standard; 2) Further specificity regarding the final landscape plan and bond in consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; 3) Construction phasing and additional bonding beyond public improvement guarantee is to be required.

Planner Cattan focused her presentation on items 2 and 3. She noted that during the last meeting the Planning Commission had requested copies of the recording and the minutes from the November City Council meeting. That material had been provided and she believed it was helpful in clarifying that the City Council wanted the Building Department to be in charge of construction phasing and additional bonding for the North Silver Lake Development. Planner Cattan noted that the Planning Commission had also requested more specifics on exactly what the applicant was being asked to improve.

Planner Cattan stated that the Staff had drafted conditions of approval #16, 17 and 18. Condition #16 addressed the Wild Land Interface regulations. Condition #17 requires a phasing and bonding plan to insure site restoration in conjunction with building phasing beyond a public improvement guarantee to be improved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.

Planner Cattan reported that currently the site is a pit. She noted that the Chief Building Official, Ron Ivie, felt that if a building permit is not pulled within a year, the neighbors should not have look into that pit any longer. The actual pit itself should be capped with soil and re-vegetated with grass. In addition, trees should be planted at the entry way to cover the view into the pit.

Ron Ivie addressed the Planning Commission. He has been in Park City since 1980 and in those thirty years the City was forced to sue on three projects relative to public nuisance complaints for unfinished product. He noted that the City was awarded settlement on all three projects. Mr. Ivie stated that most people generally complete their projects in an acceptable time limit, but there are exceptions. He was not opposed to bonding or making appropriate conditions for site improvements and site stabilization, which is the traditional process. However, his question was whether or not the City should go beyond that process and require a completion guarantee. After hearing arguments on both sides, he believed it was a policy question that needed to be addressed by the Planning Commission and the City Council. Mr. Ivie personally felt that the City has been served well by prior policies.

NOTE: Due to problems with the recording equipment, the applicant's presentation was not recorded. The meeting was stopped until the problem was resolved.

John Shirley, the project architect, concurred with the Staff findings. Mr. Shirley presented slides showing minute changes that had been made since the last meeting.

Commissioner Luskin arrived at 7:35.

Chair Wintzer opened the public hearing.

Bob Dillon stated that he was an attorney representing 30 adjacent homeowners in the American Flag HOA who still object to Building 3. Mr. Dillon noted that the analysis section in the Staff report talks about Building 3 and he could not dispute that the current plan was better than what the applicants originally presented. However, from the standpoint of compatibility on mass, scale and size, it is still not compatible. Mr. Dillon recalled hearing something about a 29% height reduction, but he understood from the Staff report that the height was reduced from 79 to 72 feet. He noted that the side elevations were still showing 5 to 6 stories.

Mr. Dillon commented on the size of Building 3, which he had addressed in a letter he submitted in early April, explaining why this was such a difficult process. Part of the problem is that the applicants have expressed their intent for condominiums, but they have never presented a condominium plan. Mr. Dillon pointed out that every review session he has attended with both the Planning Commission and the City Council, there have always been questions but no answers. He believed the only way they could get an answer from the applicant was to require the condo plans and a map.

Mr. Dillon referred to construction phasing section in the Staff report and language stating that the staff, the Planning Commission, the City Council did not require a phasing plan for the proposed development. He believed that statement was absolutely wrong because the order from the City Council requires a phasing plan. Mr. Dillon expressed regrets that Ron Ivie was leaving because the community has benefitted from his expertise and administration of the City building codes. He noted that Ron Ivie made the comment that timing and phasing is critical. Mr. Dillon addressed the completion bond issue. He understood that bonding would go to mitigation in the event of a failure to complete. However, the critical part of this process is timing and phasing. Mr. Dillon commented on the idea that suddenly the City Council wants to

delegate issues to the Building Department. He had listened to the audio from the City Council meeting and he believes that the Council wanted the Planning Commission to establish conditions of approval for phasing and bonding. Mr. Dillon thought it was appropriate to seek advice from the Building Department on the timing of the phasing or the amount of the bonds. However, input should be given for approval by the Planning Commission pursuant to a phasing plan and bonding plan that is mandated as a condition of approval. Mr. Dillon objected to the Building Department managing the bonding.

Mr. Dillon commented on location and amount of off-street parking and objected to the recommendation for a 25% reduction in parking spaces. He noted that the reduction was being done on the basis of a mystical unit size and configuration. It is mystical because the applicant has not submitted a condominium plat and plans. It is unknown what they will bring forward for the CUP. Mr. Dillon noted that the previous condition of approval #12, which prohibited the use of lockouts, has disappeared from the current conditions of approval. He believed that prohibiting lockouts should be added back in as a condition.

Mr. Dillon objected to Condition #7 because there has been limited discussion regarding retention areas. He was disappointed that Ron Ivie had already left the meeting because he had wanted Mr. Ivie's opinion on whether the proposed water method on the site was a workable solution.

Mr. Dillon objected to the language in Criteria 14 of the Staff analysis that talks about expected ownership and management of the project. Without a condo plan, there is no way to know what the applicant will do. Mr. Dillon questioned why two ADA units were not included as part of the 54 units. Given that they are not included, he believes they are support commercial rather than common space, because they are used in support of commercial renting. He believes they should count towards the 14,525 square feet of support commercial. By not including the ADA units in the square footage allows the applicant to blow up the scale of Building 3. Again, there are no condo plans.

Chair Wintzer clarified that the Planning Commission would not see condo plans until there were construction drawings. The applicant cannot do construction drawings until the issues of the remand are resolved. Chair Wintzer explained that a plat has never been recorded before seeing construction drawings, and the Planning Commission has always approved projects with this level of sophistication of plans. He emphasized that there would not be a condominium plat prior to this approval.

Mr. Dillon objected to Conclusions of Law 1, 2 and 4. He understood why the dates were changed in the conditions of approval, but he questioned whether that could be done, since it gives the applicant an additional six or seven months to commence construction. Mr. Dillon stated that there is no real question of law that they can impose conditions of approval requiring phasing and bonding. The Planning Commission has broad authority to administer the mitigation of compatibility problems once they have been established. He noted that the City Council in its Conclusion of Law #2 stated that "The Planning Commission erred in applying Land Management Code 15-1-10-(D)(2 and 4) and LMC 15-1-10(E)(7, 8 and 11) by failing to mitigate the height, scale, mass and bulk of building three and maintain or enhance the context

of the neighborhood, failing to consider a specific landscape plan in relation to restrictions of Wild Land interface, to better separate the use from adjoining site and failing to mitigate visual and construction impacts by requiring a specific construction phasing plan.” Mr. Dillon pointed out that the last sentence was key to support his comments.

Mr. Dillon noted that earlier in the day he had submitted a short letter of response. He apologized for getting it in late, but he had not been able to read the Staff report until 5:30 that morning. He thought it was clear that as a matter of law, the City Council has told the Planning Commission that construction use is within the defined use of the Land Management Code. He pointed out that the uniqueness of this project is that the MPD and development have been delayed for 25 years. If this project had moved forward while the surrounding residential neighborhoods were being built, the compatibility of construction use would be non-existent. However, when everything builds out around the site and the developer has the benefit of building a project in the middle of these mature neighborhoods, at that point, construction use become a compatibility issue. Mr. Dillon stated that the Planning Commission cannot let construction use adversely impact these mature, built neighborhoods without mitigation. Mitigation is construction phasing and timing and bonding. It is the required mitigation and that is the reason why the City Council directed the Planning Commission to establish conditions of approval that address phasing and bonding requirements.

Mr. Dillon reiterated that the problem with developing phasing requirements is that the Planning Commission does not know what the applicant intends to build. He remarked that as a condition of the phasing, the Planning Commission can require that prior to any construction start, the applicant needs to submit condo plans for whatever phase is specified so they can understand what will be built.

Mr. Dillon clarified that the neighbors are not concerned with when construction begins. Their concern is knowing what would be built, how much would be built, and if there is a time limit for completion.

Mr. Dillon showed that the previous condo plat was convertible land sprinkled with a few units. In order to preserve their CUP, the applicant dug a hole and for years have pursued extensions to the CUP claiming that the project had started on time. He thought the Planning Commission should make the applicant show what they intend to build and that the Planning Commission should require that the project be phased with a timing start and completion from the date the permit is pulled. Mr. Dillon clarified that the neighbors want the project built. They have been looking at a pit for nine years and do not want to look at foundations for another nine years. Mr. Dillon suggested that the Planning Commission make building the foundations for Building 3 and six of the perimeter units as Phase I. The applicants should be required to present the condo plans and map. Once that is platted, the applicants can begin to sell the units.

Mr. Dillon pointed out that this is a hard market and timing is critical. The neighbors want this project to succeed if it is allowed to start. He explained that the intent for requesting these conditions is to allow the applicant to pre-sell so they can obtain financing.

Lisa Wilson stated that she is a Park City mom and she has lived on the slopes of Deer Valley

since 1993. She purchased a lot in Silver Lake in 1994. Ms. Wilson commented on the pit in the Spring. She drives by it everyday and there is fencing around it. Sometimes when she hikes by she sees deer that have somehow managed to jump the fence. The deer get stuck but they always find their way out. Ms. Wilson stated that when she drove by today the gate to the fence was flipped over and the green netting around the fence was flipped over. The sign announcing this public hearing has been on the ground for nearly two weeks. Ms. Wilson thought the pit needed to be covered because it is unsightly.

Ms. Wilson noted that she also owns a lot in Deer Crest. Due to the number of homes have stopped construction, at the last homeowners meeting the decision was made to change the CC&Rs to require bonding. Ms. Wilson believed the Planning Commission needed to consider more than just Building 3 when looking at the height. She noted that Building 3 is at the bottom, and the second and third tower are above that. She stated that from the bottom the building will terrace up the slope and it will look like one contiguous building. It will be very visible from Main Street.

Mr. Wilson stated that during the City Council meeting, Council Member Hier spoke about the mistakes that were made the last time. She has been attending Planning Commission meetings for a long time and everyone was left with the impression that a vested right existed for density under the 2001 CUP and it was approximately 460,000 square feet. They assumed there was nothing they could do about this project. Ms. Wilson noted that Council Member Hier made it very clear that this was not the case. The Harrison Horn CUP has expired and the vested density no longer applies. In looking at this project, a 25% reduction in one building has not made much of a difference in the size of the project.

Ms. Wilson stated that during the appeal process, there was 123,000 square feet of common area. She was unsure where that would be. Using the Treasure Hill website as an example, Ms. Wilson requested a summary of residential units by size and a summary of building area by use for this project so they can understand where the 123,000 square feet of common area is located. When she purchased her lot in 1994 it was bought based on entitlements. She understood there was a lot with potentially 54 units and 14,000 square feet of commercial. However, this project meets none of those parameters. To date, what is being proposed in their neighborhood is a hotel with a spa and a restaurant. Ms. Wilson stated that the area in the restaurant is commercial. She indicated a space identified as common area, but that space is where the public would go to eat. Ms. Wilson referred to language in the LMC that defines commercial space to emphasize the fact that money would be exchanged in all the "common space" areas as defined in this project. She noted that by definition, common area is for the use and enjoyment of the residents. She pointed out that the spa, restaurant and hotel lobby would be for the public and not just for residents.

Ms. Wilson wanted to see a project like the one she understood would be built when she purchased her property, which is 54 units, 60% open space and 14,000 square feet of commercial. Ms. Wilson pointed to a new area in the LMC called accessory uses, which allows buildings to become unlimited, and noted that areas such as lobbies no longer count towards the entitlement.

Ms. Wilson stated that per State Statute, notification must be given to the affected property

owners if the size of the structure is modified or the use is changed. Her property will be affected, but she was not notified that the changes to the MPD would increase the development in her area by 123,000 square feet.

Chair Wintzer requested that Ms. Wilson focus her comments on the three issues of the remand.

Ms. Wilson was concerned that the project has grown because of the accessory uses. She would like to see something that breaks down the square footage. She noted that Council Member Hier admitted that mistakes were made and the project became so large because it was approved without knowing the actual numbers. Ms. Wilson urged the Planning Commission not to make that same mistake again.

Chair Wintzer closed the public hearing.

Doug Clyde, representing the applicant, noted that many of the comments this evening were not germane to the appeal. He has been practicing the Land Management Code in Park City over twenty years and none of those definitions have changed. He has never worked on a project where accessory uses and common areas were treated different from the way they are treated in this project. Mr. Clyde noted that he has never seen a situation where the plat was tied to the CUP.

Mr. Clyde remarked that the ADA uses have been treated as common area in all the projects in Empire Pass, as well projects outside of Empire Pass. The City has adopted that practice as a uniform way to deal with ADA units. Regarding issues related to bonding and phasing, Mr. Clyde concurred with the Staff report and believes it represents what was instructed by the City Council.

Mr. Clyde showed the change they were talking about in terms of the 29% reduction in facade. He compared the first Building 3 with the current Building 3 to show the difference.

Tom Bennett, Counsel for the applicant addressed Ms. Wilson's concern that the project would balloon in size. He noted that Condition of Approval #15 specifically requires that the final condominium plat not exceed the square footage for all the various components that have been submitted. That condition should alleviate her concern.

Mr. Bennett addressed Mr. Dillon's concern that the project would not be completed and the neighbors would be left with an eyesore. Mr. Dillon offered a solution to require that buildings be completed within a specific time frame or for the Planning Commission to approve a phasing plan. Mr. Bennett stated that once construction is started, the International Building Code has provisions that cause the project to continue without interruption. He referred to Ron Ivie's comment earlier this evening that in the past 30 years there have been three instances where the City had to file an action because an incomplete building became a nuisance. Mr. Bennett recalled Mr. Ivie saying that the procedures that are currently in place with the Building Department to review construction, construction phasing and mitigation plans have worked well over the years. Mr. Bennett read Item #3 of the Order of the City Council, "Construction phasing

and additional bonding shall be addressed with respect to site restoration.” He believed that issue had been addressed in the Staff report and in the added conditions of approval with respect to bonding. Mr. Bennett clarified that addressing the bonding issue does not mean that the Planning Commission is the body to require it. That is the responsibility of the Building Department.

Mr. Clyde commented on the statement about hidden commercial uses in this project. He noted that the applicant has requested a specific number of square feet for a commercial use. Every commercial use requires a business license. Part of the business license process is for the Planning Department to verify whether or not the license application corresponds with the approval.

Planner Cattan reported that there was a letter from Bob Dillon on her email just prior to this meeting. She would email copies of his letter to the Commissioners.

Planner Cattan stated that the ADA units are consistent with how ADA units are platted throughout Empire Pass and throughout town. The purpose allows someone with ADA needs to have access to a common unit that cannot be rented separately.

Planner Cattan explained that she had two sets of plans on her desk. If the CUP is approved, they would be stamped as the approved set of plans. The plans outline all residential areas, commercial areas, and all of the common areas. Once the CUP is approved, the applicants cannot increase the density or unit size and they cannot increase the commercial space. Planner Cattan clarified that the applicants were not requesting a blind approval.

Commissioner Strachan remarked that the plans have not changed since the last meeting. His concerns relating to the amount of excavation still remain. Commissioner Strachan did not believe the comparison between the surrounding homes and this building was fair, since the existing homes are single family and this project is a multi-unit dwelling. The height comparison was fair but it did not support compatibility. Commissioner Strachan could not find compatibility because the MPD is not compatible with the surrounding neighborhoods. In his opinion, it would be difficult to build anything on that site in compliance with the MPD that would be compatible. Therefore, he could not support Conclusions of Law 1, 2, 3 and 4. Since the project has been recommended for approval by Staff and if the Planning Commission votes to approve, he suggested revising Condition #15 to specify a total square footage ceiling and require standard compliance with that ceiling. The applicant has presented a 70,350 square foot ceiling for the North Building 3A and that should be incorporated into Condition of Approval #15. He realized that as-built conditions might not reflect that square footage, but the Planning Commission should require substantial compliance.

Commissioner Peek believed the specific items in the Order from the City Council had been addressed in the re-design of Building 3, as well as in Conditions of Approval 2, 4, 5, 7, 14, 16, 17 and 18.

Commissioner Pettit noted that Mr. Dillon had referenced a condition in the original approval regarding lock out units. Planner Cattan also recalled that it was in the original conditions and

she was unsure why it was left out. She offered to locate it on her computer so the Planning Commission could re-adopt it with this approval. Commissioner Pettit stated that the issue had been raised and if it was in the original approval they needed to make sure it was not inadvertently left out.

Commissioner Pettit concurred with Commissioner Peek, given that the Planning Commission review was limited to three issues that were remanded back from the City Council. She agreed that based on the re-design of Building 3, the applicant has met the issues of concern regarding mitigation and compatibility. Commissioner Pettit also found that the other issues remanded back with respect to the final landscape plan and the Wild Land Interface regulations had been satisfactorily addressed. She also agreed that the added conditions of approval with respect to construction phasing met the intent of the City Council. Commissioner Pettit was inclined to vote in favor of the CUP.

Commissioner Hontz stated that considering the review constraints, she agreed with Commissioners Pettit and Peek. Commissioner Hontz stated that after reviewing her comments from March 10th, she was disappointed that the Planning Commission had not seen a new staging/phasing map that identified how this would occur on site with the buildout. She did not want time frames, but she felt this important piece of information would have met what she believed the Planning Commission was required to see as part of Condition #28 from the City Council. She thought it would have benefitted the applicant to think that through as well. Her disappointment aside, Commissioner Hontz was willing to make findings and vote in favor of this application.

Commissioner Luskin appreciated the efforts of the applicant to revised this project. While he has seen a lot of improvements, he echoed Commissioner Strachan's comments. Commissioner Luskin stated that he was still troubled by a previous issue that was not mentioned this evening, which was the use of Royal Street. He reiterated his previous concern that Royal Street is continuously terrorized by the use of big trucks. It is a common recreational street that has become extremely dangerous. He understood the difficulty of walking on Marsac with construction vehicles, but Marsac does not have the same type of recreational use. Commissioner Luskin requested that the Planning Commission further discuss the matter.

Commissioner Strachan clarified that his comments directly related to Building 3A.

Regarding the issue of Royal Street versus Marsac, Chair Wintzer felt it was a toss up because construction traffic coming off a mountain is dangerous anywhere. He understood Commissioner Luskin's concerns but it would be unfair to the residents to put a hundred percent of the traffic on Marsac.

Chair Wintzer appreciated the applicant's effort to improve Building 3 and the project. He thought the project was better than it was before it was remanded back from the City Council. He applauded the City Council for their decision. Chair Wintzer remarked that being the last one in the neighborhood is never easy and it is a difficult problem to solve. He sympathized with the neighbors, but this site was always anticipated to have this type of use. Chair Wintzer believed it was time to let the project move forward.

Commissioner Pettit stated that the Marsac residents already bear adverse impacts that are borne by that neighborhood. She felt that the building department had a better understanding to determine where the flow of construction vehicles should occur. Commissioner Pettit thought it was unfair for the Planning Commission to make that determination as a condition of approval.

Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Commissioner Strachan asked if a request for lockout units would open the CUP for re-review. Assistant City Attorney McLean replied that it would be an amendment to the CUP. Without an actual application, it was difficult to comment on the scope of review. Commissioner Strachan stated that if a lockout would change the use, it would be different from what the Planning Commission approved. Ms. McLean clarified out that the request would be to amend the use. Commissioner Strachan pointed out that the project would already be built. Ms. McLean replied that Planning Commission could deny the amendment if it did not meet the criteria.

Planner Cattan noted that the amendment would need to occur prior to building the units to create lock out units. Therefore, it would come back to the Planning Commission before it was built.

Commissioner Strachan pointed out that nothing in the Staff report prohibits lock out units. Ms. McLean stated that the condition of approval drafted by Planner Cattan states that lock out units cannot occur without coming back to the Planning Commission for an amendment to the CUP. If that occurred, the Planning Commission would evaluate it for the lock out units, but it would not re-open the entire project. The review would be limited to the scope of the lock out units and whether or not it met the criteria of the CUP.

Commissioner Pettit requested that Planner Cattan read the drafted condition again for the record. Planner Cattan read, "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission".

MOTION: Commissioner Pettit moved to APPROVE the North Silver Lake Lodges Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with respect to adding Condition of Approval #19 as read into the record. Commissioner Luskin seconded the motion.

Commissioner Peek referred to Condition of Approval #17 and corrected "sight" to "site".

Commissioner Pettit amended her motion to include the spelling change in Condition #17.

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.

Mr. Clyde informed Commissioner Hontz that they had heard her request. The final site plan was produced, but it was inadvertently left out of the package. He noted that Ron Ivie had reviewed the final plan.

Findings of Fact - North Silver Lake CUP

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5140 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half of a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating, "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized 1/4 acre of the Lot 2B parcel to comply with the open space

requirement.

10. The current application site plan contains 70.6% of open space on the site, including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit utilizing the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with Section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

Conclusions of Law - North Silver Lake - CUP

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The use is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval - North Silver Lake - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate the impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty-foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the Urban Wild Land Interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire April 28, 2011, 12 months from April 28, 2010, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on April 28, 2010. Building permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space and commercial space as shown in the plans approved by the Planning Commission on April 28, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.
18. A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. The existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.
2. 1150 Deer Valley Drive - Conditional Use Permit
(Application #PL-09-00858)

Planner Francisco Astorga reviewed the conditional use permit application for construction within the Frontage Protection Zone at 1150 Deer Valley Drive, Snow Country condos. The applicant wishes to build two parking spaces to their existing parking lot. Planner Astorga stated that this proposal resulted from an amendment to a record of survey that the Planning Commission heard in October 2009. At that time the Planning Commission agreed with the Staff recommendation of not supporting the plat amendment, because it would increase the degree of the existing non-compliance due to the lack of parking mandated by the LMC. During the October meeting, the Planning Commission recommended that the applicant consider other options to mitigate the non-compliance issue.

Planner Astorga reported that based on that direction, the applicant decided to build two new parking spaces. He presented a site plan of the plat and noted that the LMC prohibits construction in the 0-30 foot no-build zone. Any construction beyond 30 feet to the next 100 foot requires a conditional use permit. Planner Astorga remarked that the proposal to construct two parking spaces would decrease the level of non-compliance.

The Staff report contained the Staff analysis regarding the CUP criteria. The impacts were all mitigated as described by the criteria.

Planner Astorga noted that the next item on the agenda this evening would be the amendment

Exhibit K2 – 4.24.2010 Planning Commission Verbatim Excerpt

The Planning Commission discussed the North Silver Lake CUP on April 28, 2010. Below is a verbatim transcript of the portion of the discussion regarding lockout units.

Commissioners: Charlie Wintzer, Brooke Hontz, Dick Peek, Adam Strachan, Richard Luskin.

Staff: Planner Katie Cattan; Assistant City Attorney, Polly Samuels McLean.

Applicant representatives: Doug Clyde, Tom Bennett, John Shirley

Julia

Pettit: I have one question then I'll make a comment. Uh, I know that Mr. Dillon referenced an original finding, or an original condition of approval regarding the lockout. Do you---

Katie

Cattan: I, I recall that as well and I, it is not included in here. Um, originally-- I could take a minute and go on the computer and---

Julia

Pettit: I, I think that---

Katie

Cattan: And, and locate it and we can re-adopt---

Julia

Pettit: It's been raised and if it was in the original---

Katie

Cattan: Yeah.

Julia

Pettit: Conditions set up for the approval, let's make sure that something hasn't gotten inadvertently left out.

Katie

Cattan: Yep.

Julia

Pettit: So, that would be my recommendation.

Charlie

Wintzer: That was my comment, too.

Katie

Cattan: [Inaudible.]

Charlie
Wintzer: Sure.

While Planner Cattan looked through her computer for the original condition of approval, the Commissioners made their individual comments regarding the CUP, but nothing pertaining to lockout units.

Katie
Cattan: Would you like me to talk about lockout units.

Julia
Pettit: Yes.

Katie
Cattan: A condition of approval that we could add to this would be, "Lockout units have not been included within the current conditional use permit application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission."

Julia
Pettit: Was that how---

Katie
Cattan: That's how we---I, I couldn't find the exact language but that's how I remember us re-wording that the last time. So that, if the applicant were to choose to amend their plan and come back, that would be a substantial deviation and they would have to come back for approval.

Charlie
Wintzer: But right now they---

Katie
Cattan: [Inaudible.]

Charlie
Wintzer: Am I, am I correct Katie, that right now, with what you said they can have lockouts but they can only have it with our approval, is that correct?

Katie
Cattan: Only with your---they have to come back before Planning Commission and get approval of lockout units.

Adam

Strachan: And that would open the entire project up to re-review?

Charlie
Wintzer: If we say that it would that, that'll stop that issue.

Polly
Samuels
McLean: Um, I need to talk perspective. I'm just trying to think it out. I mean at the point that it would be built, it's kind of hard to say. I mean, I think that you would, it would re-open the CUP.

Katie
Cattan: It would be an Amendment.

Polly
Samuels
McLean: It would be an amendment to the CUP. The scope of that, it's just hard to say without it in front of us. I don't have a super clear answer on that. But it's---

Adam
Strachan: It seems like if it would change the use, you know, if it's built and then you change the use later, we didn't approve that use.

Polly
Samuels
McLean: Well, what, what that, they would be coming in to amend that use.

Adam
Strachan: Yeah, but it would be built already. So---

Katie
Cattan: But you could still deny it if it was incompatible with---

Polly
Samuels
McLean: Right. You'd go through the criteria.

Katie
Cattan: And it would have to occur prior to, um, building the units to create lockout units. They couldn't put, if I, if I have a set of plans which shows lockout

units, I could not approve that set of plans. It would have to come back before you. So it wouldn't be built.

Adam

Strachan: Well, not on, not by this Staff report. There's nothing that prevents them by this Staff report from building lockout units.

Polly

Samuels

McLean: Not, uh, the way I read that condition of approval is that it would--you couldn't--- they could not build lockout units right now without coming back before you and requesting them. And I would say that you would look at it as a clean slate. You would evaluate it for the lockout units, but I don't think that it would re-open the whole project. I think it would just be limited to the scope of the lockout units and whether or not it met the criteria of the CUP. You'd go through those 15 analyses.

Julia

Pettit: So, Katie, that would be an additional condition of approval #19?

Katie

Cattan: Yes.

Julia

Pettit: Or would it be added on to one of the others?

Katie

Cattan: Um, I think we could make it independent, so it would be number 19.

Julia

Pettit: And can you read that back to me again?

Katie

Cattan: Yeah. "Lockout units have not been included within the current conditional use permit application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission.

Charlie

Wintzer: Commissioners, any more comments or a motion?

Unidentified

Male: I mean, a lockout unit is an allowed us in the zone.

Doug

Clyde: Condition.

Unidentified

Male: Wouldn't that, I mean that would just be a Staff level approval.

Charlie

Wintzer: Not if it's a condition that's in there. We're saying that they can't---

Unidentified

Male: Yeah, yeah, yeah, I got it.

Polly

Samuels

McLean: So, right, under---

Unidentified

Male: You're making it a condition.

Polly

Samuels

McLean: We're making, we're making it a condition because of the, um, possible and additional impacts. So, that's one of your mitigations. And then you could re-evaluate that if lockout units are proposed.

Unidentified

Male: Okay, thanks for the clarification.

Adam:

Mr. Chairman, I make a motion. No just kidding.

Charlie

Wintzer: I, I was waiting, 'cause if we wait too long.

Julia

Pettit: Um, Mr. Chairman, I'm going to make a motion that we approve the North Silver Lake Lodges Conditional Use Permit in accordance with the findings of fact, conclusions of law, and conditions of approval as amended with respect to Conditional of Approval #19 as it has been read into the record.

Charlie

Wintzer: We have a motion. Do we have a second?

Richard

Luskin: I'll second.

Charlie

Wintzer: Uh, any comments?

Dick
Peek: Condition of Approval 17, the first sentence, should “sight” be changed to “site”?

Doug
Clyde: Yeah, we, uh, we didn’t want anybody to think that we were restoring sight to anybody. We’re not Moses or anything.

Katie
Cattan: I don’t know who wrote that.

Julia
Pettit: I’ll amend my motion to include the change to Condition of Approval #17.

Charlie
Wintzer: Any other comments? All in favor?

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.



Building • Engineering • Planning

April 28, 2010

North Silver Lake Lodges, LLC
11990 San Vicente, Suite 200
Los Angeles, CA 90049

NOTICE OF PLANNING COMMISSION ADMINISTRATIVE ACTION

Project Address: **Lot 2B of North Silver Lake Subdivision**
Project Description: **Conditional Use Permit**
Date of Action: **April 28, 2010**

Action Taken By Planning Commission: Approved in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as written below:

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5140 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906



Building • Engineering • Planning

8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized ¼ acre of the Lot 2B parcel to comply with the open space requirement.
10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit utilizing the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.

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3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on *April 28, 2010*.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire *April 28, 2011*, 12 months from *April 28, 2010*, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on *April 28, 2010*. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

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15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans approved by the Planning Commission on April 28, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure sight restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.
18. A bond shall be collected to at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. The existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
19. Lockout units have not been included within the current CUP application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission. (Added during April 28, 2010 meeting).

Respectfully,

A handwritten signature in black ink, appearing to read "Katie Cattan".

Katie Cattan
Planner

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906

**PARK CITY COUNCIL, SUMMIT COUNTY, UTAH
FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS OF
APPROVAL AND ORDER FOR THE NORTH SILVER LAKE APPEAL
JULY 21, 2011**

At its regularly scheduled meeting of July 21, 2011, the Park City Council unanimously affirmed the Planning Commission decision to uphold the Planning Director's approval and grant the one year extension for the Conditional Use Permit (North Silver Lake CUP) with minor typographical corrections, specifically to Findings #3 and #9 as underlined and according to the following findings of fact, conclusions of law and conditions of approval.

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2D towards the 60% open space requirement. The Bellemont Subdivision utilized $\frac{1}{4}$ acre of the Lot 2D parcel to comply with the open space requirement.

10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and the project complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the allowance of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.
21. The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.
22. The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (25 %), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.
23. The landscape plan was modified to comply with the Wild Land Interface regulations.
24. Construction phasing and additional bonding beyond a public improvement guarantee has been required.
25. On July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit. The approval is scheduled to expire on July 1, 2011 if no building permits are issued within the development.
26. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. No permits for development have been issued or applied for at time of application. The extension request was submitted prior to the expiration of Conditional Use Permit.
27. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 1, 2010 City Council approval.

28. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
29. Within the July 1, 2010 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This requirement had not been completed at the time of extension submittal. The work was completed by July 1, 2011, and therefore the approved extension will not be void due to incompleteness on condition of approval #18 from the July 1, 2010 City Council action.
30. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18) new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work was completed by July 1, 2011 and complies with the July 1, 2010 City Council conditions of approval.
31. The Planning Director granted a one year extension to the Conditional Use Permit on April 28, 2011 to July 1, 2012.
32. An appeal to the Planning Commission of the Planning Director's approval was submitted on May 9, 2011.
33. On June 8, 2011 the Planning Commission held a public hearing to consider the appeal filed. After hearing testimony from the appellant, the property owner, and staff, the Planning Commission, after reviewing the matter de novo, rendered a decision to uphold the Planning Director's decision and grant the extension of the Conditional Use Permit.
34. On June 20, 2011, the City received a written appeal pursuant to Chapter 15-1-18(A) of the Land Management Code. The appeal is of the Planning Commission final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development.

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

5. No change in circumstance is proposed within the extension that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(I) are required prior to the issuance of an electrical permit.
10. This approval will expire July 21, 2012, 12 months the date of this decision, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.

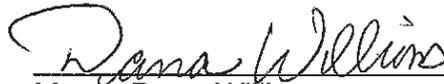
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas. Prior to building department action on approving each phase of the phasing plan, the developer and building department shall conduct a neighborhood meeting, with minimum courtesy mailed notice to both appellants, each appellant's distribution list as provided to planning staff, and any HOAs registered with the City within the 300 foot notice area.
18. No lockout units are permitted within this approval.
19. The conditions of approval of the original July 1, 2010 Conditional Use Permit approval continue to apply.

Order

1. The appeal is denied in whole. The Conditional Use Permit extension is approved with the amended Finding of Fact, Conclusions of Law and Conditions of Approval as stated above.

PASSED AND ADOPTED this 21st day of July, 2011.

PARK CITY MUNICIPAL CORPORATION



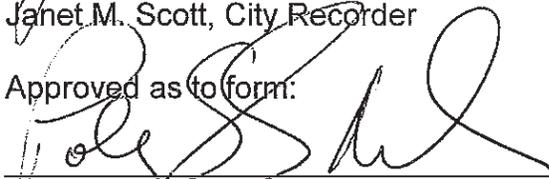
 Mayor Dana Williams

Attest:



 Janet M. Scott, City Recorder

Approved as to form:



 Polly McLean Samuels, Assistant City Attorney





April 6, 2012

Lisa Wilson
P.O. Box 1718
Park City, Utah 84060

NOTICE OF CITY COUNCIL ACTION

Project Description: Appeal of Planning Commission decision to approve one-year extension
Project Numbers: PL-12-01474
Project Address: North Silver Lake Lot 2B
Date of Final Action: April 5, 2012

Action Taken: The City Council conducted a public hearing and voted unanimously to deny the appeal of Planning Commission action to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development and upheld the approval based on the findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
5. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
6. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
7. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
8. The Planning Commission held public hearings on the original CUP on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009 and approved the CUP on July 8, 2009.
9. The Planning Commission approval of the CUP was appealed to the City Council and on November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
10. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.

11. The revised CUP was appealed to the City Council and on July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit
12. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. The extension request was submitted prior to the expiration of Conditional Use Permit. On April 28, 2011 the Planning Director approved the one year extension to July 1, 2012.
13. An appeal of the Planning Director's approval was heard on June 8, 2011 by the Planning Commission. The Planning Commission voted to uphold the Planning Directors decision to grant the extension of time as requested by the applicant.
14. The Planning Commission's decision was appealed to the City Council and on July 21, 2011 the City Council voted to uphold the Planning Commission's decision and approve the extension until July 21, 2012.
15. Within the July 21, 2011 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This condition was met as of July 1, 2011, which was prior to the first extension request, and the applicant has since capped the rock area with soil and has re-vegetated the area with new landscaping along the perimeter entrance as required.
16. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work has been completed, and the Building Department has released the bond.
17. On October 27, 2011 the applicant submitted a request for an additional one year extension until July 21, 2013 of the Conditional Use Permit which is currently set to expire on July 21, 2012.
18. On January 11, 2012, the Planning Commission granted the request for the one-year and final extension to the original CUP for North Silver Lake, Lot 2B, allowing the Conditional Use Permit to extend to July 21, 2013.
19. The Planning Commission may grant an additional one (1) year extension (of the Conditional Use Permit) when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 21, 2010 City Council approval.
20. The Conditional Use Permit application or plans for North Silver Lake Lot 2B has not changed since the July 21, 2010 City Council Approval.
21. There are no changes in circumstance including no physical changes to the Property or surroundings that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
22. There have been no changes to the application or the approved plans since the first

extension of time was granted on June 8, 2011 by the Planning Commission (and upheld by the City Council on July 21, 2011).

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
3. The Planning Commission did not err in granting a 12 month extension of the CUP approval.

Conditions of Approval

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me. I can be reached at 435-615-5063 or via e-mail me at mathew.evans@parkcity.org.

Sincerely,

Mathew W. Evans
Senior Planner



October 21, 2013

Jeff Dinkin
Regent Properties
11990 San Vicente Blvd., Suite 200
Los Angeles, CA 90049

Dear Jeff,

Please find enclosed tax projections for Stein Eriksen Residences (formerly North Silver Lake Lodge). The attached worksheet shows projected taxes with and without lockouts.

We used the following assumptions when calculating these projections;

- (1) Started with Stein Eriksen Lodge's rate and occupancy for the past 5 years
- (2) We reduced group room nights because of limited meeting space
- (3) Social room nights were increase because of less displacement from groups
- (4) A higher rate was used because newer properties generate higher rates

After calculating revenues and taxes, we asked Tanner LLC, a Salt Lake CPA firm to review our projections and give us an independent opinion of the reasonableness of these numbers, which is included.

Sincerely,

A blue ink handwritten signature of Russ Olsen, consisting of several loops and a long horizontal stroke at the bottom.

Russ Olsen
CEO

A blue ink handwritten signature of Mark C Lundskog, featuring a large, stylized 'M' and 'L'.

Mark C Lundskog
CFO



STEIN ERIKSEN LODGE RESIDENCES

Sales & Transient Taxes Annual Model

| | Lockouts | | Amount of Tax to Park City | | Without Lockouts | | Amount of Tax to Park City | |
|------------------------------|---------------|------------|----------------------------|------------|------------------|------------|----------------------------|------------|
| Room Revenue | \$ 10,421,599 | | | | \$ 4,357,851 | | | |
| Taxes | | | | | | | | |
| State sales | 4.70% | \$ 489,815 | State | \$ 204,819 | State | \$ 204,819 | State | \$ 204,819 |
| Local sales * | 1.00% | \$ 104,216 | \$ 52,108 | \$ 43,579 | \$ 21,789 | \$ 43,579 | \$ 21,789 | \$ 21,789 |
| Mass transit | 0.30% | \$ 31,265 | \$ 31,265 | \$ 13,074 | \$ 13,074 | \$ 13,074 | \$ 13,074 | \$ 13,074 |
| Botanical, cultural, zoo | 0.10% | \$ 10,422 | County | \$ 4,358 | County | \$ 4,358 | County | \$ 4,358 |
| County option sales | 0.25% | \$ 26,054 | County | \$ 10,895 | County | \$ 10,895 | County | \$ 10,895 |
| Resort community | 1.10% | \$ 114,638 | \$ 114,638 | \$ 47,936 | \$ 47,936 | \$ 47,936 | \$ 47,936 | \$ 47,936 |
| Add'l Resort Tax (4/1/13) | 0.50% | \$ 52,108 | \$ 52,108 | \$ 21,789 | \$ 21,789 | \$ 21,789 | \$ 21,789 | \$ 21,789 |
| Transient Room | 3.00% | \$ 312,648 | County | \$ 130,736 | County | \$ 130,736 | County | \$ 130,736 |
| Munic. Transient Room** | NA | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Add'l Munic. Trans. Room** | NA | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Munic. Telco. License Tax*** | 3.50% | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Munic. Energy Tax *** | 6.00% | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Total To Amount to Park City | | | \$ 250,118.37 | | | | \$ 104,588.43 | |

* 50% of this tax stays in Park City. The remaining 50% is allocated to state municipalities based on population.

** Park City has not elected to enact this tax.

*** These taxes are applied to telephone service bills and energy bills respectively.





TANNER

BUSINESS ADVISORS AND CERTIFIED
PUBLIC ACCOUNTANTS

Tanner LLC
Key Bank Tower at City Creek
36 South State Street, Suite 600
Salt Lake City, Utah 84111-1400
Telephone (801) 532-7444
Fax (801) 532-4911
www.tannerco.com

INDEPENDENT ACCOUNTANTS' REPORT

Mr. Mark Lundskog, Chief Financial Officer
Stein Eriksen Lodge Owners' Association, Inc.
7700 Stein Way
Park City, UT 84060

We have performed the consulting procedures enumerated below for Stein Eriksen Lodge Owners' Association, Inc. (the Association), which were determined by you, with respect to the sales and transient taxes model prepared by management for the Park City local tax impact analysis of the additional room lock-out development project. The specific procedures that you have asked us to perform, and our findings from those procedures, are as follows:

Sales and Transient Taxes Annual Model Related to the Additional Room Lock-Out Development Project

1. Obtain the five years' historical lodging and financial data underlying certain assumptions in the model.
 - a. *Results:* We obtained the original report data for five years of historical lodging and financial data, and we obtained the summarized report prepared in Excel. We compared the original report data to the Excel data, noting minimal deviations that did not cause large, significant, or unreasonable changes to the yearly averages. Because the historical data was used as a guideline and benchmark in the Association's determination of potential project results, we did not consider these variations to be pertinent. The historical data appears reasonable.
2. Review the fewer number of group nights used in the model, compared to historical group occupancy rates due to fewer meeting rooms resulting from the proposed room lock-out development project.
 - a. *Results:* The estimated occupancy rates for group rentals is lower than the Association's historical group occupancy rates primarily because the available space for group meetings would be much smaller, and thus the groups and related revenue would be correspondingly smaller. Management's assumptions appear reasonable.
3. Review the amount of groups sales used in the model, which groups sales are based on groups using the living and kitchen areas. This practice is currently employed at Stein Eriksen Lodge.
 - a. *Results:* Group sales used in the model are a function of the annual estimated group daily rates and annual estimated occupancy rates. We noted that annual estimated group daily rates, on average, were slightly higher than the Association's historical data based on the assumption that newer facilities tend to have the ability to charge higher rates than a more established facility like Stein



Eriksen Lodge. Our experience corroborates this assumption and management's assumption appears reasonable. The estimated occupancy rates for group rentals is lower than the Association's historical group occupancy rates, the reasoning for which is described in procedure 2 above. These two factors are combined in the model to obtain annual estimated group sales.

4. Review the higher social occupancy used in the model, compared to historical social occupancy, which is based on the assumption that fewer group nights displace less social demand.
 - a. *Results:* The annual estimated social occupancy, on average, were slightly higher than the Association's historical data based on the fact that newer facilities tend to attract more guests in the short term than a more established facility like Stein Eriksen Lodge. Furthermore, it appears reasonable that with fewer group nights displacing less social demand, that a higher social occupancy is used in the model. Our experience corroborates these assumptions and management's assumptions appear reasonable.
5. Review the higher room rate used in the model, which is based on the fact that the property will be new. Compare the higher room rates to other new properties in the vicinity, such as the Montage and St. Regis properties.
 - a. *Results:* We viewed upcoming room rates for some of the newer lodging facilities in Park City (namely the Montage and St. Regis properties). Because room rates change significantly during the year due to seasonality, and based on the length of time that data was available on the respective websites, we reviewed room rates for various dates in January, February, and May 2014. We noted that in all cases, the room rates were higher than Stein's historical rates in the respective months, but that the estimated rates for the planned facility are slightly lower than the existing properties. We consider this comparison to be reasonable based on the planned facility's size and location compared to the existing properties. Based on our comparisons, the expected estimated rates appear to be reasonable.

We were not engaged to, and did not, conduct an examination of the forecast, the objective of which would be the expression of an opinion on the forecasted accounting records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the Association's management's information and use, and is not intended to be and should not be used by anyone else.

Tanner LLC

October 7, 2013



Planning Commission Staff Report



Project Number: PL-14-02225
Subject: North Silver Lake Condominium Plat
Author: Francisco Astorga, Planner
Date: February 12, 2014
Type of Item: Administrative – Condominium Record of Survey

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing for a Condominium Record of Survey for the North Silver Lake Condominium Plat, located at 7101 Silver Lake Drive, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: SR Silver Lake LLC represented by Rich Lichtenstein
Location: 7101 Silver Lake Drive
Lot 2B Subdivision of Lot 2 North Silver Lake
Zoning: Residential Development (RD) District
Adjacent Land Uses: Ski resort and residential
Reason for Review: Condominium Record of Survey Plats are required to be reviewed by the Planning Commission and reviewed and approved by the City Council

Proposal

Under the Deer Valley Resort Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial/support space. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units: sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private dwelling units. The applicant requests the approval of their proposed Condominium Record of Survey plat which is consistent with the approved CUP (2010).

Background

On January 10, 2014 a complete application was submitted to the Planning Department requesting approval of the North Silver Lake Condominium Plat located at 7101 Silver Lake Drive in Deer Valley. The site is located in the Residential Development (RD) District. The proposed Record of Survey identifies private and common space and allows the applicant to sell the units.

A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development. The Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate lots. In 2005 the North Silver Lake Lodge Record of Survey Plat was recorded. This Plat subdivided Lot 2B into six (6) units and it identified convertible land for future development of the remaining land.

At this time the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed North Silver Lake Condominium Plat. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project. The current recorded plat will be retired when this one is recorded.

Concurrently with this application the Planning Commission is reviewing a CUP modification application for the North Silver Lake development which requests to amend the approved CUP to allow Lockout Units.

District Purpose

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

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

Analysis

The proposed Condominium Record of Survey memorializes condominium units, common area, and limited common area for the development. The proposed plat identifies the private area, limited common area, support limited common area and facilities, and common area that allows the units to be sold individually.

The proposed Condominium Record of Survey consists of ten (10) single-family dwellings, six (6) duplex dwellings, thirty eight (38) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units. The boundary lines of each private unit are set forth on the proposed plat.

The boundaries for Units 11 through 16, consisting of six (6) detached single family dwellings, are depicted as two-dimensional condominium space because these units are not yet designed and the accurate dimensions are not known at this time. The condominium plat includes all of the air space on and above the location of such units as shown on the proposed plat. Upon completion of construction of a building on these units, the boundaries of such completed units will be amended and a final record of survey plat will be recorded. The owner will have the obligation to amend this proposed plat after construction of the complete units to reflect the as-built boundaries of such completed unit.

Staff recommends that for these six (6) units, unit 11 through 16, a condition of approval of this underlying condominium plat requires that upon completion of these units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

The size of the private units within the multi-unit dwelling ranges from 1,978 – 4,932 square feet. The size of the private units, the single family dwellings and duplexes range from 5,565 – 6,505. See table below showing the dwelling type, private square footage, and number of floors of units 1-10:

| Unit # | Dwelling type | Private square footage | Number of floors |
|--------|---------------|------------------------|------------------|
| 1 | SFD | 6,505 | 4 |
| 4 | SFD | 6,320 | 4 |
| 3 | Duplex | 5,840 | 3 |
| 4 | Duplex | 5,840 | 3 |
| 5 | SFD | 5,565 | 3 |
| 6 | Duplex | 5,729 | 3 |
| 7 | Duplex | 5,729 | 3 |
| 8 | SFD | 5,682 | 3 |
| 9 | Duplex | 5,732 | 3 |
| 10 | Duplex | 5,732 | 3 |

Height of the single family dwellings and duplexes

After reviewing the previous staff reports and minutes staff identified that the single family and duplex dwellings along the periphery of the site are substantially beneath the allowed height of 45 feet. The applicant’s representative indicated that their proposal was designed to put all the units on the perimeter of the project at 33 feet maximum height. The larger buildings in the center are designed at 50 feet. This is reflected on the August 13, 2008 Planning Commission staff report and meeting minutes.

During the October 22, 2008 Planning Commission meeting it was indicated that the homes on the perimeter were designed to be 33 feet above grade from natural grade; two units on steep grade. It was also noted that there are units where the buildings would be between 33 and 40 feet tall to create variation in the roof forms. These homes

create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

During the February 25, 2009 Planning Commission the applicant's architect reviewed a fog study and talked about the massing of the project. It was stated that the applicants took it upon themselves to apply a 33 foot height limit. That same staff report indicated the following:

Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.

During the May 27, 2009 Planning Commission Planner Cattan reported that part of the master plan is a 45 foot height limit with an additional five feet for pitched roofs. She presented a display showing a 33 foot cloud over existing grade and noted that the applicant has self-imposed a 33 foot height limitation around the periphery. The project is above 33 feet in the central four units and in small portions around the periphery. For the most part they stayed under the self-imposed 33 foot height limit. The allowed height is 45 feet maximum. The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade. The same was discussed during the July 08, 2009 Planning Commission meeting and the November 12, 2012 City Council meeting.

The following exhibit was presented to the Planning Commission during the May 27, 2009 Planning Commission meeting:



Discussion requested: Staff recommends that the applicant work closely with the Planning Department in order for the City to ensure that the height of all of the structures match what the City approved. This includes the self-imposed height condition of the single family dwellings and duplexes as the CUP was approved with this understanding. The proposed Record of Survey shall indicate the appropriate heights per the previous minutes, staff reports, and submitted exhibits reflect such self-imposed regulation. Does the Planning Commission concur with such findings and specific condition of approval?

The Record of Survey includes: limited common areas consisting of decks, roofs, driveways, etc.; support limited common areas and facilities consisting of the private road, patio, exercise area, lockers, swimming pool, lobby, lounge, etc.; support unit consisting of the lobby; and the three (3) support commercial units identified as:

- Unit C-1, spa, 852 square feet
- Unit C-2, ski rentals, 817 square feet
- Unit C-3, dining area, 3,244 square feet

These support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units onsite. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community. Per the 2010 approved CUP, the applicant requested to accommodate 5,140 square feet of support commercial space. At this time the updated CUP plans and Record of Survey indicates a combined area of 4,913 square feet.

Staff finds good cause for this Condominium Record of Survey as it reflects the approved CUP for the development.

Department Review

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

Notice

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

Public Input

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

Future Process

The approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC

15-1-18.

Alternatives

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

Significant Impacts

There are no significant impacts on the City from this application.

Consequences of not taking the Suggested Recommendation

The Condominium Record of Survey would not reflect the approved 2010 CUP development. The owner would not be able to sell private units.

Recommendation

Staff recommends that the Planning Commission conduct a public hearing for a Condominium Record of Survey for the North Silver Lake Condominium Plat, located at 7101 Silver Lake Drive, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Proposed Ordinance with Proposed Condominium Record of Survey
- Exhibit B – Project Description
- Exhibit C – North Silver Lake Subdivision (1993)
- Exhibit D – Lot 2 North Silver Lake Subdivision (1997)
- Exhibit E – North Silver Lake Record of Survey Plat (2005)

Exhibit A – Proposed Ordinance with Condominium Record of Survey

Ordinance No. 14-XX

AN ORDINANCE APPROVING THE NORTH SILVER LAKE CONDOMINIUM PLAT LOCATED AT 7101 SILVER LAKE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the North Silver Lake Condominium Record of Survey Plat, located at 7101 Silver Lake Drive have petitioned the City Council for approval of an amended and restated condominium record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, to receive input on the North Silver Lake Condominium Record of Survey Plat record of survey plat;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council on _____ conducted a public hearing to receive input on the North Silver Lake Condominium Plat ; and

WHEREAS, it is in the best interest of Park City, Utah to approve the North Silver Lake Condominium Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. North Silver Lake Condominium Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 7101 Silver Lake Drive.
2. The site is located in the Residential Development (RD) District.
3. A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development.

4. Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate lots. This record of survey plat is development of Lot 2B of the Lot 2 North Silver Lake Subdivision plat.
5. In 2005 the North Silver Lake Lodge Record of Survey Plat was recorded. This Plat subdivided Lot 2b into six (6) condominium units and identified convertible land
6. At this time the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed Record of Survey. Upon recordation of this current condominium plat, the North Silver Lake Lodge Record of Survey plat (2005) shall be retired.
7. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project.
8. Under the Deer Valley Resort Master Plan the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
9. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units: sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing a total of thirty eight (38) private residential dwelling units.
10. The proposed Condominium Record of Survey Plat amends Lot 2B of North Silver Lake Subdivision.
11. The boundary lines of each private unit are set forth on the proposed plat. The boundaries for Units 11 through 16, consisting of six (6) single family dwellings, are depicted as two-dimensional units, and consist of all of the air space on and above the location of such units as shown on the proposed plat.
12. Upon completion of construction of a building on unit 11 through 16, the accurate boundaries of such completed units will be amended.
13. The owner will have the obligation to amend this proposed plat after construction of the complete units to reflect the as-built boundaries of such completed unit.
14. The proposed Condominium Record of Survey plat consists of ten (10) single-family dwellings, six (6) duplex dwellings, thirty eighty (38) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
15. The support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.
16. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community.
17. The 2010 approved CUP accommodated 5,140 square feet of support commercial space.
18. At this time the updated CUP plans and this Record of Survey indicates a combined area of 4,913 square feet of support commercial.
19. The applicant shall work closely with the Planning Department in order for the

City to ensure that the height of all of the structures match what the City approved. This includes the self-imposed height condition of the single family dwellings and duplexes as the CUP was approved with this understanding.

20. All findings in the analysis section of the staff report are incorporated herein.

Conclusions of Law:

1. There is good cause for this Condominium Record of Survey.
2. The Condominium Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
3. Neither the public nor any person will be materially injured by the proposed condominium record of survey plat.
4. Approval of the condominium record of survey plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The condominium record of survey plat is consistent with the approved North Silver Lake Conditional Use Permit.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Upon completion of Units 11 through 16, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.
4. A note shall be added to the plat referencing that the conditions of approval of the Deer Valley MPD and the North Silver Lake CUP apply to this plat.
5. A note shall be added to the plat stating that prior to issuance of a certificate of occupancy for Units 11 through 16, an amended record of survey plat shall be recorded at Summit County memorializing the "as built".
6. The proposed Record of Survey shall indicate the appropriate heights per the previous minutes, staff reports, and submitted exhibits reflect such self-imposed regulation.

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

PASSED AND ADOPTED this ____ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

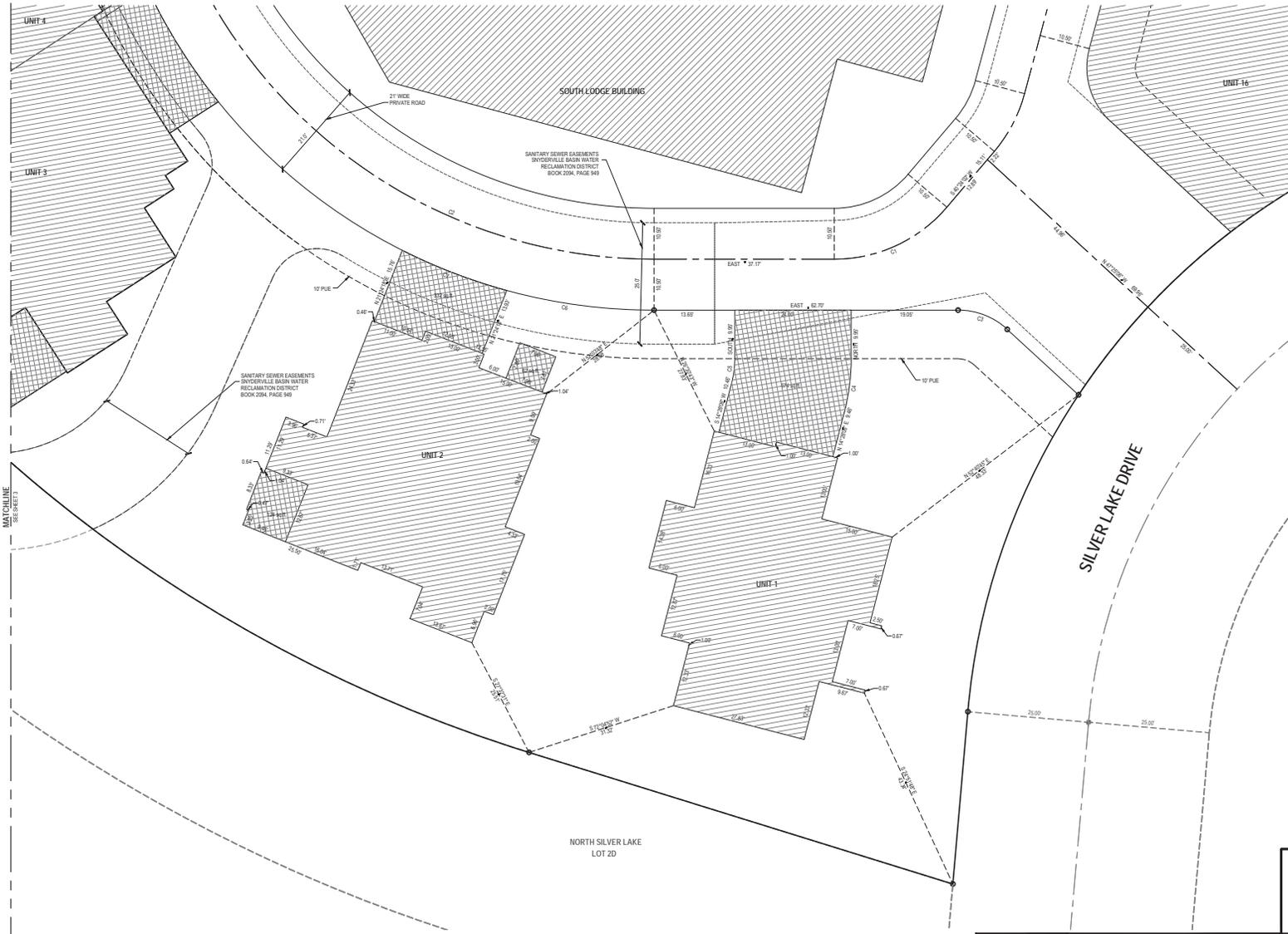
Marci Heil, City Recorder

APPROVED AS TO FORM:

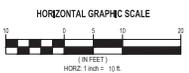
Mark Harrington, City Attorney

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| CURVE TABLE | | | | | |
|-------------|--------|--------|-----------|-------------|--------|
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
| C1 | 36.97 | 26.47 | 49°29'58" | N89°12'11"E | 26.97 |
| C2 | 105.97 | 128.77 | 70°14'48" | S84°52'37"W | 120.52 |
| C3 | 15.00 | 11.10 | 42°24'54" | N89°42'37"W | 10.89 |
| C4 | 44.90 | 11.20 | 14°24'50" | N71°40'41"E | 11.17 |
| C5 | 20.37 | 5.17 | 14°28'00" | N71°40'41"E | 5.12 |
| C6 | 115.92 | 32.12 | 10°58'02" | S87°01'58"E | 32.02 |
| C7 | 115.92 | 23.12 | 11°28'17" | S89°01'58"E | 23.08 |



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 2 OF 32
PROJECT NUMBER: 5933
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



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LAYTON
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TOOELE
Phone: 435.643.3990
CEDAR CITY
Phone: 435.865.1453

RECORDED IN
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

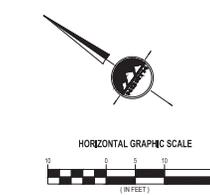
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| CURVE TABLE | | | | | |
|-------------|--------|--------|-----------|-------------|--------|
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
| C1 | 105.00 | 128.73 | 70°14'46" | S54°02'37"E | 120.52 |
| C2 | 115.50 | 28.77 | 14°16'23" | S31°48'54"E | 28.70 |
| C4 | 35.46 | 0.82 | 1°19'14" | S18°07'21"E | 0.82 |
| C10 | 115.50 | 9.86 | 4°52'28" | S22°11'58"E | 9.86 |

| LEGEND | |
|--------|--|
| | EXISTING STREET MONUMENT |
| | SECTION CORNER |
| | SET 60' REBAR WITH YELLOW PLASTIC CAP, ORIGINAL STAKED, ENGINEER & LAND SURVEY |
| | BOUNDARY LINE |
| | SECTION LINE |
| | CENTER LINE |
| | EASEMENT LINE |
| | FIRE HYDRANT |
| | PRIVATE AREA |
| | LIMITED COMMON AREA |
| | COMMON AREA |



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE: _____ SUMMIT COUNTY RECORDER

SHEET 3 OF 32

PROJECT NUMBER: 5083
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/14

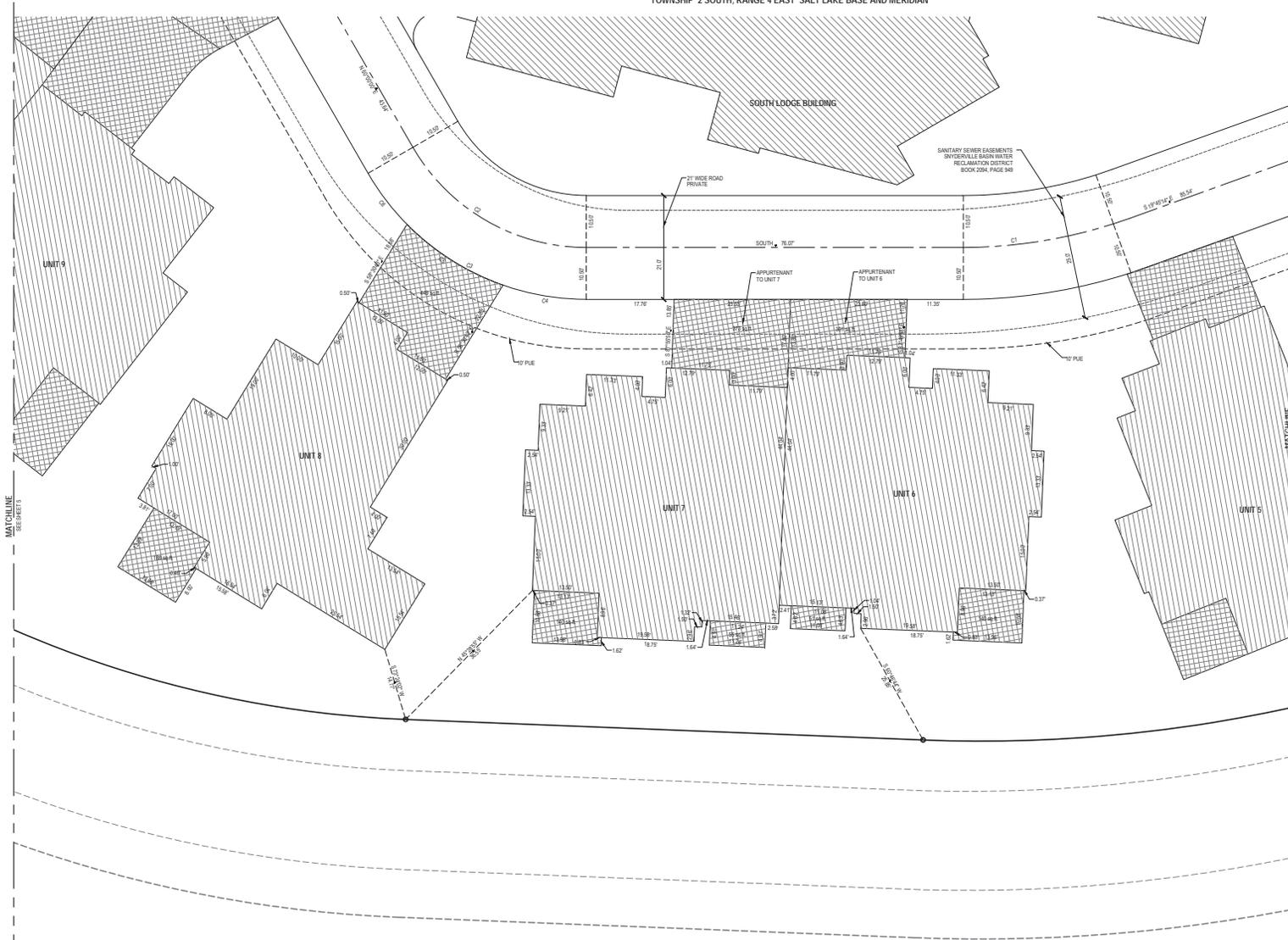


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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

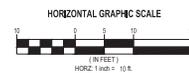
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| CURVE TABLE | | | | | | |
|-------------|---------|--------|-----------|-------------|--------|-------|
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD | CHORD |
| C1 | 100.00' | 34.40' | 19°40'14" | S87°32'27"E | 34.31' | |
| C2 | 40.00' | 42.41' | 60°00'00" | S30°00'00"W | 40.00' | |
| C3 | 51.00' | 53.41' | 60°00'00" | S30°00'00"W | 51.00' | |
| C4 | 51.00' | 11.17' | 19°17'28" | S87°34'37"W | 17.00' | |
| C5 | 51.00' | 23.20' | 20°00'38" | S32°19'23"W | 23.00' | |
| C6 | 51.00' | 13.00' | 14°38'36" | S32°40'41"W | 13.00' | |

LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- SET 9" X 9" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENGIN ENGR. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- FIRE HYDRANT
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 4 OF 32
PROJECT NUMBER: 5083
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/11



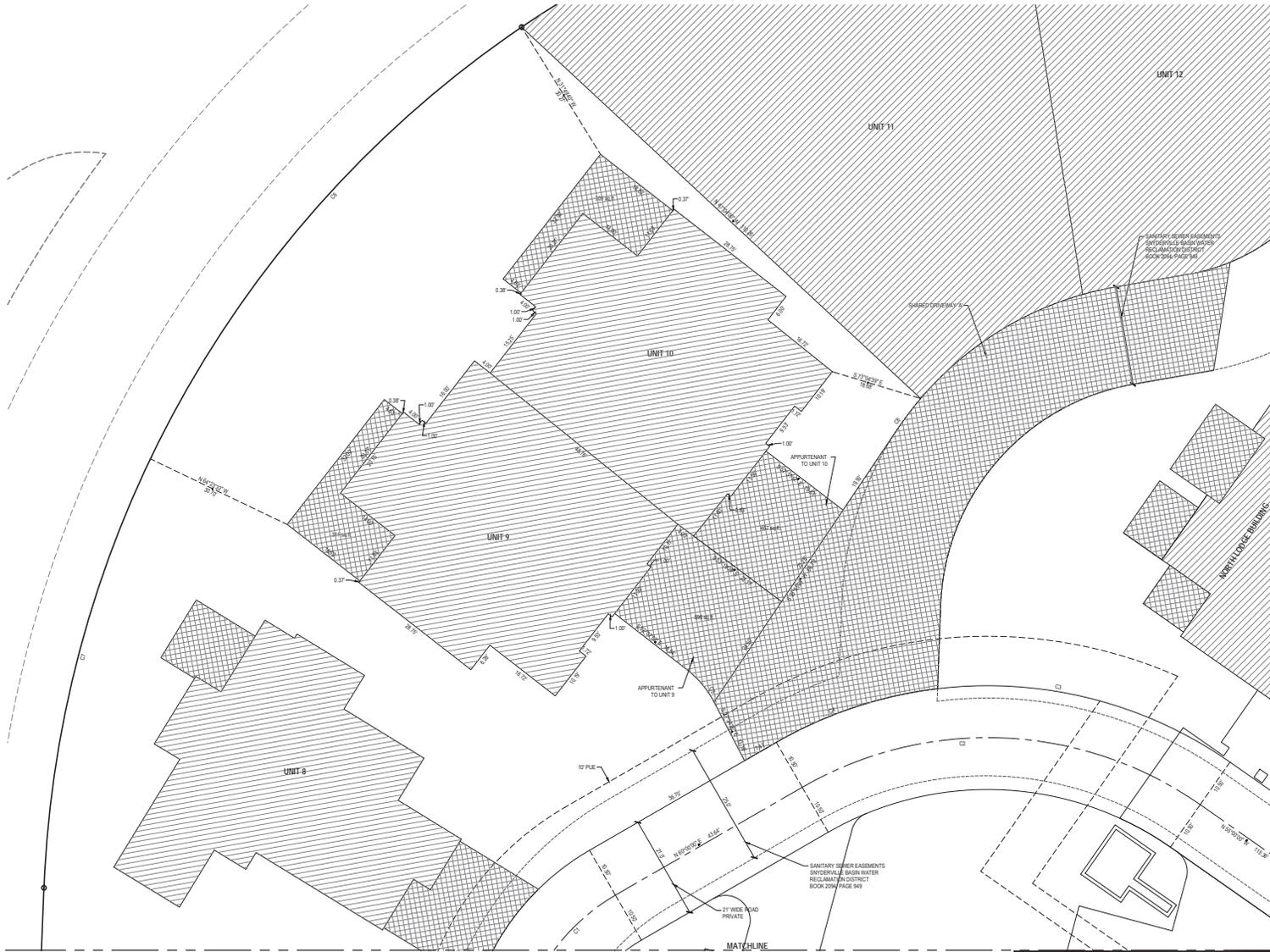
SALT LAKE CITY
45 West 10000 South
Suite 300
Sandy, UT 84070
Phone: 801.225.0020
Fax: 801.256.4449
www.engin.com

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.643.3990
CEDAR CITY
Phone: 435.865.1453

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FEE: _____ SUMMIT COUNTY RECORDER

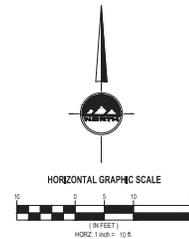
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| CURVE TABLE | | | | | |
|-------------|---------|---------|-----------|-------------|---------|
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
| C1 | 40.50' | 42.41' | 60°00'00" | S30°00'00"W | 48.50' |
| C2 | 79.00' | 85.08' | 60°00'00" | N67°30'00"W | 88.58' |
| C3 | 89.50' | 62.37' | 41°47'50" | N79°03'07"W | 61.00' |
| C4 | 89.50' | 34.62' | 23°12'00" | S71°00'00"W | 34.38' |
| C5 | 20.00' | 8.67' | 24°33'00" | N09°01'22"W | 8.90' |
| C6 | 221.00' | 116.61' | 30°12'22" | S40°42'38"W | 116.17' |
| C7 | 221.00' | 90.03' | 23°02'22" | S13°06'19"W | 89.47' |
| C8 | 67.00' | 7.89' | 8°29'01" | S37°09'47"W | 7.58' |

| LEGEND | |
|--------|--|
| | EXISTING STREET MONUMENT |
| | SECTION CORNER |
| | SET 5/8" REBAR WITH YELLOW PLASTIC CAP OR NAIL STAMPED "ENSON ENG & LAND SURV" |
| | BOUNDARY LINE |
| | SECTION LINE |
| | CENTER LINE |
| | EASEMENT LINE |
| | FIRE HYDRANT |
| | PRIVATE AREA |
| | LIMITED COMMON AREA |
| | COMMON AREA |



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 5 OF 32
PROJECT NUMBER: 9083
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/11



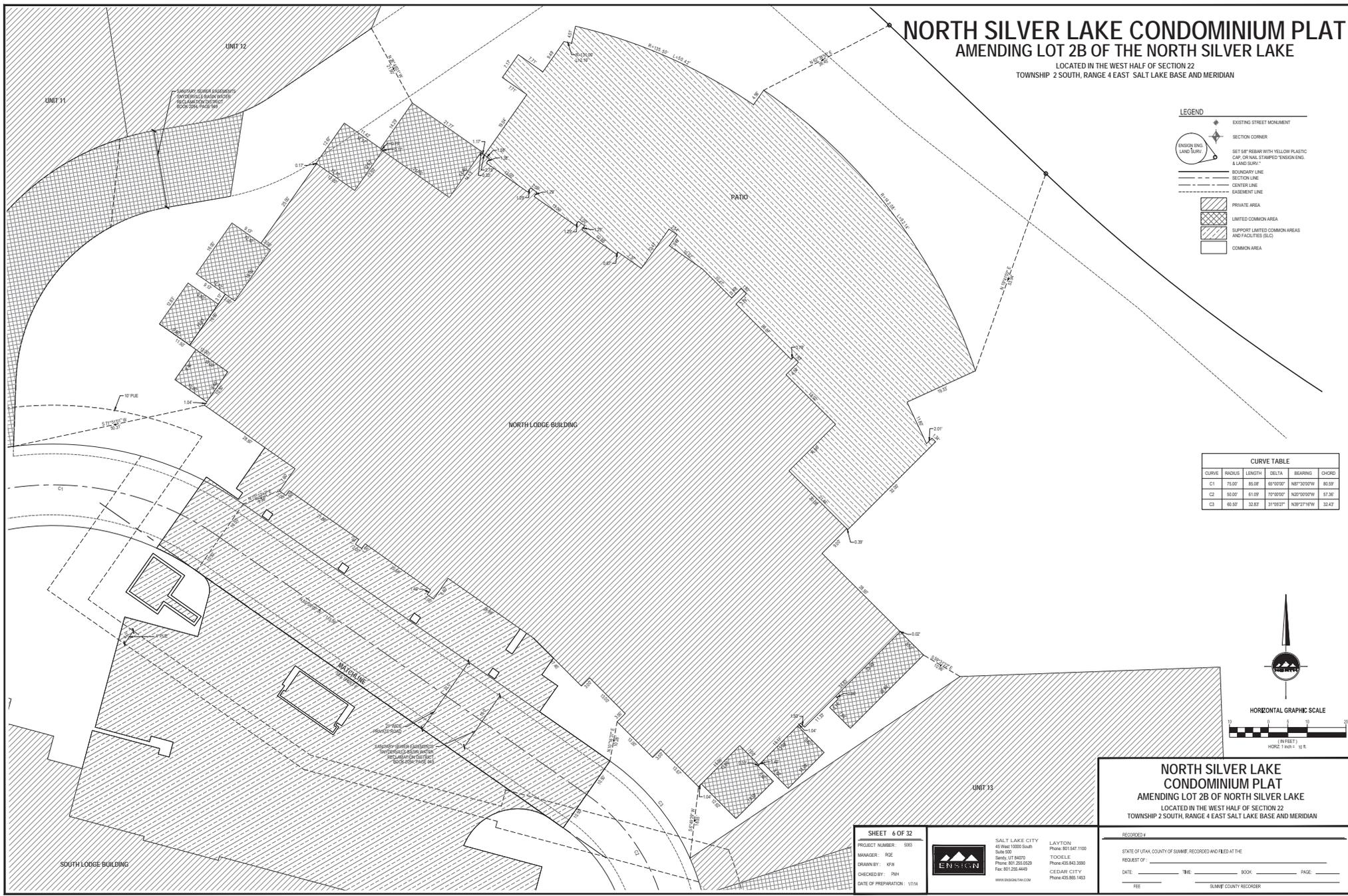
SALT LAKE CITY
45 West 10000 South
Suite 300
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Phone: 801.225.0620
Fax: 801.225.4449
www.ensongroup.com

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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

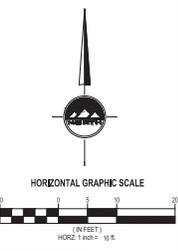


LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- ENGIN' ENCL. LAND SURV.
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP OR NAIL STAMPED 'ENGIN' ENCL. & LAND SURV.'
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EXISTENCE LINE
- PRIVATE AREA
- LIMITED COMMON AREA
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (E/C)
- COMMON AREA

CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
|-------|--------|--------|-----------|-------------|--------|
| C1 | 75.00' | 85.00' | 60°00'00" | N87°30'00"W | 80.59' |
| C2 | 50.00' | 61.00' | 70°00'00" | N20°00'00"W | 57.36' |
| C3 | 60.50' | 32.87' | 31°05'27" | N39°27'18"W | 32.47' |



NORTH SILVER LAKE CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 6 OF 32
PROJECT NUMBER: 5983
MANAGER: ROE
DRAWN BY: KFM
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



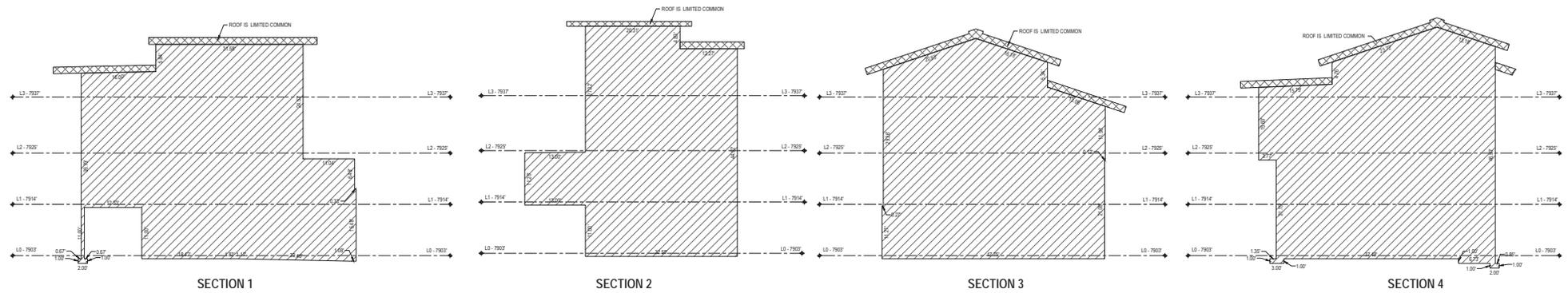
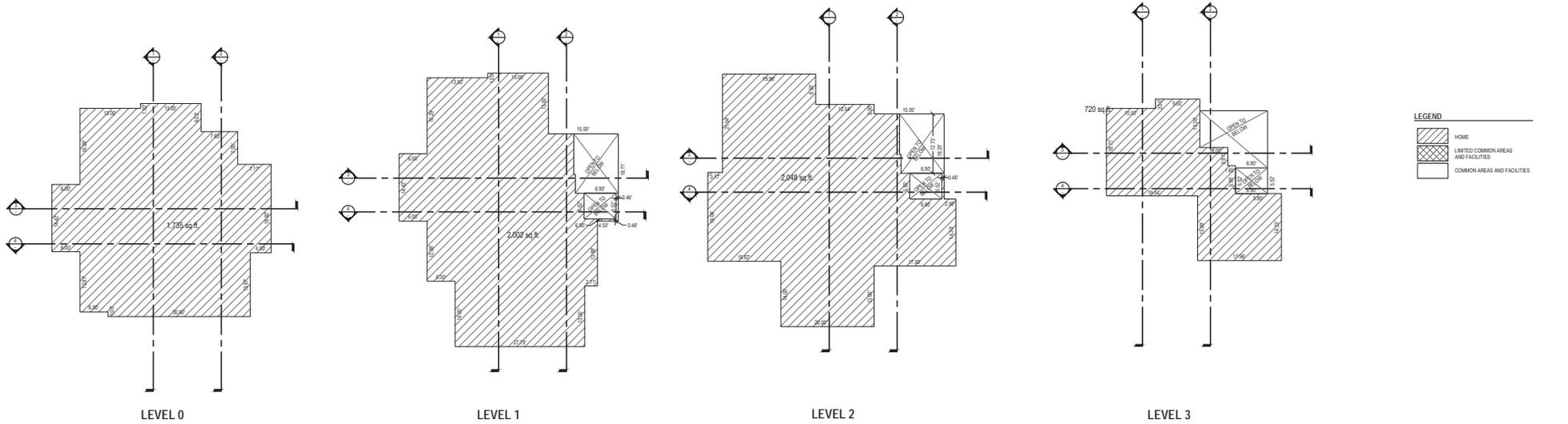
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Sandy, UT 84070
Phone: 801.225.0220
Fax: 801.225.4449
www.engin.com

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TUCOLE
Phone: 435.643.3990
CEDAR CITY
Phone: 435.885.1483

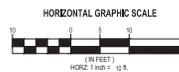
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DATE: _____ THIS _____ BOOK _____ PAGE _____
FEE _____ BLAINE COUNTY RECORDER

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT 1



SHEET 8 OF 32
PROJECT NUMBER: 5983
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



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Phone: 435.885.1453

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE _____

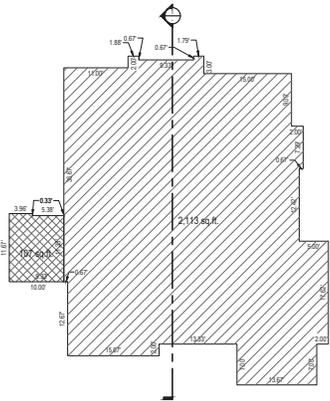
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DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

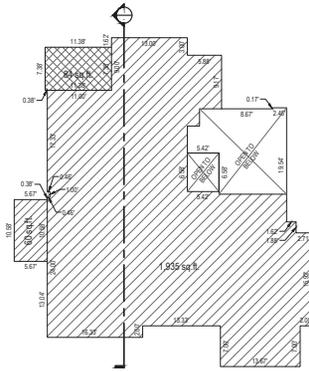
FEE: _____ BLAINE COUNTY RECORDER

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

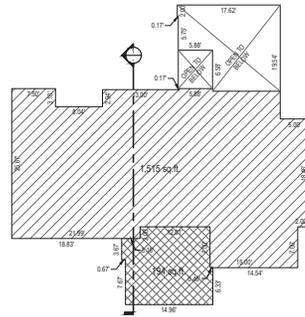
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



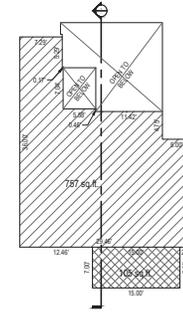
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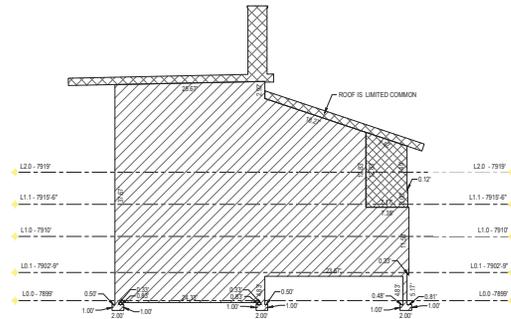
LEVEL 1



LEVEL 2

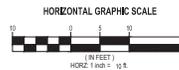


LEVEL 3



SECTION 1

UNIT 2



SHEET 9 OF 32
PROJECT NUMBER: 5083
MANAGER: PRE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 10/11



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Phone: 435.885.1453

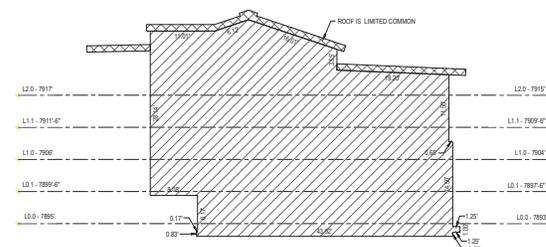
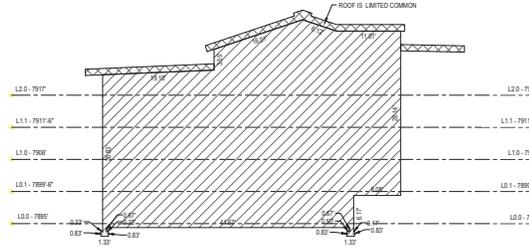
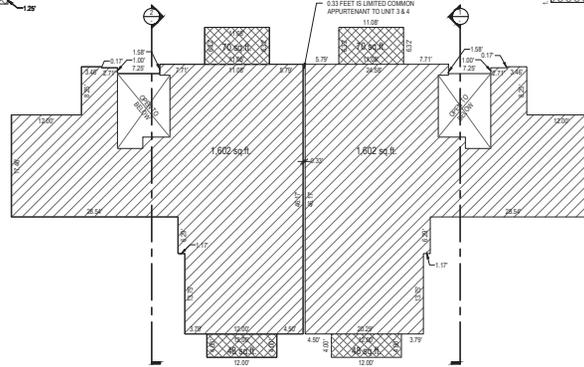
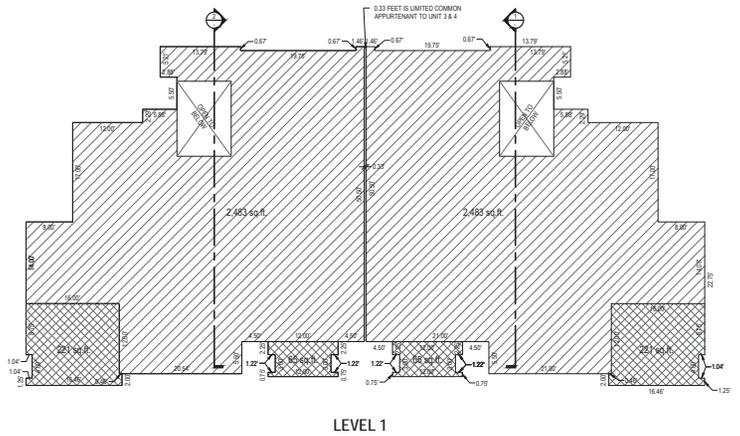
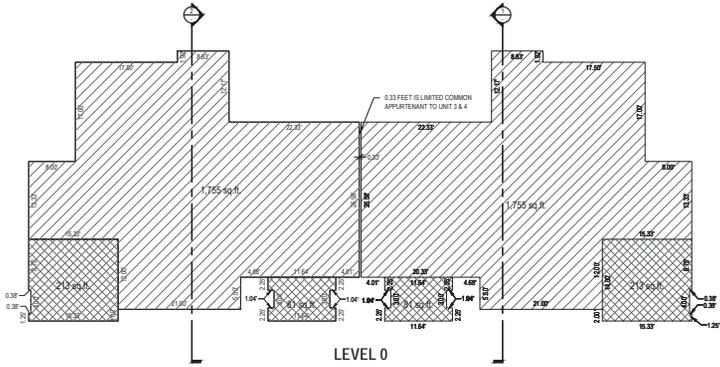
**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____

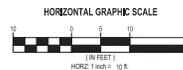
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REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ BLAKE COUNTY RECORDER

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNITS 3 & 4



SHEET 10 OF 32
PROJECT NUMBER: 5883
MANAGER: RCE
DRAWN BY: RFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/8/14



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TOOELE
Phone: 435.843.3390
CEDAR CITY
Phone: 435.865.1453

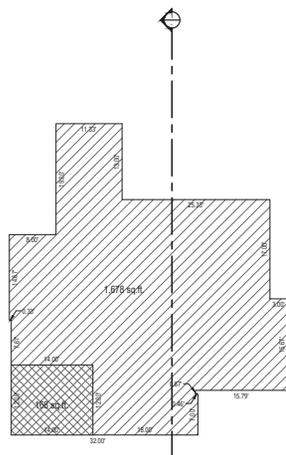
**NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED

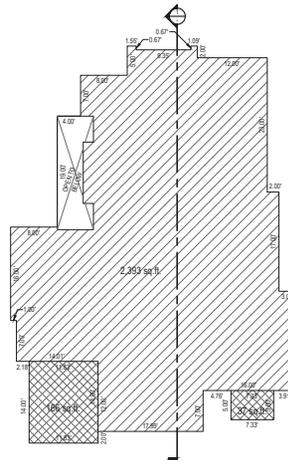
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REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

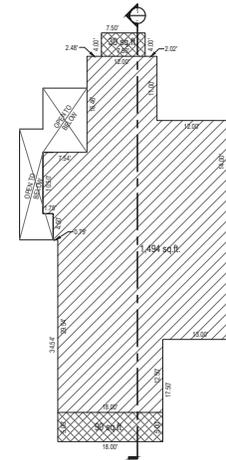
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



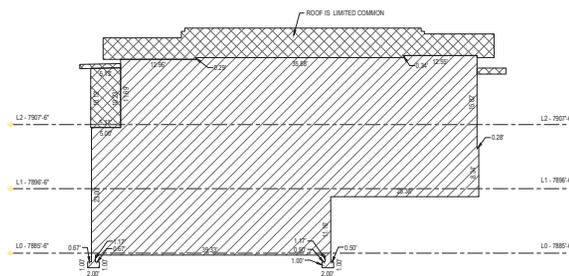
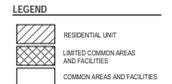
LEVEL 0



LEVEL 1

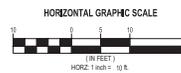


LEVEL 2



SECTION 1

UNIT 5



SHEET 11 OF 32
PROJECT NUMBER: 5883
MANAGER: RCE
DRAWN BY: NFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/16/14



SALT LAKE CITY
45 West 1000 South
Salt Lake
Utah, UT 84079
Phone: 801.226.0028
Fax: 801.226.4449
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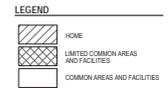
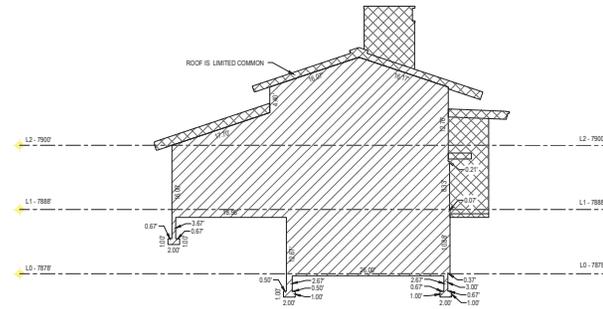
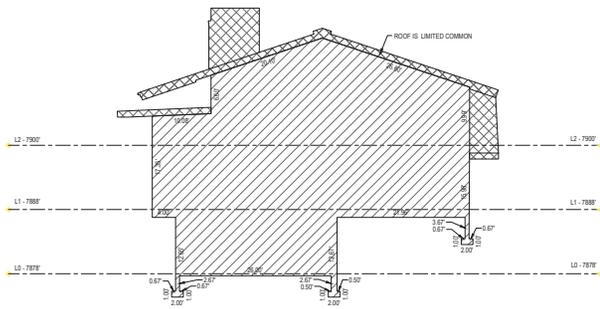
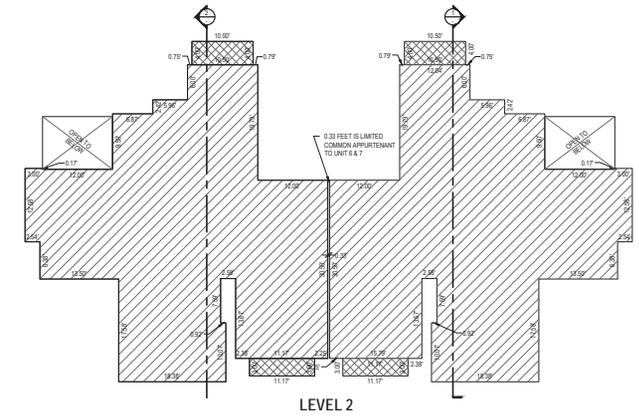
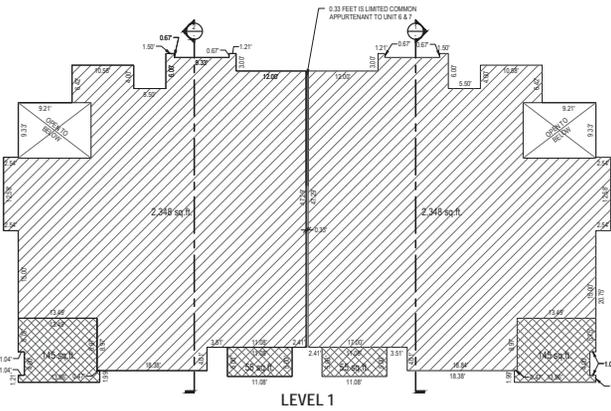
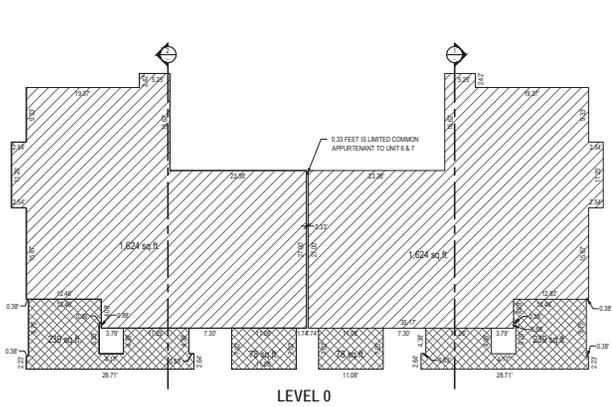
LAYTON
Phone: 801.847.1100
TODDLE
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CEDAR CITY
Phone: 435.865.1453

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

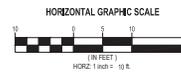
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DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNITS 6 & 7



SHEET 12 OF 32
PROJECT NUMBER: 5883
MANAGER: RCE
DRAWN BY: NW
CHECKED BY: PMH
DATE OF PREPARATION: 1/16/14



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45 West 1000 South
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Utah, UT 84070
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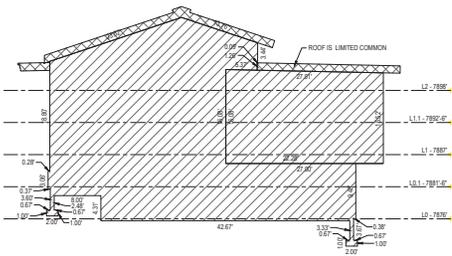
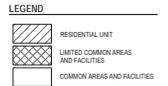
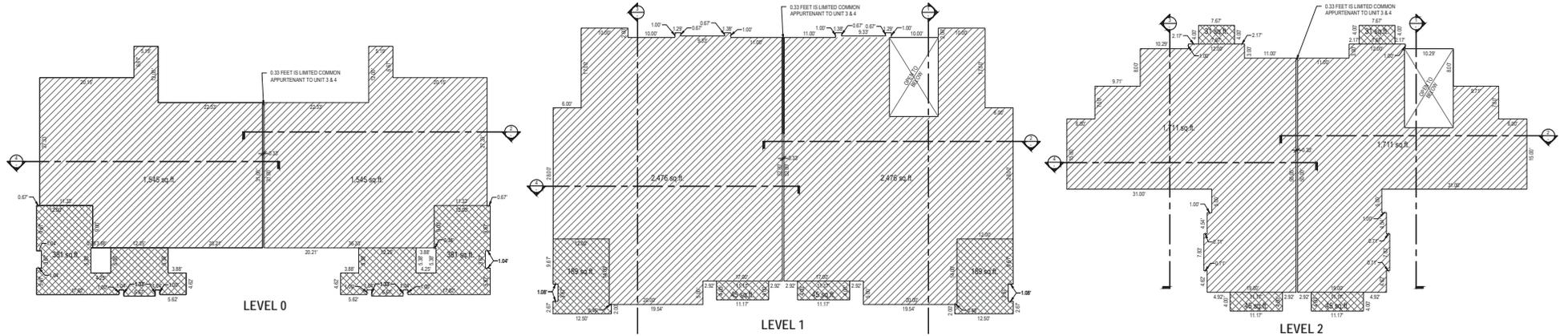
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Phone: 801.947.1100
TOOELE
Phone: 435.943.3200
CEDAR CITY
Phone: 435.865.1453

**NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

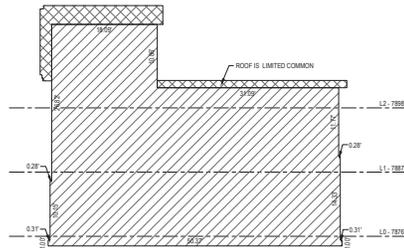
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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

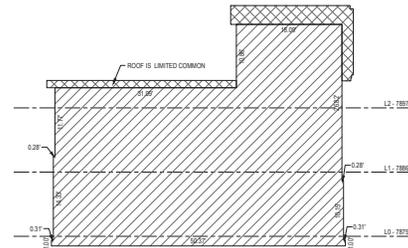
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



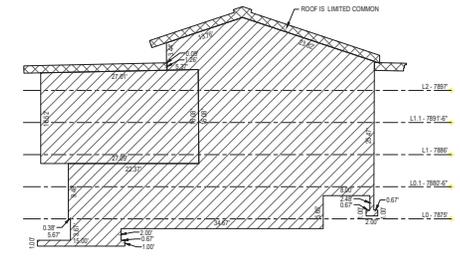
SECTION 1



SECTION 2

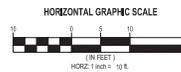


SECTION 3



SECTION 4

UNITS 9 & 10



SHEET 14 OF 32
PROJECT NUMBER: 5583
MANAGER: RCE
DRAWN BY: NW
CHECKED BY: PMH
DATE OF PREPARATION: 1/16/14



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45 West 1000 South
Salt Lake
Utah, UT 84070
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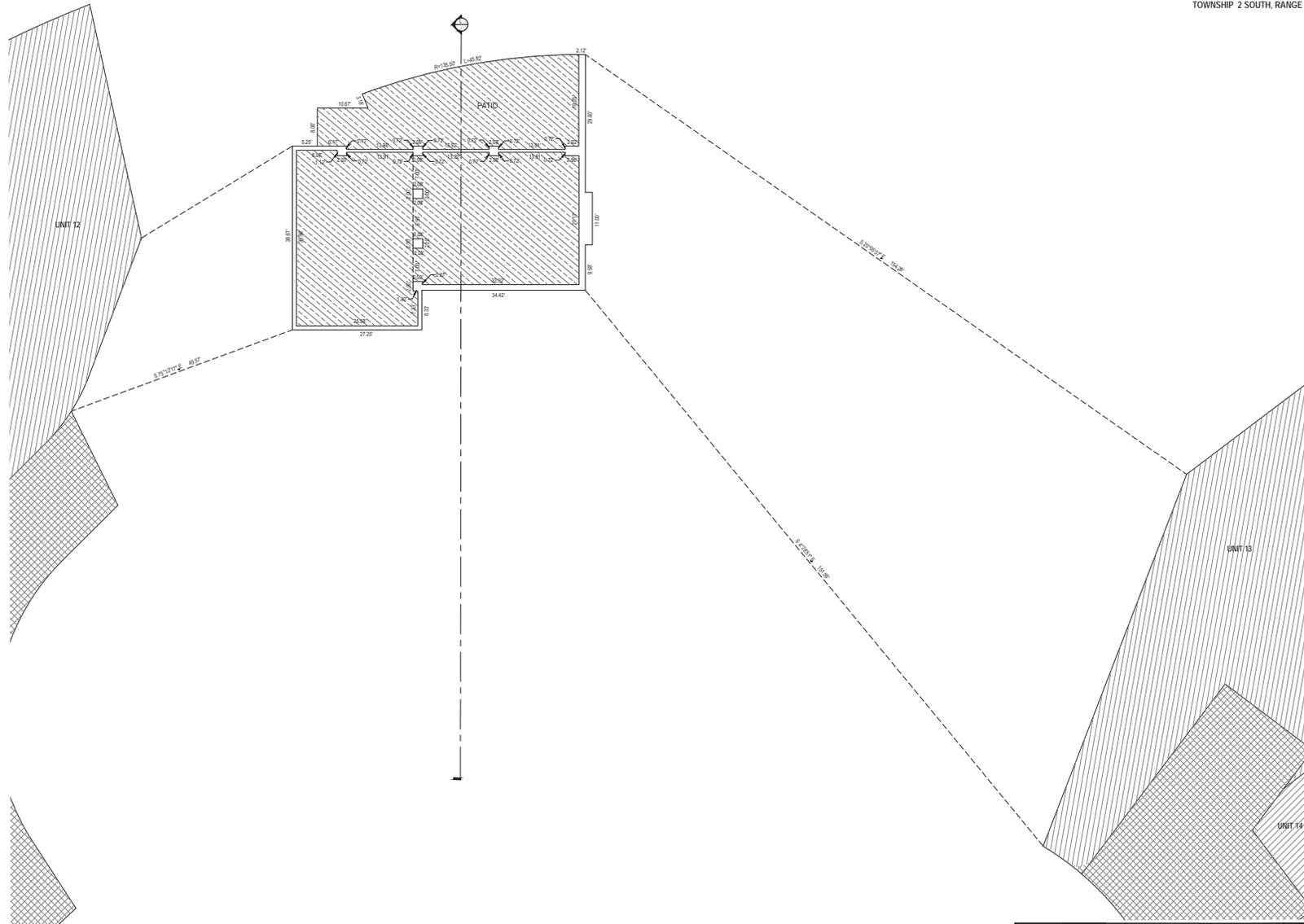
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Phone: 801.947.1100
TODDLE
Phone: 435.943.3200
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**NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED:
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REQUEST OF: _____
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FEE: _____ SUMMIT COUNTY RECORDER

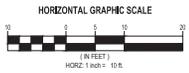
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEGEND

| | |
|--|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.F.) |
| | RESIDENTIAL UNIT |
| | LIMITED COMMON AREAS AND FACILITIES |
| | COMMON AREAS AND FACILITIES |



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 15 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/10/14



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45 West 1000 South
Suite 800
Salt Lake, UT 84119
Phone: 801.225.0229
Fax: 801.225.4449
www.enston.com

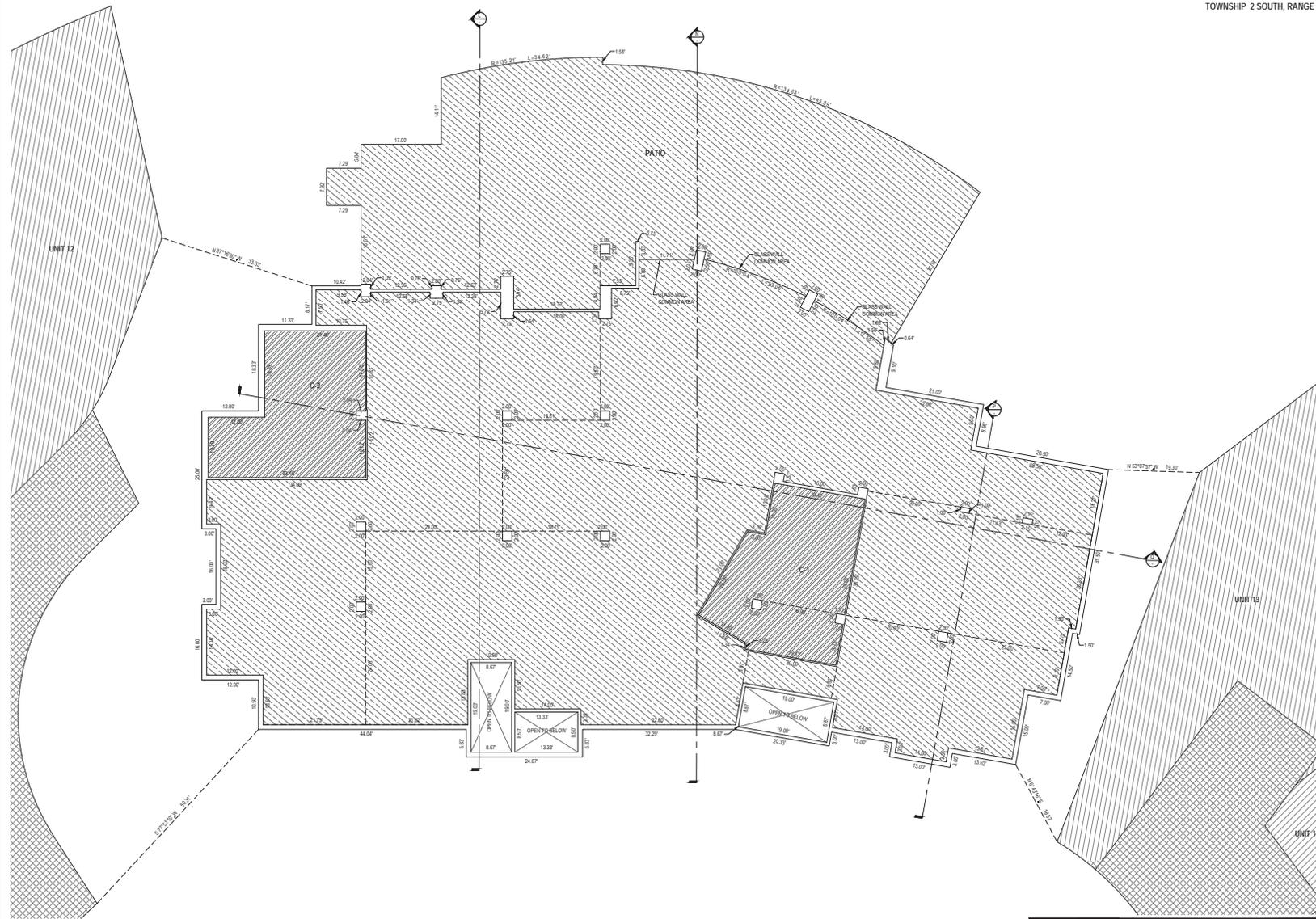
LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3090
CEDAR CITY
Phone: 435.855.1433

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

**NORTH BUILDING
LEVEL SUBLEVEL 1 FLOOR PLAN**

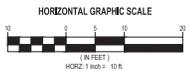
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | |
|------------|----------------|
| UNIT NAME | AREA (SQ. FT.) |
| 1. C-1 | 882 |
| 2. C-2 | 817 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.F.) |
| | RESIDENTIAL UNIT |
| | LIMITED COMMON AREAS AND FACILITIES |
| | COMMON AREAS AND FACILITIES |



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL 0 FLOOR PLAN**

SHEET 16 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/24/14



SALT LAKE CITY
45 West 1000 South
Suite 800
Salt Lake City, UT 84103
Phone: 801.225.0820
Fax: 801.225.4449
WWW.ENSTON.COM

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3990
CEDAR CITY
Phone: 435.865.1403

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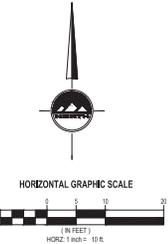
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | | |
|------------|----------------|-------|
| UNIT NAME | AREA (SQ. FT.) | |
| 1 | UNIT 131 | 4,101 |
| 2 | UNIT 132 | 4,603 |
| 3 | UNIT 133 | 4,603 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.F.) |
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| | COMMON AREAS AND FACILITIES |



**NORTH BUILDING
LEVEL 1 FLOOR PLAN**

SHEET 17 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/24/14



SALT LAKE CITY
45 West 1000 South
Suite 300
Sandy, UT 84070
Phone: 801.225.0229
Fax: 801.225.4449
WWW.ENSIGN.COM

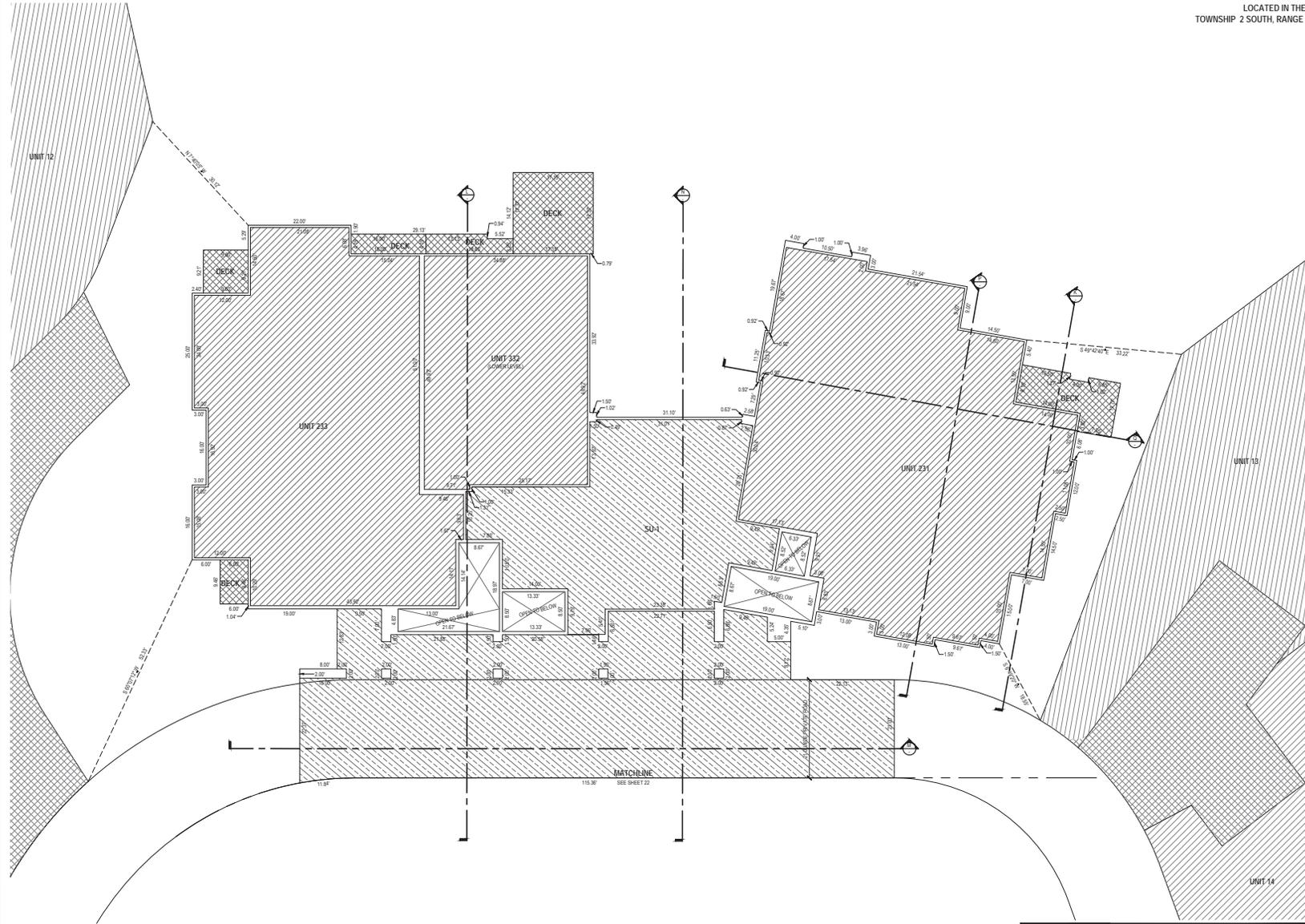
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Phone: 801.547.1100
TOOELE
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CEDAR CITY
Phone: 435.855.1433

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**NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE**
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

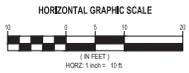
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | |
|-------------|----------------|
| UNIT NAME | AREA (SQ. FT.) |
| 1. SU-1 | 1,914 |
| 2. UNIT 231 | 4,193 |
| 3. UNIT 232 | 1,716 |
| 4. UNIT 233 | 3,664 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
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| | COMMON AREAS AND FACILITIES |



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL 2 FLOOR PLAN**

SHEET 18 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/14



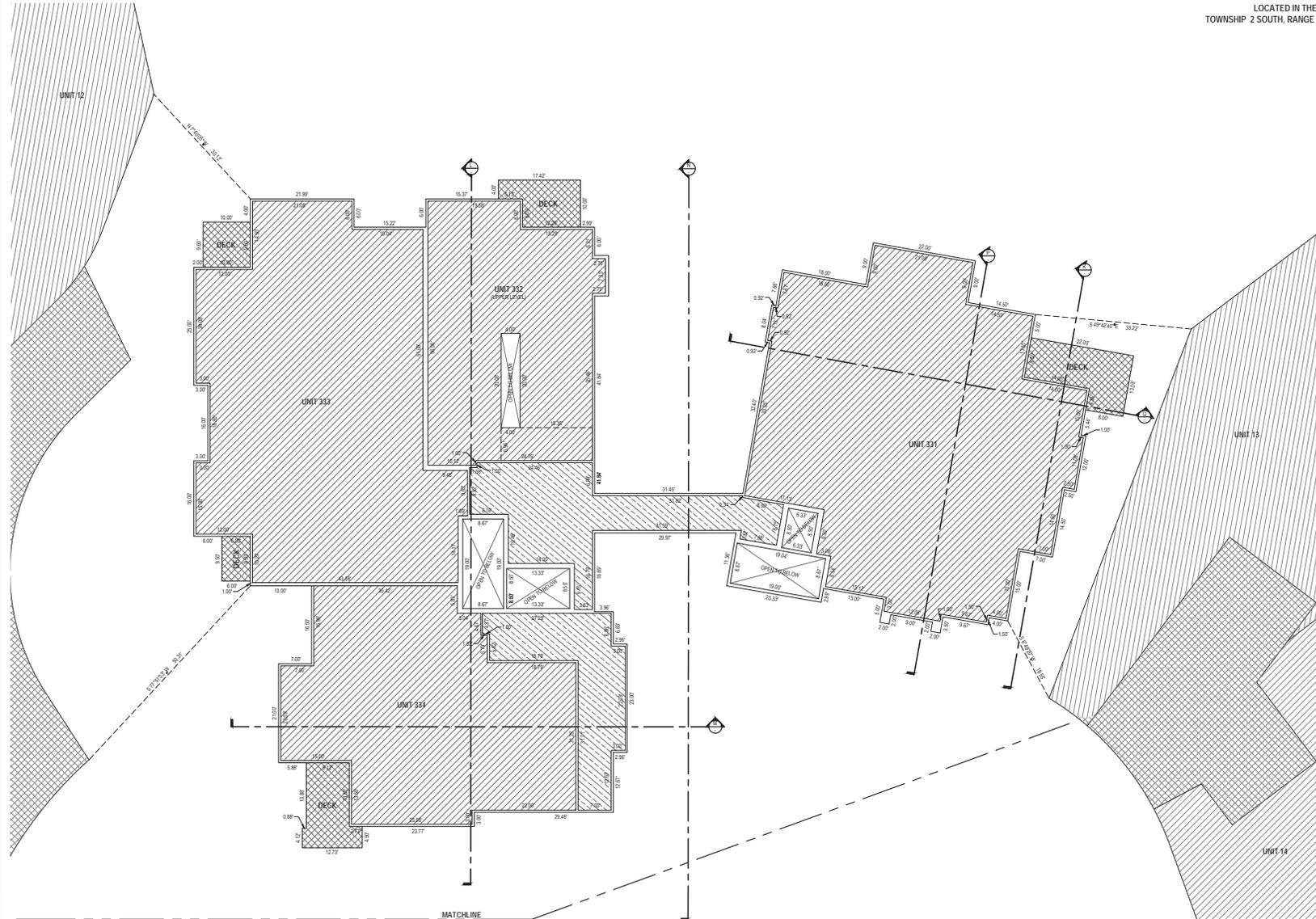
SALT LAKE CITY
45 West 1000 South
Suite 300
Sandy, UT 84070
Phone: 801.225.0229
Fax: 801.225.4449
WWW.ENSIGN.COM

LAYTON
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TOOELE
PHONE 435.843.3990
CEDAR CITY
PHONE 435.855.1433

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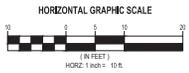
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | |
|------------|-------------|
| UNIT NAME | AREA (S.F.) |
| 1 UNIT 331 | 3,996 |
| 2 UNIT 332 | 1,777 |
| 3 UNIT 333 | 3,661 |
| 4 UNIT 334 | 2,426 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.) |
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| | COMMON AREAS AND FACILITIES |



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL 3 FLOOR PLAN**

SHEET 19 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/14



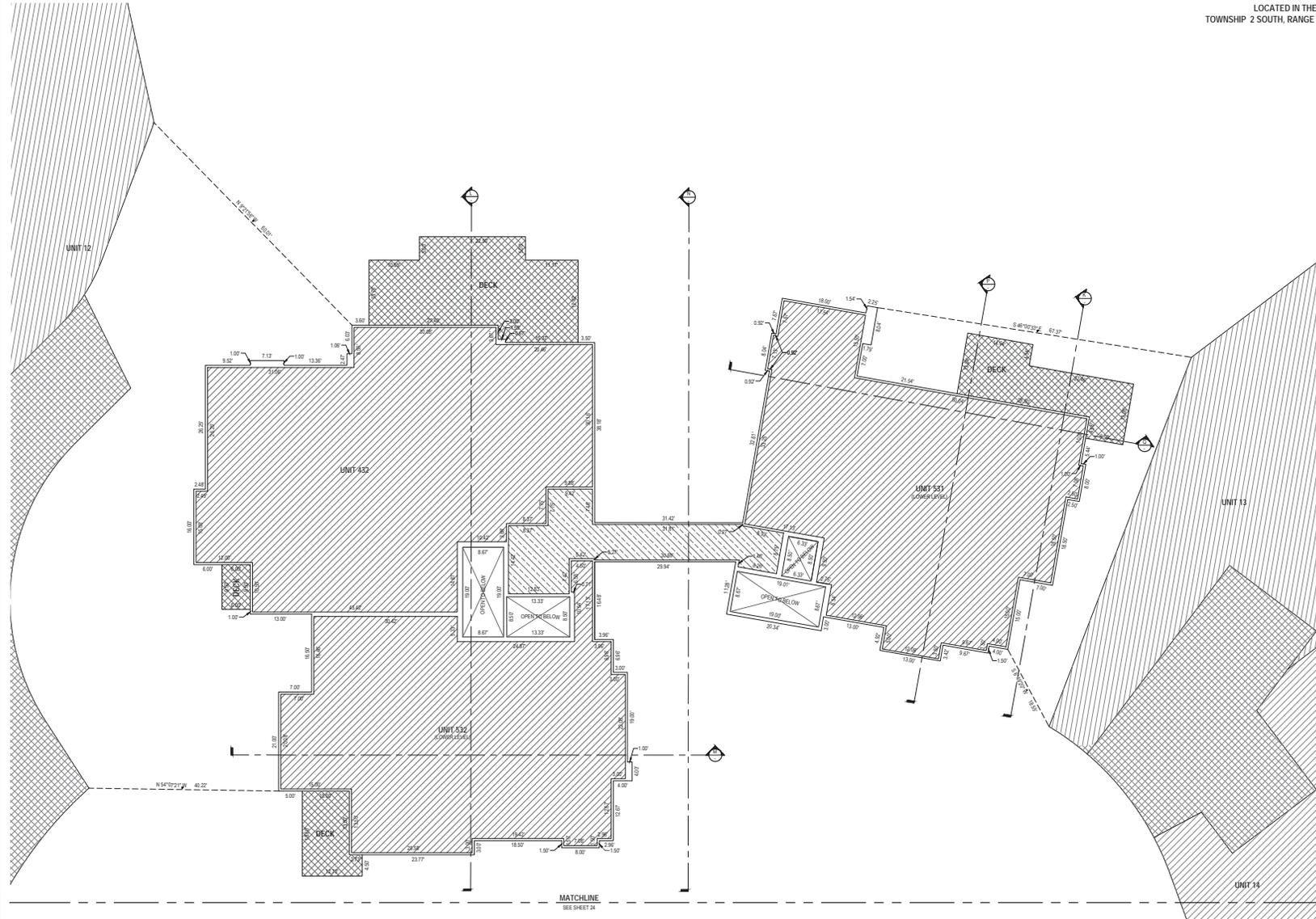
SALT LAKE CITY
45 West 10000 South
Suite 300
Sandy, UT 84070
Phone: 801.226.0929
Fax: 801.226.4449
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Phone: 801.947.1100
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Phone: 435.843.3990
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Phone: 435.865.1433

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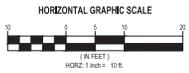
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | |
|------------|----------------|
| UNIT NAME | AREA (SQ. FT.) |
| UNIT 452 | 3,948 |
| UNIT 551 | 3,293 |
| UNIT 552 | 3,071 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.) |
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**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL 4 FLOOR PLAN**

SHEET 20 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/14/14



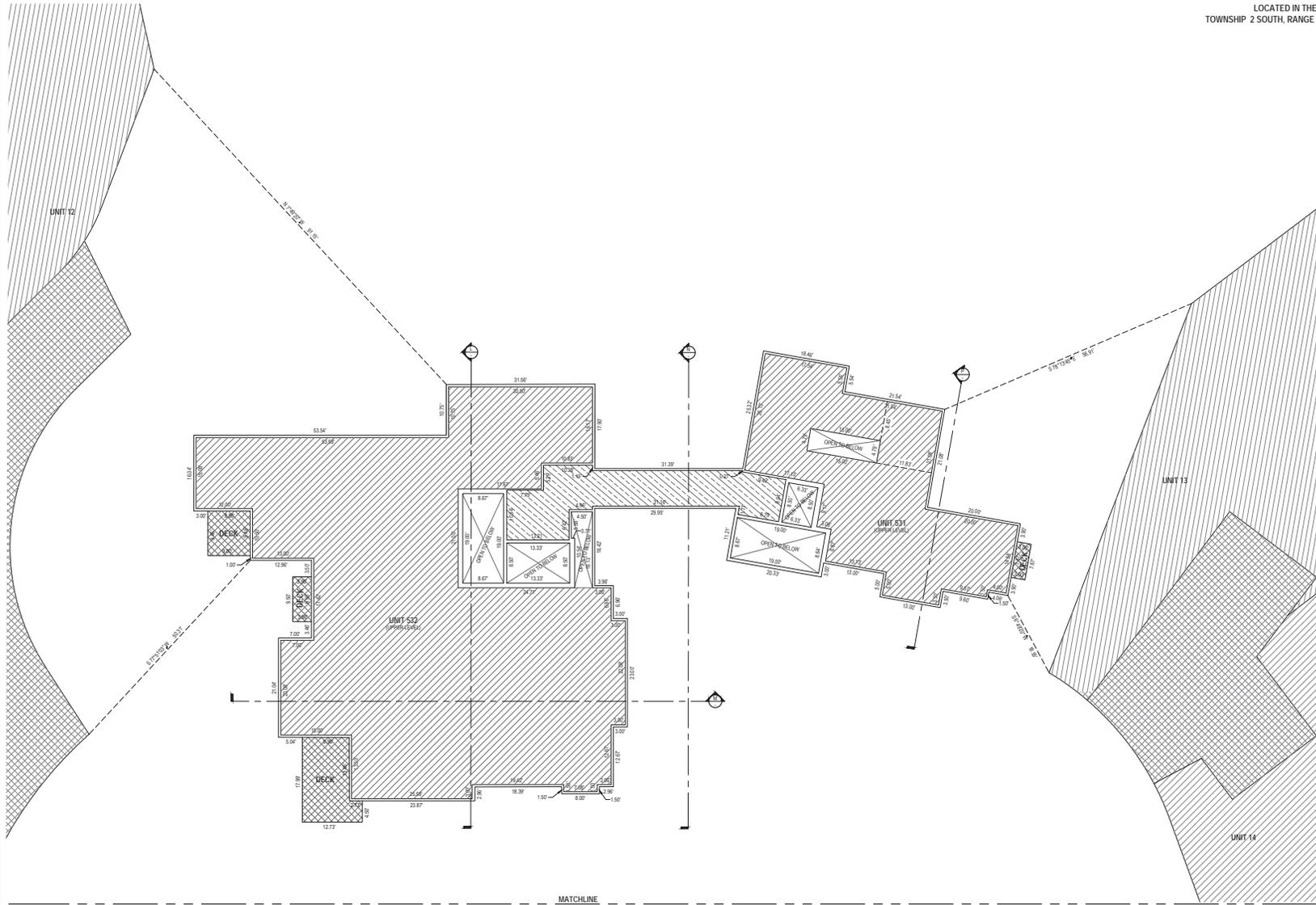
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45 West 10000 South
Suite 300
Sandy, UT 84070
Phone: 801.225.0020
Fax: 801.225.4444
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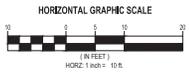
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | |
|------------|-------------|
| UNIT NAME | AREA (S.F.) |
| 1 UNIT 521 | 1,487 |
| 2 UNIT 522 | 4,972 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
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**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

MATCHLINE
SEE SHEET 13

**NORTH BUILDING
LEVEL 5 FLOOR PLAN**

SHEET 21 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/24/14



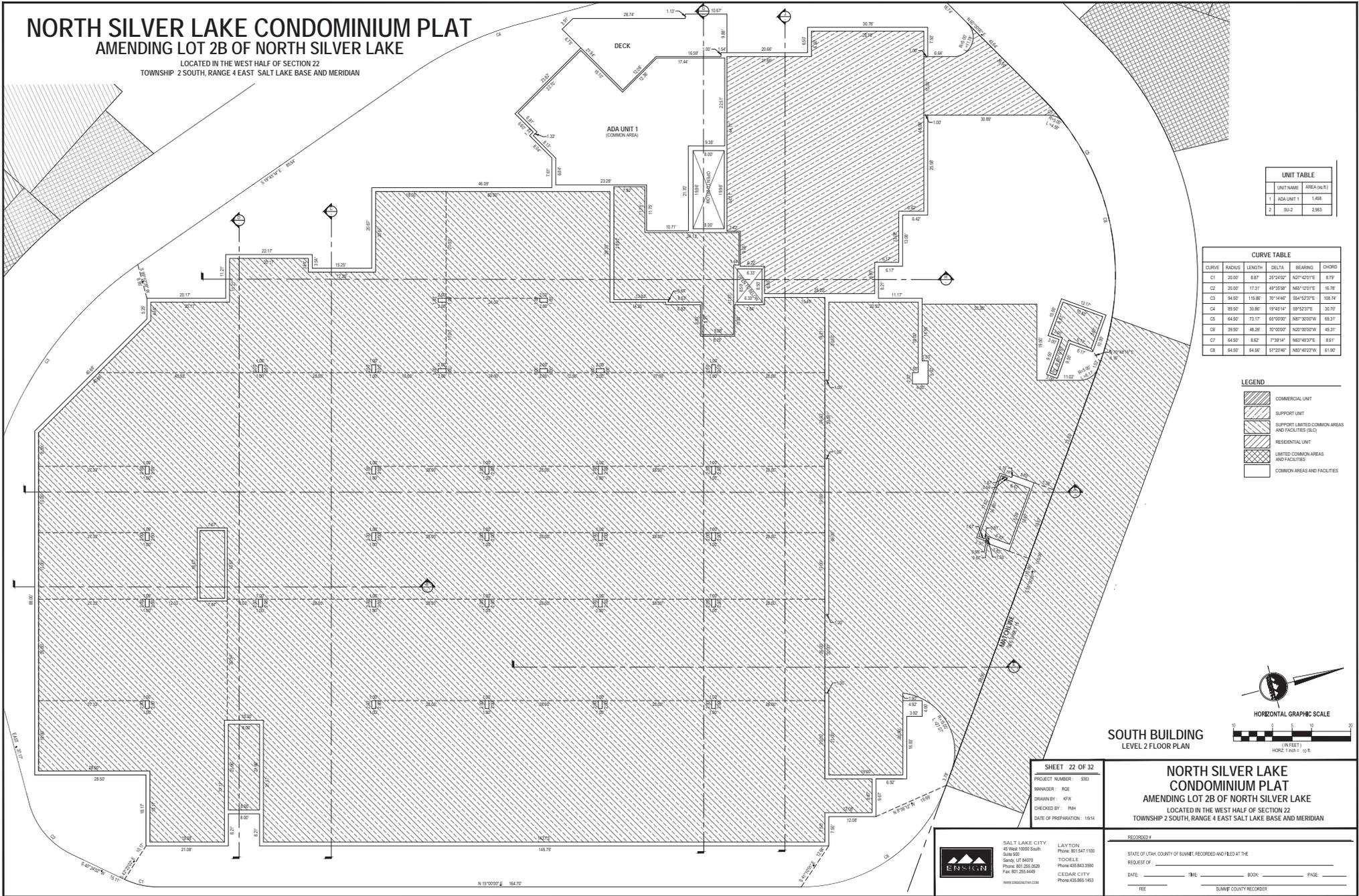
SALT LAKE CITY
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Sandy, UT 84070
Phone: 801.225.0220
Fax: 801.225.4449
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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | | |
|--------------|----------------|--|
| UNIT NAME | AREA (sq. ft.) | |
| 1 ADA UNIT 1 | 1,458 | |
| 2 SU-2 | 2,963 | |

| CURVE TABLE | | | | | | |
|-------------|--------|---------|-----------|-------------|---------|--|
| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD | |
| C1 | 20.00' | 8.87' | 25°34'52" | N02°42'07"E | 8.79' | |
| C2 | 20.00' | 17.71' | 48°23'58" | N05°12'07"E | 16.76' | |
| C3 | 64.50' | 116.86' | 70°14'44" | S24°52'27"E | 108.74' | |
| C4 | 85.50' | 30.86' | 19°45'14" | S95°52'37"E | 30.70' | |
| C5 | 64.50' | 73.17' | 65°00'00" | N07°30'00"W | 69.31' | |
| C6 | 39.50' | 48.20' | 70°00'00" | N02°00'00"W | 46.31' | |
| C7 | 64.50' | 8.62' | 7°39'14" | N05°49'37"E | 8.61' | |
| C8 | 64.50' | 64.56' | 97°29'46" | N05°40'23"W | 61.97' | |

| LEGEND | |
|--------|--|
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| | RESIDENTIAL UNIT |
| | LIMITED COMMON AREAS AND FACILITIES |
| | COMMON AREAS AND FACILITIES |

SHEET 22 OF 32
PROJECT NUMBER: 5903
MANAGER: ROE
DRAWN BY: KFK
CHECKED BY: RPK
DATE OF PREPARATION: 1/8/14

SOUTH BUILDING
LEVEL 2 FLOOR PLAN

NORTH SILVER LAKE CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

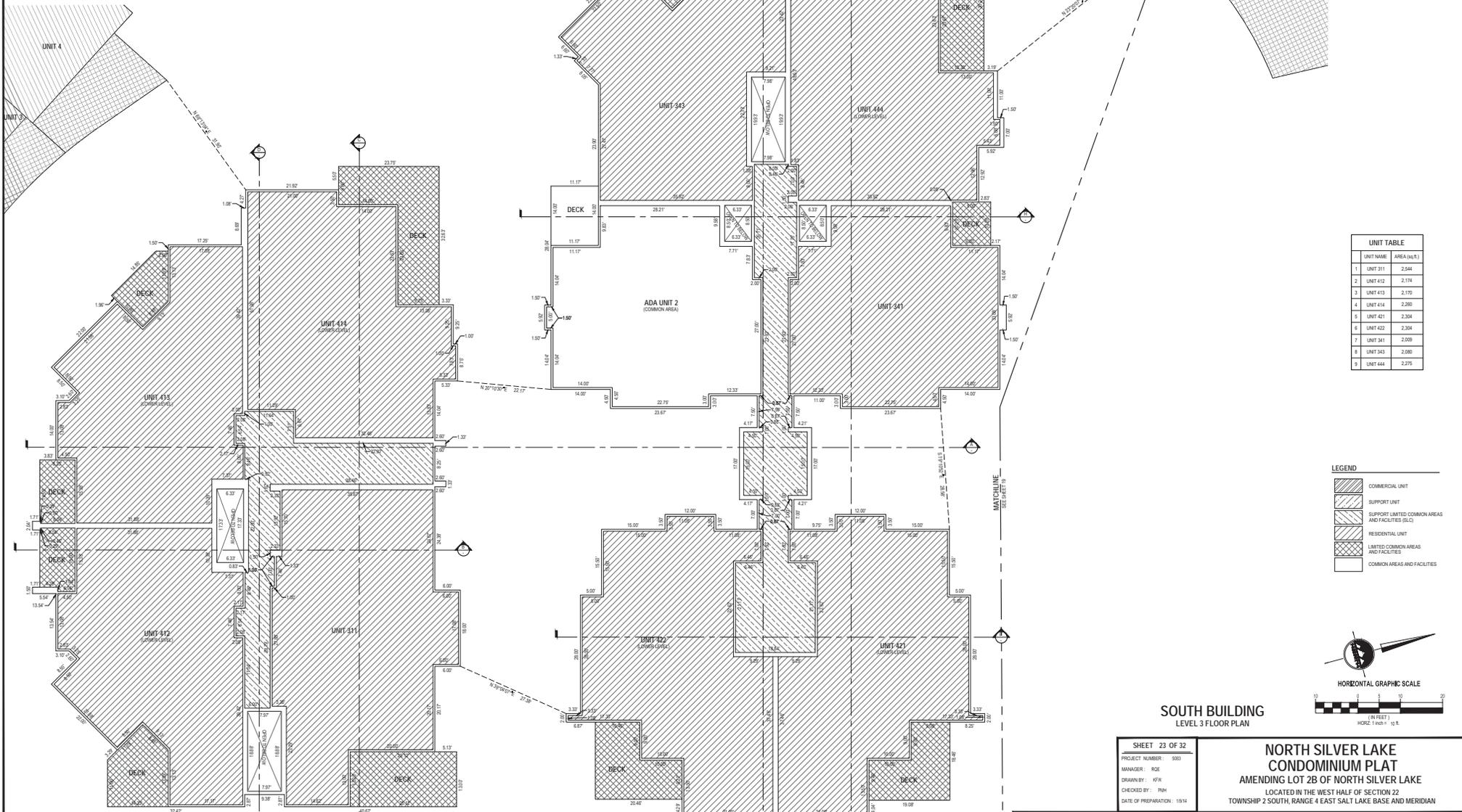
SALT LAKE CITY
45 West 10000 South
Suite 500
Shed UT 84070
Phone: 801.255.0529
Fax: 801.255.1449
www.englishmfg.com

LAYTON
Phone: 801.541.1100
TOOELE
Phone: 435.413.3200
CEDAR CITY
Phone: 435.965.1453

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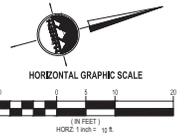
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | | |
|------------|---------------|--|
| UNIT NAME | AREA (sq.ft.) | |
| 1 UNIT 311 | 2,544 | |
| 2 UNIT 412 | 2,174 | |
| 3 UNIT 413 | 2,170 | |
| 4 UNIT 414 | 2,200 | |
| 5 UNIT 421 | 2,304 | |
| 6 UNIT 422 | 2,304 | |
| 7 UNIT 341 | 2,009 | |
| 8 UNIT 343 | 2,080 | |
| 9 UNIT 444 | 2,275 | |

| LEGEND | |
|--------|---|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC) |
| | RESIDENTIAL UNIT |
| | LIMITED COMMON AREAS AND FACILITIES |
| | COMMON AREAS AND FACILITIES |



**SOUTH BUILDING
LEVEL 3 FLOOR PLAN**

SHEET 23 OF 32
PROJECT NUMBER: 590
MANAGER: ROE
DRAWN BY: KFK
CHECKED BY: RPK
DATE OF PREPARATION: 1/8/14

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

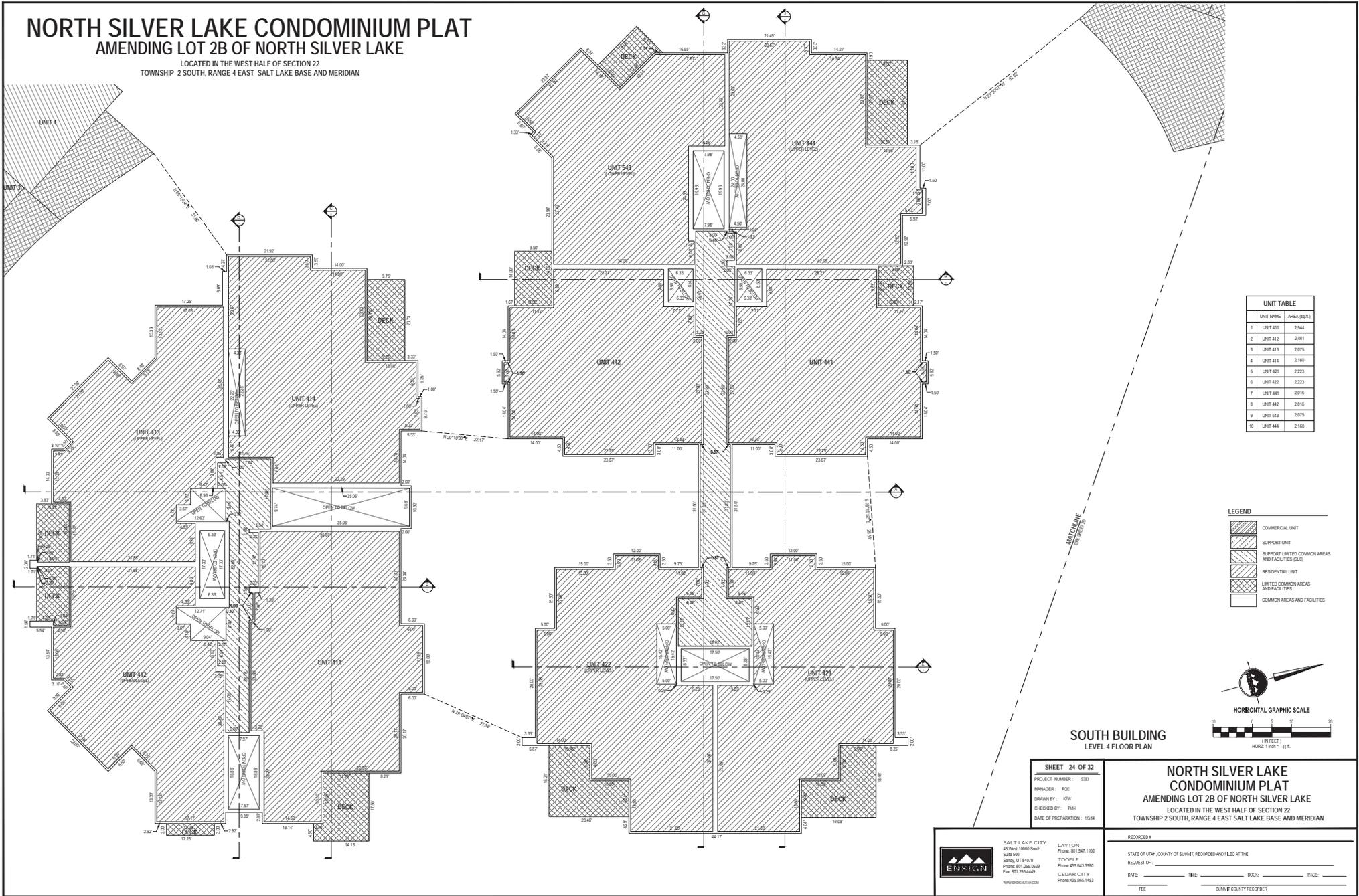
SALT LAKE CITY
46 West 10200 South
Suite 500
Shoof, UT 84070
Phone: 801.255.0529
Fax: 801.255.1440
WWW.ENSKIN.COM

LAYTON
Phone: 801.541.1100
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Phone: 435.443.3200
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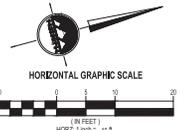
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | | |
|------------|-----------|----------------|
| UNIT | UNIT NAME | AREA (sq. ft.) |
| 1 | UNIT 411 | 2,544 |
| 2 | UNIT 412 | 2,081 |
| 3 | UNIT 413 | 2,075 |
| 4 | UNIT 414 | 2,160 |
| 5 | UNIT 421 | 2,223 |
| 6 | UNIT 422 | 2,223 |
| 7 | UNIT 441 | 2,016 |
| 8 | UNIT 442 | 2,016 |
| 9 | UNIT 543 | 2,079 |
| 10 | UNIT 444 | 2,168 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.) |
| | RESIDENTIAL UNIT |
| | LIMITED COMMON AREAS AND FACILITIES |
| | COMMON AREAS AND FACILITIES |



**SOUTH BUILDING
LEVEL 4 FLOOR PLAN**

SHEET 24 OF 32
PROJECT NUMBER: 590
MANAGER: ROE
DRAWN BY: KFK
CHECKED BY: RPK
DATE OF PREPARATION: 1/8/14

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



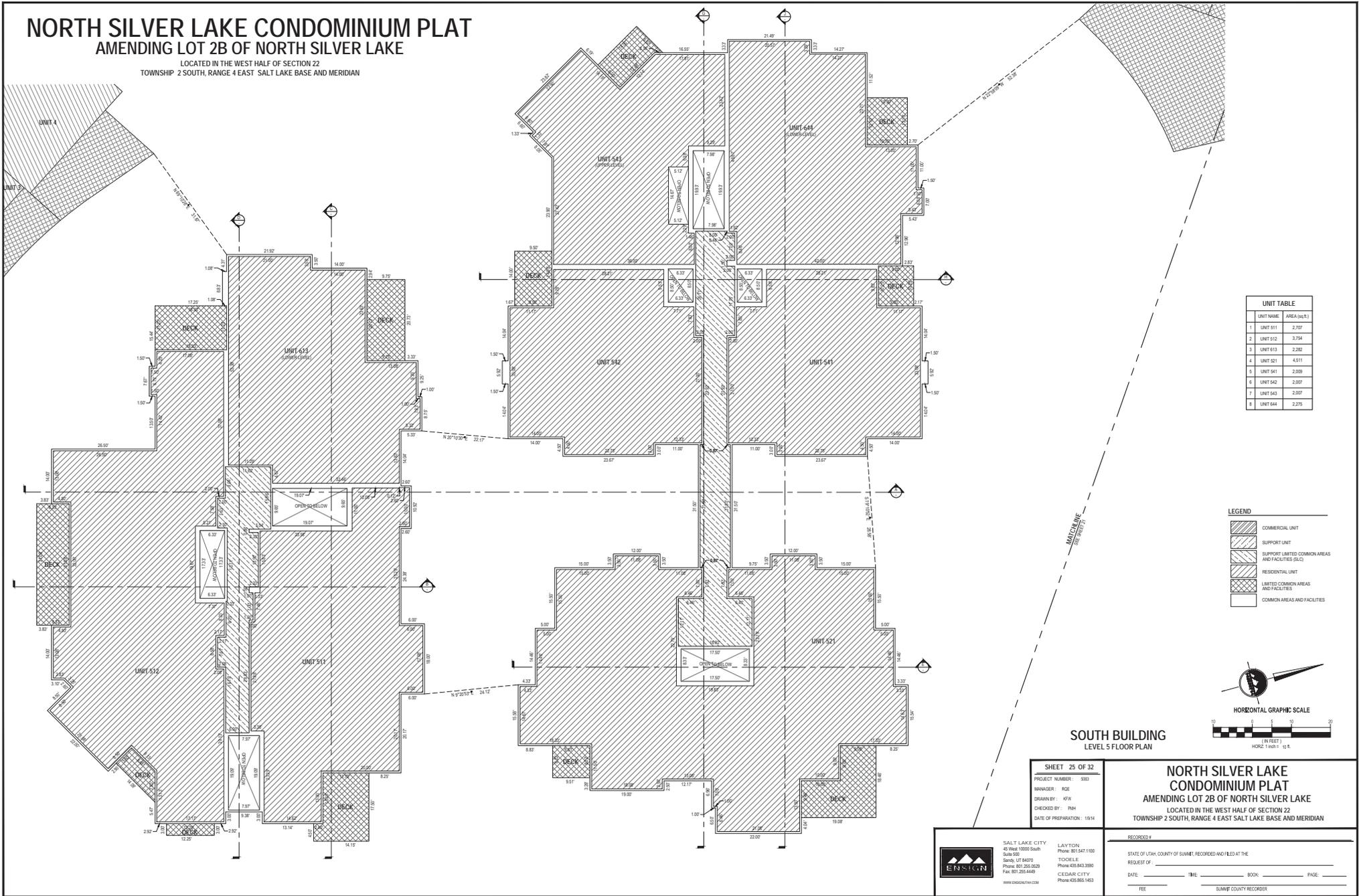
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Suite 500
Shed, UT 84070
Phone: 801.255.0529
Fax: 801.255.1440
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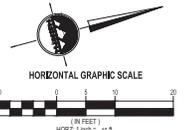
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | |
|------------|---------------|
| UNIT NAME | AREA (sq.ft.) |
| 1 UNIT 511 | 2,707 |
| 2 UNIT 512 | 3,754 |
| 3 UNIT 513 | 2,282 |
| 4 UNIT 521 | 4,511 |
| 5 UNIT 541 | 2,009 |
| 6 UNIT 542 | 2,007 |
| 7 UNIT 543 | 2,007 |
| 8 UNIT 544 | 2,275 |

| LEGEND | |
|--------|--|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.) |
| | RESIDENTIAL UNIT |
| | LIMITED COMMON AREAS AND FACILITIES |
| | COMMON AREAS AND FACILITIES |



SOUTH BUILDING
LEVEL 5 FLOOR PLAN

SHEET 25 OF 32
PROJECT NUMBER: 5903
MANAGER: ROE
DRAWN BY: KFK
CHECKED BY: RPK
DATE OF PREPARATION: 1/8/14

NORTH SILVER LAKE CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



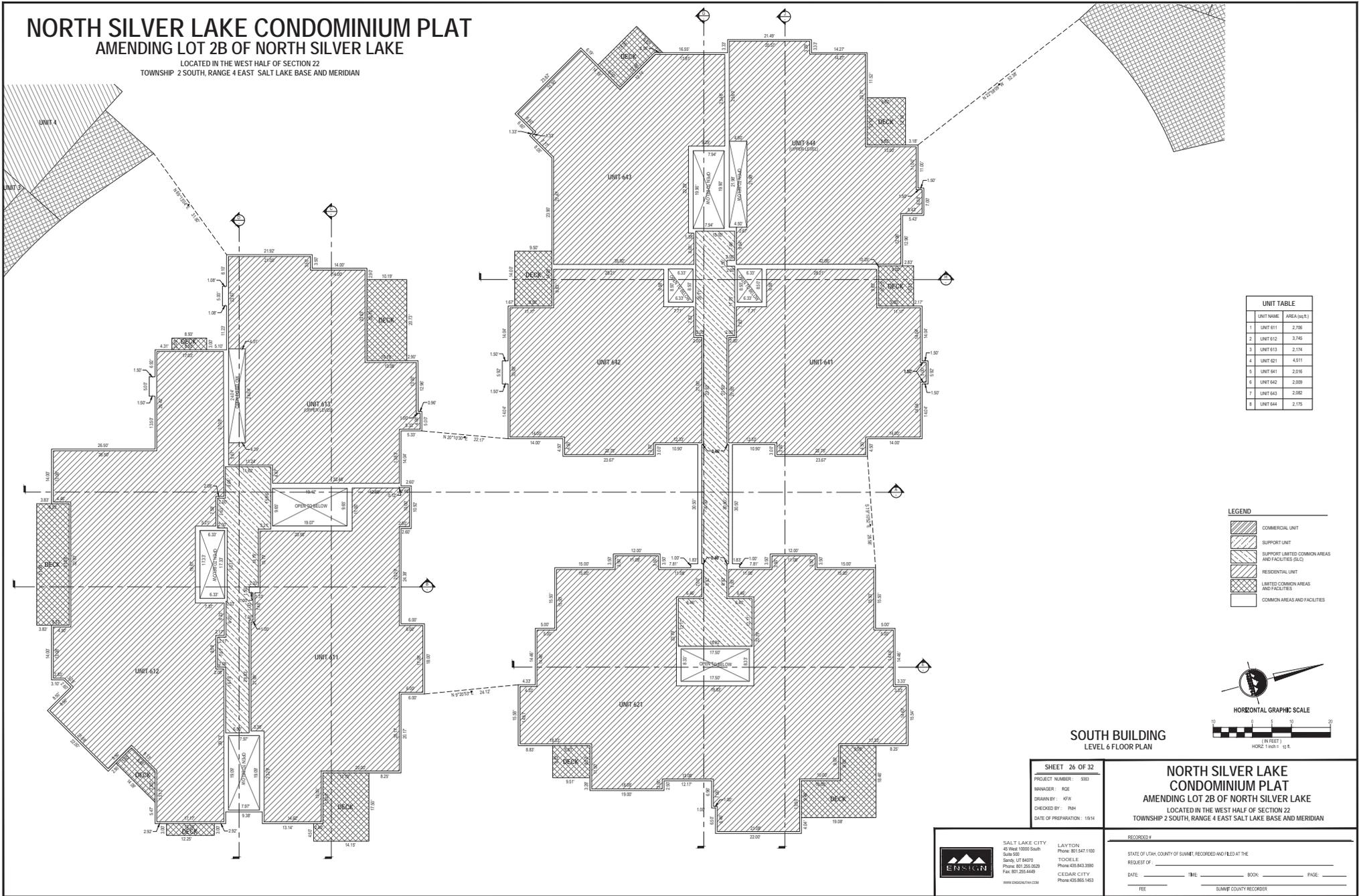
SALT LAKE CITY
45 West 10000 South
Suite 500
Shed, UT 84070
Phone: 801.255.0529
Fax: 801.255.1440
WWW.ENSKIN.COM

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Phone: 801.541.1100
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CEDAR CITY
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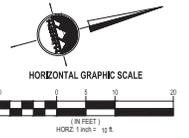
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



| UNIT TABLE | |
|------------|---------------|
| UNIT NAME | AREA (sq.ft.) |
| 1 UNIT 611 | 2,736 |
| 2 UNIT 612 | 3,746 |
| 3 UNIT 613 | 2,174 |
| 4 UNIT 621 | 4,511 |
| 5 UNIT 641 | 2,016 |
| 6 UNIT 642 | 2,009 |
| 7 UNIT 643 | 2,082 |
| 8 UNIT 644 | 2,175 |

| LEGEND | |
|--------|---|
| | COMMERCIAL UNIT |
| | SUPPORT UNIT |
| | SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC) |
| | RESIDENTIAL UNIT |
| | LIMITED COMMON AREAS AND FACILITIES |
| | COMMON AREAS AND FACILITIES |



SOUTH BUILDING
LEVEL 6 FLOOR PLAN

SHEET 26 OF 32
PROJECT NUMBER: 5903
DRAWN BY: ROE
CHECKED BY: RJK
DATE OF PREPARATION: 1/14

NORTH SILVER LAKE CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SALT LAKE CITY
45 West 1000 South
Suite 500
Shed, UT 84070
Phone: 801.255.0529
Fax: 801.255.1448
WWW.ENSKIN.COM

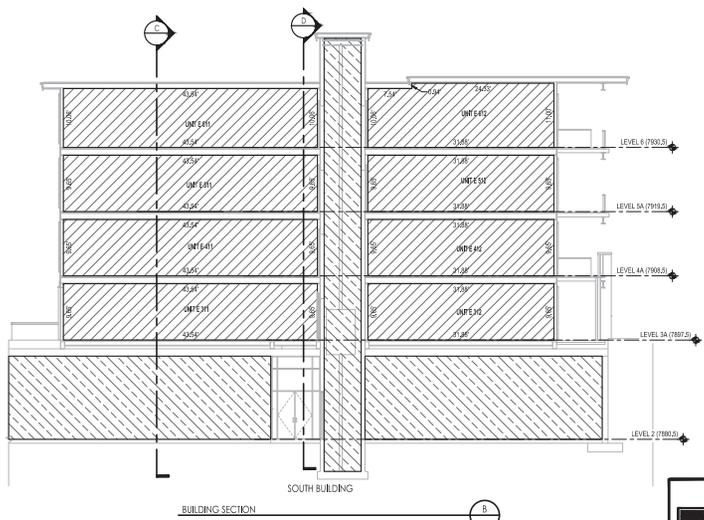
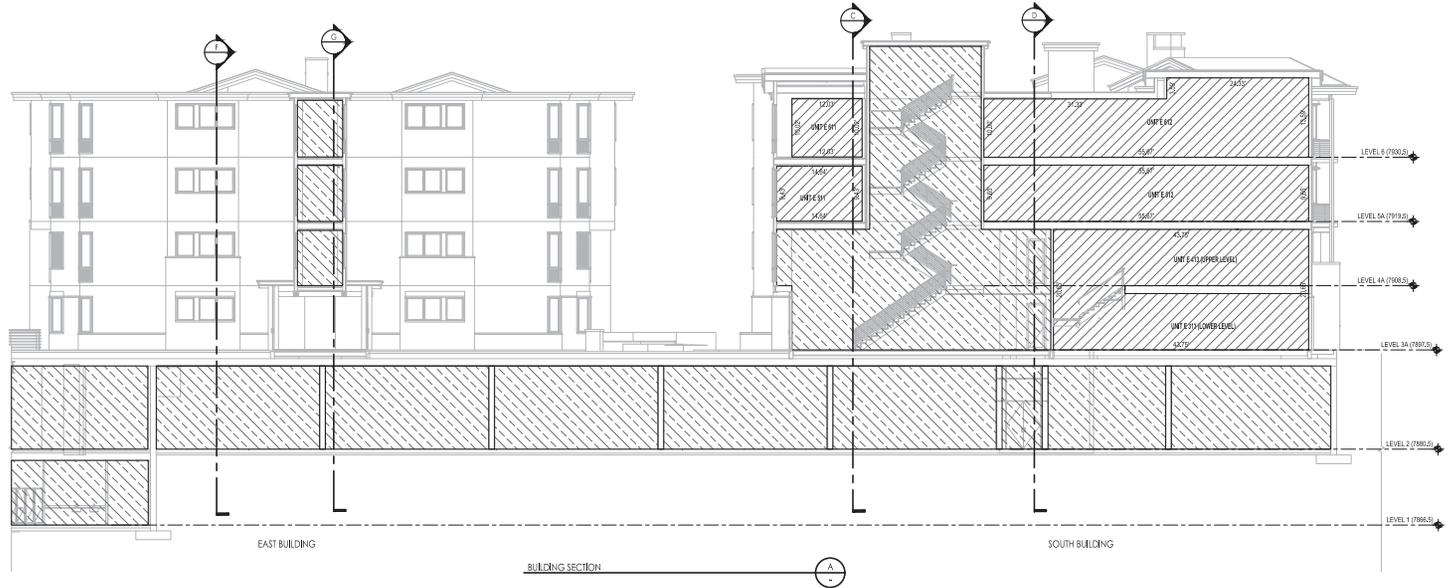
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FEE _____ SUMMIT COUNTY RECORDER

NORTH SILVER LAKE 2B CONDOMINIUM PLAT

AMENDING LOT 2B OF THE NORTH SILVER LAKE

A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20
 (IN FEET)
 HORZ. 1 IN. = 10 FT.

SHEET 27 OF 32
 PROJECT NUMBER: 5903
 MANAGER: ROE
 DRAWN BY: KFK
 CHECKED BY: RMH
 DATE OF PREPARATION: 1/6/14

**NORTH SILVER LAKE 2B
 CONDOMINIUM PLAT**
 AMENDING LOT 2B OF THE NORTH SILVER LAKE
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

ENSTON

SALT LAKE CITY
 45 West 10000 South
 Suite 300
 Sandy, UT 84070
 Phone: 801.225.0929
 Fax: 801.225.4449
 WWW.ENSTON.COM

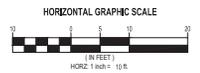
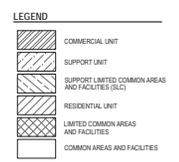
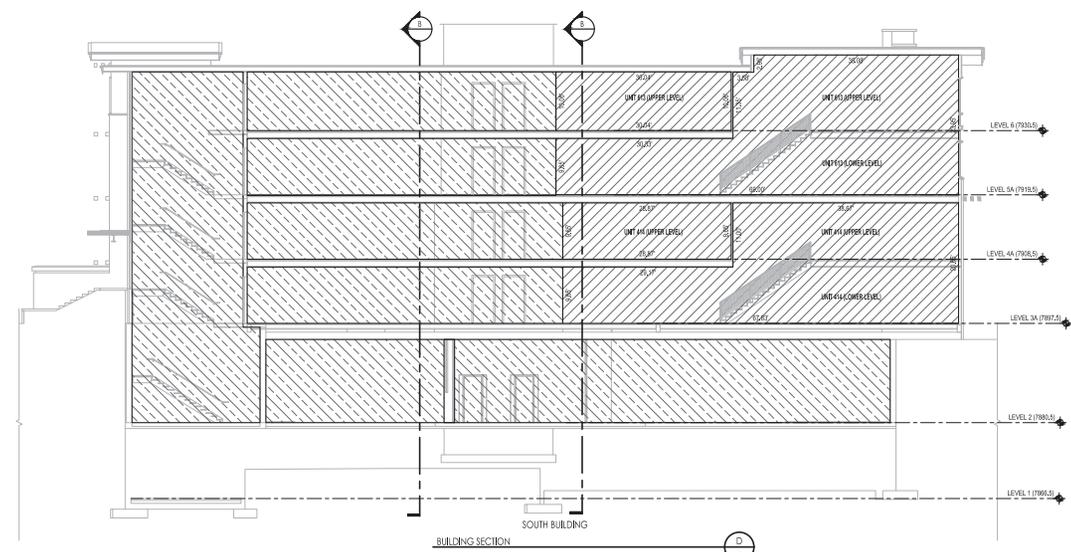
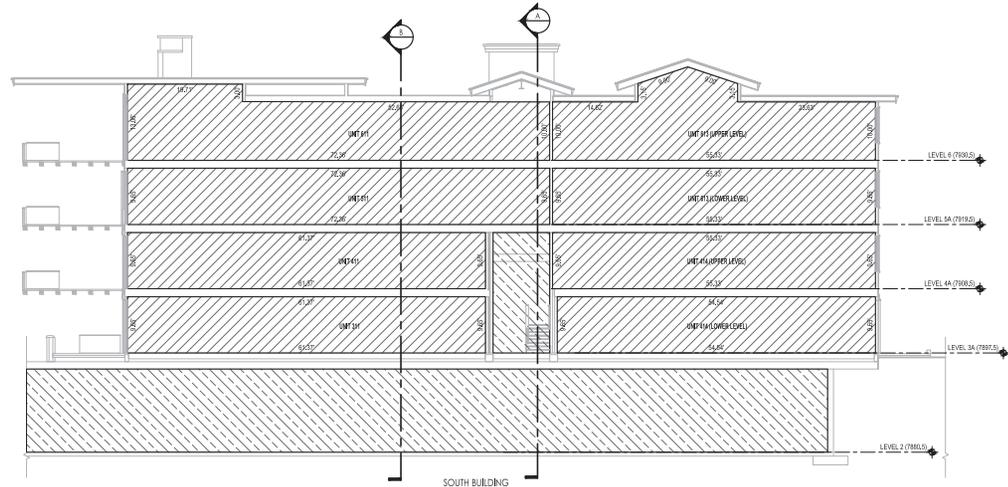
LAYTON
 Phone: 801.947.1100
 TOOELE
 Phone: 435.843.3093
 CEDAR CITY
 Phone: 435.855.1433

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NORTH SILVER LAKE 2B CONDOMINIUM PLAT

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A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



**NORTH SILVER LAKE 2B
 CONDOMINIUM PLAT**
 AMENDING LOT 2B OF THE NORTH SILVER LAKE
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 28 OF 32
 PROJECT NUMBER: 5063
 MANAGER: RGE
 DRAWING BY: KFW
 CHECKED BY: PMH
 DATE OF PREPARATION: 1/14



SALT LAKE CITY
 45 West 10000 South
 Suite 800
 Sandy, UT 84070
 Phone: 801.226.0929
 Fax: 801.226.4449
 WWW.ENSTON.COM

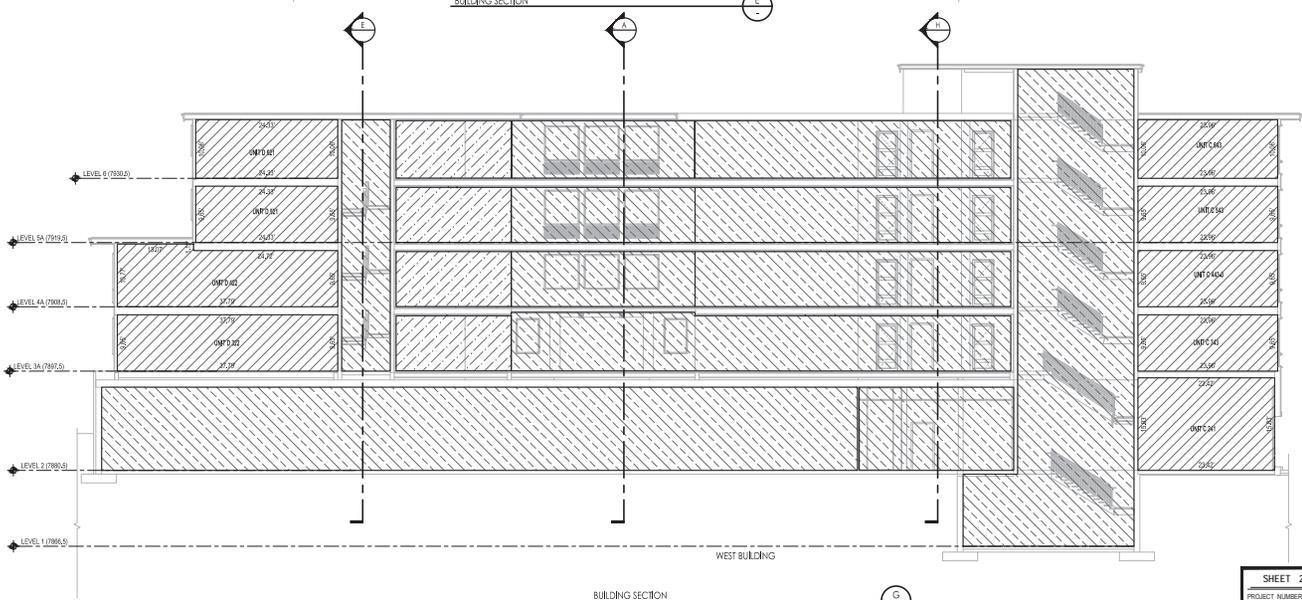
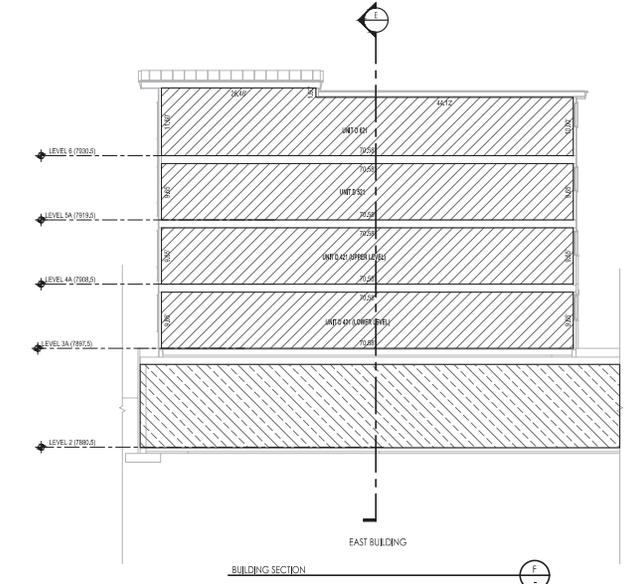
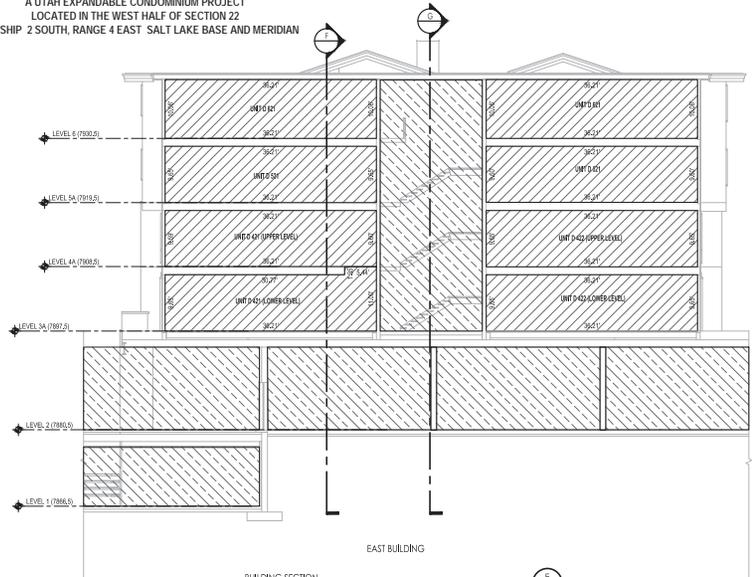
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 CEDAR CITY
 Phone: 435.865.1433

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NORTH SILVER LAKE 2B CONDOMINIUM PLAT

AMENDING LOT 2B OF THE NORTH SILVER LAKE

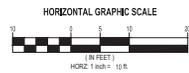
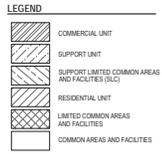
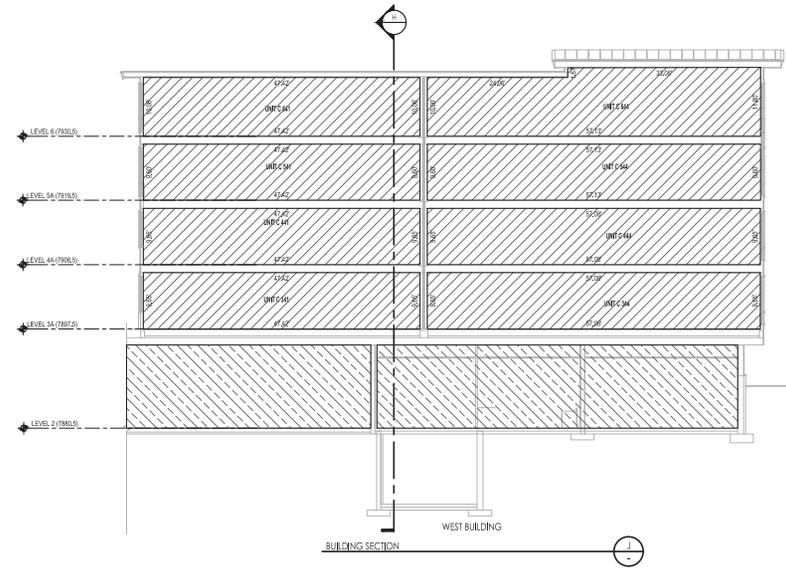
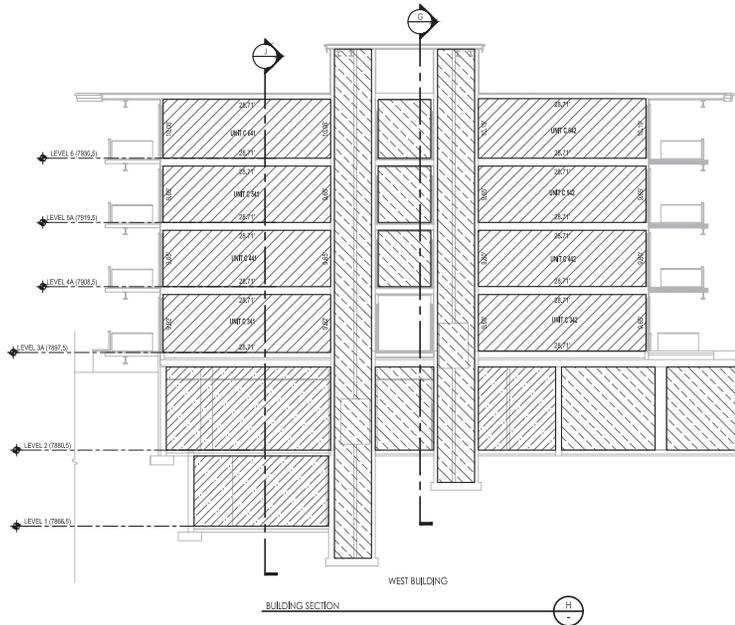
A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



NORTH SILVER LAKE 2B CONDOMINIUM PLAT

AMENDING LOT 2B OF THE NORTH SILVER LAKE

A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



SHEET 30 OF 32
 PROJECT NUMBER: 5903
 MANAGER: ROE
 DRAWN BY: KFK
 CHECKED BY: RMH
 DATE OF PREPARATION: 1/6/14

**NORTH SILVER LAKE 2B
 CONDOMINIUM PLAT**
 AMENDING LOT 2B OF THE NORTH SILVER LAKE
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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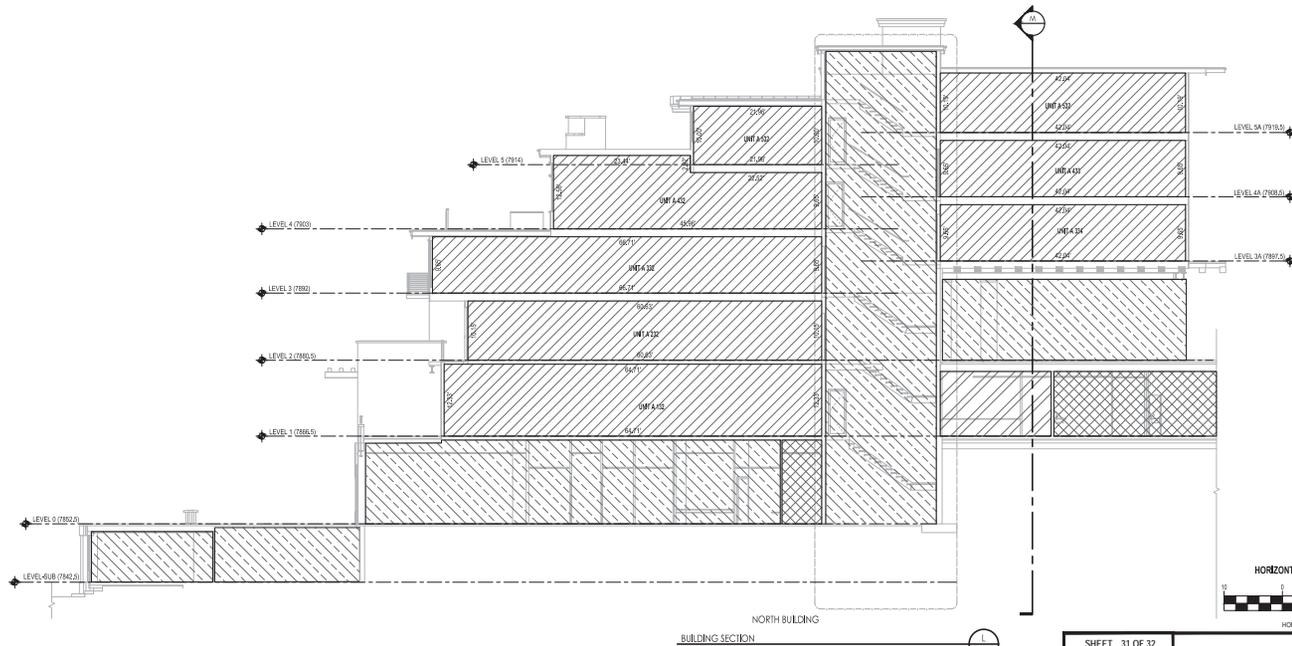
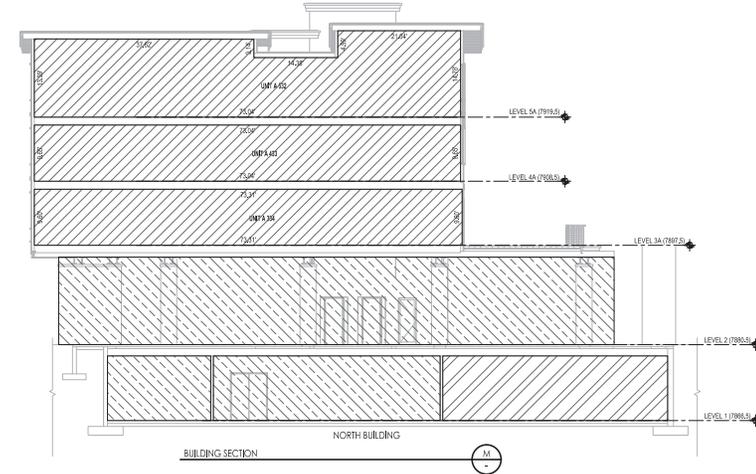
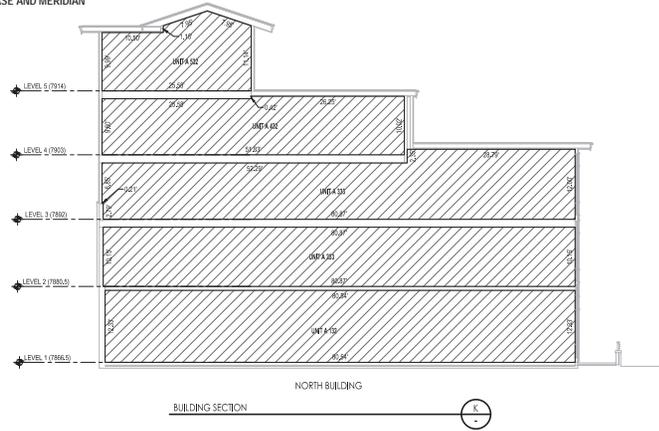
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 STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
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NORTH SILVER LAKE 2B CONDOMINIUM PLAT

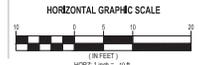
AMENDING LOT 2B OF THE NORTH SILVER LAKE

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 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



LEGEND

| | |
|-------------------------|--|
| [Hatched pattern] | COMMERCIAL UNIT |
| [Dotted pattern] | SUPPORT UNIT |
| [Cross-hatched pattern] | SUPPORT LIMITED COMMON AREAS AND FACILITIES (S/LC) |
| [Diagonal lines] | RESIDENTIAL UNIT |
| [Horizontal lines] | LIMITED COMMON AREAS AND FACILITIES |
| [White box] | COMMON AREAS AND FACILITIES |



SHEET 31 OF 32
 PROJECT NUMBER: 5063
 MANAGER: RZE
 DRAWN BY: KFW
 CHECKED BY: PMH
 DATE OF PREPARATION: 1/10/14



SALT LAKE CITY
 45 West 10000 South
 Suite 300
 Sandy, UT 84070
 Phone: 801.226.0020
 Fax: 801.226.4449
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 Phone 435.843.3090
 CEDAR CITY
 Phone 435.865.1433

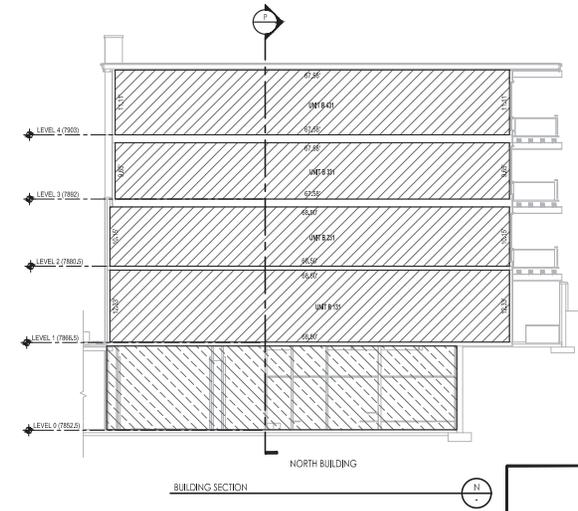
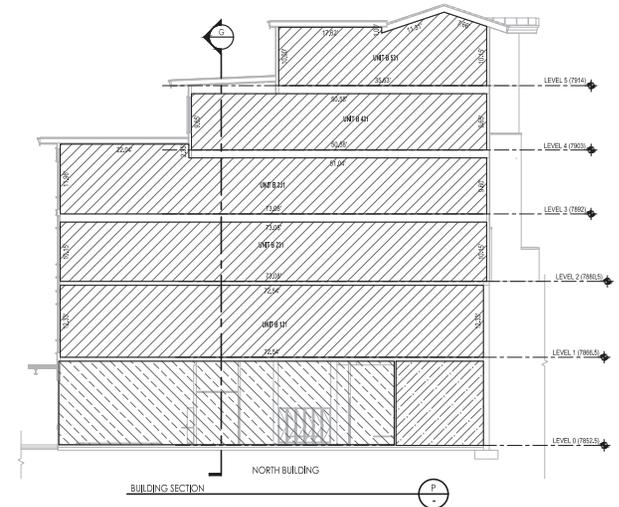
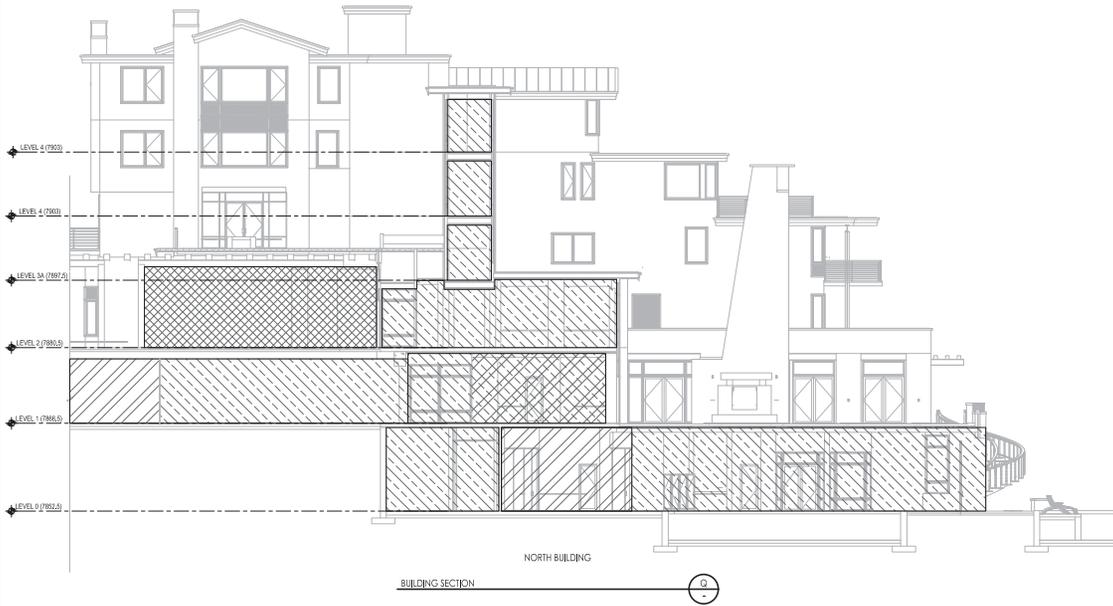
NORTH SILVER LAKE 2B CONDOMINIUM PLAT
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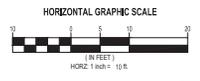
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- LEGEND**
- COMMERCIAL UNIT
 - SUPPORT UNIT
 - SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLLC)
 - RESIDENTIAL UNIT
 - LIMITED COMMON AREAS AND FACILITIES
 - COMMON AREAS AND FACILITIES



**NORTH SILVER LAKE 2B
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PROJECT AND PLAT DESCRIPTION

North Silver Lake Condominiums

This is an application for the approval of a condominium plat for North Silver Lake Condominiums.

Lot 2B of the North Silver Lake subdivision was originally created pursuant to the plat entitled "Subdivision of Lot 2 North Silver Lake Subdivision", which was recorded on September 18, 1997. The plat submitted with this application is a further subdivision of Lot 2B, in accordance with the terms and conditions of a Conditional Use Permit approved on July 1, 2010 ("CUP"). The CUP authorized the development on this property of 54 units, consisting of 16 single-family homes (in detached or duplex configurations) and four stacked condominium buildings containing 38 additional residential condominium units. The stacked condominium buildings also include 3 commercial condominium units and 1 support condominium unit.

This plat divides the property into 54 condominium units and common areas including: (i) 4 single family units, (ii) 3 duplex buildings each with 2 units, (iii) 6 units currently shown as 2-dimensional lots that will be amended later to depict the 3-dimensional unit locations, (iv) 38 stacked flats in 2 buildings (North Lodge Building and South Lodge Building), and (v) a private road that is part of the common area. The condominium buildings have been designed to be consistent with the project plans submitted with, and approved as part of, the 2010 CUP.

Lot 2B is currently encumbered by a Record of Survey Plat for North Silver Lake Lodge that was recorded on April 19, 2005. That plat will be terminated of record immediately prior to the recordation of the condominium plat submitted with this application.

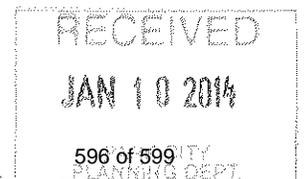


Exhibit D - Lot 2 North Silver Lake Subdivision (1997)

SURVEYOR'S CERTIFICATE

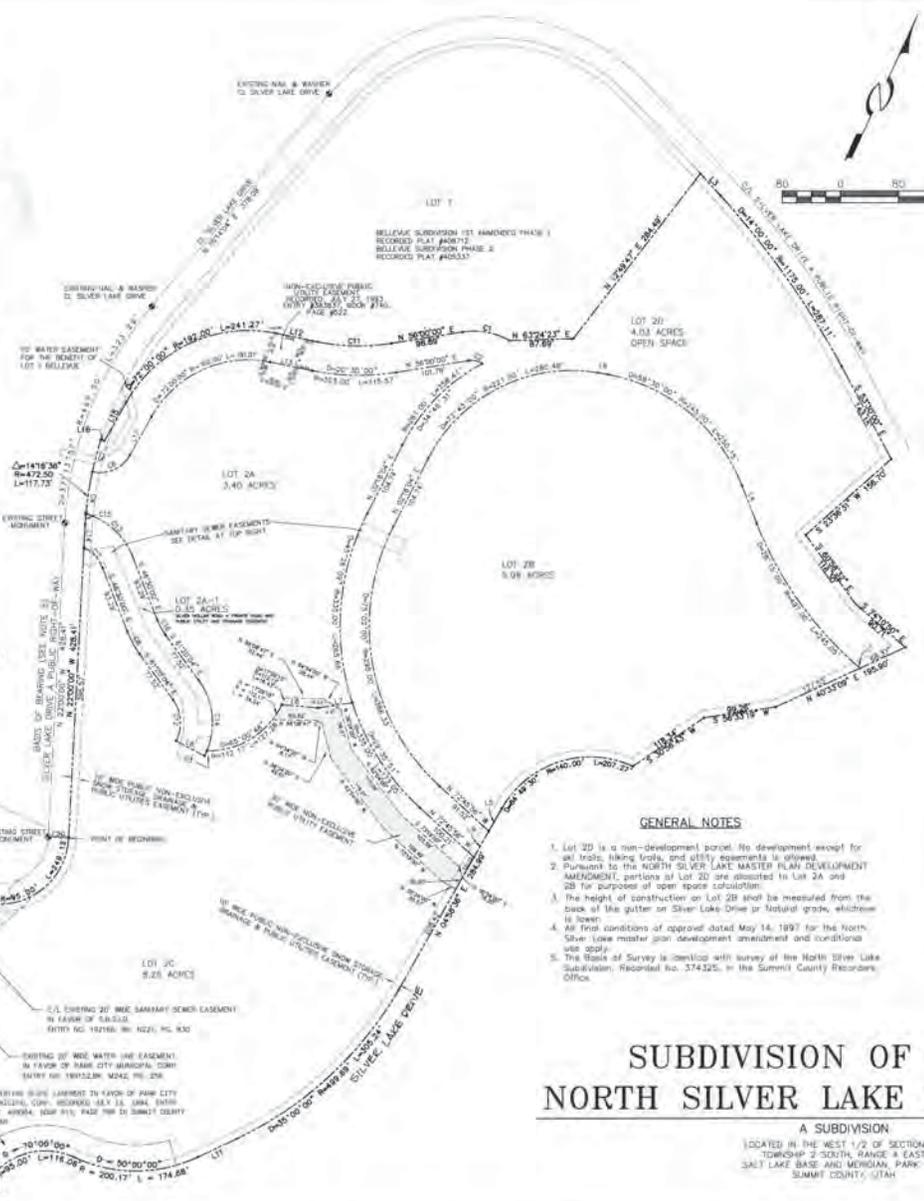
I, John Demerick, do hereby certify that I am a registered land surveyor and that I have prepared the plat hereon under the laws of the State of Utah, a further certificate that by authority of the same I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots to be hereinafter known as SUBDIVISION OF LOT 2 NORTH SILVER LAKE SUBDIVISION and that the same has been or will be correctly surveyed and staked on the ground as shown on this plat.

DATE: 9-9-97
JOHN DEMERICK

BOUNDARY DESCRIPTION

LOT 2 OF THE NORTH SILVER LAKE SUBDIVISION, according to the official plat on file and recorded as City #274225 (Feb. 16, 1992) is hereinafter described:

The above property is more particularly described as follows: Beginning at a point on the westerly right-of-way line of Silver Lake Drive, said point is located north 194.18 feet and east 711.67 feet from the Southwest Corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and thence thence N 27°30'00" W 428.41 feet to a point on a 475.20 foot radius curve to the right, whose radius point bears N 60°00'00" E, thence along the arc of said curve 117.73 feet to a central angle of 14°16'36", thence S 62°44'30" W 32.00 feet, thence N 14°30'00" W 80.40 feet to a point on a 132.00 foot radius curve to the right, whose radius point bears N 65°30'00" E, thence along the arc of said curve 241.27 feet to a central angle of 72°00'00", thence N 16°30'00" E 58.36 feet to a point on a 283.00 foot radius curve to the left, whose radius point bears N 72°30'00" W, thence along the arc of said curve 10.28 feet to a central angle of 2°30'00", thence N 50°00'00" E 88.82 feet to a point on a 100.00 foot radius curve to the right, whose radius point bears S 34°00'00" E, thence along the arc of said curve 67.12 feet to a central angle of 38°27'31", thence N 82°54'37" E 87.69 feet, thence S 12°49'47" E 284.68 feet, thence S 87°54'08" E 41.18 feet, to a point on a 115.00 foot radius curve to the right, whose radius point bears S 22°25'04" W, thence along the arc of said curve 287.11 feet to a central angle of 140°00'00", thence S 53°00'00" E 142.15 feet, thence S 23°30'00" W 156.70 feet, thence S 82°28'52" E 118.20 feet, thence S 74°02'00" E 80.71 feet, thence S 42°33'00" W 130.93 feet, thence S 56°33'18" W 95.28 feet, thence S 30°56'47" W 118.34 feet to a point on a 148.00 foot radius curve to the left, whose radius point bears N 00°11'54" E, thence along the arc of said curve 227.27 feet to a central angle of 84°30'00", thence S 04°00'00" W 284.99 feet to a point on a 499.89 foot radius curve to the right, whose radius point bears N 80°12'14" E, thence along the arc of said curve 322.24 feet to a central angle of 33°00'00", thence S 40°00'00" W 26.61 feet to a point on a 202.17 foot curve to the right, whose radius point bears N 30°00'00" W, thence along the arc of said curve 174.68 feet to a central angle of 32°00'00", to a point on a 95.00 foot radius curve to the left, whose radius point bears South, thence along the arc of said curve 116.06 feet to a central angle of 70°00'00", thence S 20°00'00" W 15.00 feet to a point on a 797.88 foot radius curve to the right, whose radius point bears N 14°14'45" E, thence along the arc of said curve 85.59 feet to a central angle of 08°12'32", thence N 88°00'00" E 40.00 feet, thence S 30°00'41" W 261.06 feet to a point on a 110.00 foot radius curve to the left, whose radius point bears N 24°30'40" E, thence along the arc of said curve 87.18 feet to a central angle of 42°40'00", thence S 01°42'00" E 12.86 feet to a point on a 35.00 foot radius curve to the left, whose radius point bears N 38°00'00" E, thence along the arc of said curve 248.12 feet to a central angle of 150°15'00" to the point of beginning. Descriptive contains 27.99 acres.



| LINE | DIRECTION | LENGTH | BEARING |
|------|---------------|--------|---------|
| L1 | N 11°15'00" E | 58.36 | |
| L2 | N 72°30'00" E | 41.18 | |
| L3 | N 14°30'00" W | 80.40 | |
| L4 | N 65°30'00" E | 241.27 | |
| L5 | N 16°30'00" E | 58.36 | |
| L6 | N 72°30'00" W | 10.28 | |
| L7 | N 50°00'00" E | 88.82 | |
| L8 | S 34°00'00" E | 67.12 | |
| L9 | N 82°54'37" E | 87.69 | |
| L10 | S 12°49'47" E | 284.68 | |
| L11 | S 87°54'08" E | 41.18 | |
| L12 | N 65°30'00" E | 241.27 | |
| L13 | N 16°30'00" E | 58.36 | |
| L14 | N 72°30'00" W | 10.28 | |
| L15 | N 50°00'00" E | 88.82 | |
| L16 | S 34°00'00" E | 67.12 | |
| L17 | N 82°54'37" E | 87.69 | |
| L18 | S 12°49'47" E | 284.68 | |
| L19 | S 87°54'08" E | 41.18 | |
| L20 | N 65°30'00" E | 241.27 | |
| L21 | N 16°30'00" E | 58.36 | |
| L22 | N 72°30'00" W | 10.28 | |
| L23 | N 50°00'00" E | 88.82 | |
| L24 | S 34°00'00" E | 67.12 | |
| L25 | N 82°54'37" E | 87.69 | |
| L26 | S 12°49'47" E | 284.68 | |
| L27 | S 87°54'08" E | 41.18 | |
| L28 | N 65°30'00" E | 241.27 | |
| L29 | N 16°30'00" E | 58.36 | |
| L30 | N 72°30'00" W | 10.28 | |
| L31 | N 50°00'00" E | 88.82 | |
| L32 | S 34°00'00" E | 67.12 | |
| L33 | N 82°54'37" E | 87.69 | |
| L34 | S 12°49'47" E | 284.68 | |
| L35 | S 87°54'08" E | 41.18 | |
| L36 | N 65°30'00" E | 241.27 | |
| L37 | N 16°30'00" E | 58.36 | |
| L38 | N 72°30'00" W | 10.28 | |
| L39 | N 50°00'00" E | 88.82 | |
| L40 | S 34°00'00" E | 67.12 | |
| L41 | N 82°54'37" E | 87.69 | |
| L42 | S 12°49'47" E | 284.68 | |
| L43 | S 87°54'08" E | 41.18 | |
| L44 | N 65°30'00" E | 241.27 | |
| L45 | N 16°30'00" E | 58.36 | |
| L46 | N 72°30'00" W | 10.28 | |
| L47 | N 50°00'00" E | 88.82 | |
| L48 | S 34°00'00" E | 67.12 | |
| L49 | N 82°54'37" E | 87.69 | |
| L50 | S 12°49'47" E | 284.68 | |
| L51 | S 87°54'08" E | 41.18 | |
| L52 | N 65°30'00" E | 241.27 | |
| L53 | N 16°30'00" E | 58.36 | |
| L54 | N 72°30'00" W | 10.28 | |
| L55 | N 50°00'00" E | 88.82 | |
| L56 | S 34°00'00" E | 67.12 | |
| L57 | N 82°54'37" E | 87.69 | |
| L58 | S 12°49'47" E | 284.68 | |
| L59 | S 87°54'08" E | 41.18 | |
| L60 | N 65°30'00" E | 241.27 | |
| L61 | N 16°30'00" E | 58.36 | |
| L62 | N 72°30'00" W | 10.28 | |
| L63 | N 50°00'00" E | 88.82 | |
| L64 | S 34°00'00" E | 67.12 | |
| L65 | N 82°54'37" E | 87.69 | |
| L66 | S 12°49'47" E | 284.68 | |
| L67 | S 87°54'08" E | 41.18 | |
| L68 | N 65°30'00" E | 241.27 | |
| L69 | N 16°30'00" E | 58.36 | |
| L70 | N 72°30'00" W | 10.28 | |
| L71 | N 50°00'00" E | 88.82 | |
| L72 | S 34°00'00" E | 67.12 | |
| L73 | N 82°54'37" E | 87.69 | |
| L74 | S 12°49'47" E | 284.68 | |
| L75 | S 87°54'08" E | 41.18 | |
| L76 | N 65°30'00" E | 241.27 | |
| L77 | N 16°30'00" E | 58.36 | |
| L78 | N 72°30'00" W | 10.28 | |
| L79 | N 50°00'00" E | 88.82 | |
| L80 | S 34°00'00" E | 67.12 | |
| L81 | N 82°54'37" E | 87.69 | |
| L82 | S 12°49'47" E | 284.68 | |
| L83 | S 87°54'08" E | 41.18 | |
| L84 | N 65°30'00" E | 241.27 | |
| L85 | N 16°30'00" E | 58.36 | |
| L86 | N 72°30'00" W | 10.28 | |
| L87 | N 50°00'00" E | 88.82 | |
| L88 | S 34°00'00" E | 67.12 | |
| L89 | N 82°54'37" E | 87.69 | |
| L90 | S 12°49'47" E | 284.68 | |
| L91 | S 87°54'08" E | 41.18 | |
| L92 | N 65°30'00" E | 241.27 | |
| L93 | N 16°30'00" E | 58.36 | |
| L94 | N 72°30'00" W | 10.28 | |
| L95 | N 50°00'00" E | 88.82 | |
| L96 | S 34°00'00" E | 67.12 | |
| L97 | N 82°54'37" E | 87.69 | |
| L98 | S 12°49'47" E | 284.68 | |
| L99 | S 87°54'08" E | 41.18 | |
| L100 | N 65°30'00" E | 241.27 | |

GENERAL NOTES

- Lot 2B is a non-development parcel. No development except for all trails, hiking trails, and utility easements is allowed.
- Pursuant to the NORTH SILVER LAKE MASTER PLAN DEVELOPMENT AMENDMENT, portions of Lot 2B are allocated in Lot 2A and 2B for purposes of open space calculation.
- The height of construction on Lot 2B shall be measured from the back of the gutter on Silver Lake Drive or natural grade, whichever is lower.
- All final conditions of approval dated May 14, 1997 for the North Silver Lake master plan development amendment and conditions were 2004.
- The State of Survey is identical with survey of the North Silver Lake Subdivision, Recorded No. 274225, in the Summit County Recorder's Office.

| CURVE | RADIUS | LENGTH | DELTA |
|-------|--------|--------|------------|
| C1 | 100.00 | 10.28 | 2°30'00" |
| C2 | 132.00 | 241.27 | 72°00'00" |
| C3 | 475.20 | 117.73 | 14°16'36" |
| C4 | 475.20 | 67.12 | 38°27'31" |
| C5 | 115.00 | 58.36 | 4°16'36" |
| C6 | 115.00 | 10.28 | 2°30'00" |
| C7 | 283.00 | 10.28 | 2°30'00" |
| C8 | 283.00 | 241.27 | 72°00'00" |
| C9 | 283.00 | 58.36 | 4°16'36" |
| C10 | 283.00 | 10.28 | 2°30'00" |
| C11 | 499.89 | 284.68 | 84°30'00" |
| C12 | 499.89 | 41.18 | 4°16'36" |
| C13 | 499.89 | 241.27 | 72°00'00" |
| C14 | 499.89 | 58.36 | 4°16'36" |
| C15 | 499.89 | 10.28 | 2°30'00" |
| C16 | 110.00 | 116.06 | 70°00'00" |
| C17 | 110.00 | 15.00 | 14°14'45" |
| C18 | 110.00 | 85.59 | 8°12'32" |
| C19 | 35.00 | 67.12 | 34°00'00" |
| C20 | 35.00 | 248.12 | 150°15'00" |



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned is the Owner of the herein described tract of land, and hereby coveys the same to be divided into lots together with easements as set forth on the attached plat, heretofore to be known as SUBDIVISION OF LOT 2 NORTH SILVER LAKE SUBDIVISION.

Also, the same hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, and Park City Fire Protection District, a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use, and eventual replacement.

The owner, or his/her representative, hereby irrevocably offers for dedication to the City of Park City of the stream bed for local government use, easements, parks, required utility and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

I, witness whereof the undersigned has set its name on this day of SEPTEMBER, 1997.

DEER VALLEY RECREATION COMPANY, a Utah Limited Partnership,
By Royal Street, a General Partner,
Royal Street
Robert W. Wells, Vice President

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WASATCH

On this 9 day of September, 1997, personally appeared before me, the undersigned Notary Public in and for said State and County, Robert W. Wells, who after being duly sworn, acknowledged to me that he is the Vice-President of Royal Street of Utah, a Utah Corporation, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

Robert W. Wells
Notary Public
Residing at:
My Commission Expires:
May 30, 1999

SUBDIVISION OF LOT 2 NORTH SILVER LAKE SUBDIVISION

A SUBDIVISION
LOCATED IN THE WEST 1/2 OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY,
SUMMIT COUNTY, UTAH

| | | | | | | | |
|---|---|--|--|---|--|---|---|
| ALLIANCE ENGINEERING INC. P.O. BOX 3264 323 MAIN STREET PARK CITY, UTAH 84060 (801) 647-8467 | SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS DAY OF <u>September</u> , 1997 A.D. BY <i>Paul S. S. S.</i> S.P.S.D. | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF <u>September</u> , 1997 A.D. BY <i>Jim</i> CHAIRMAN | ENGINEERS CERTIFICATE I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12 TH DAY OF <u>SEPTEMBER</u> , 1997 A.D. BY <i>Eric A. Cochran, PE</i> PARK CITY ENGINEER | APPROVAL AS TO FORM APPROVED AS TO FORM THIS 17 TH DAY OF <u>September</u> , 1997 A.D. BY <i>M. D. H. G.</i> PARK CITY ATTORNEY | CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS APPROVED BY PARK CITY COUNCIL THIS <u>26</u> DAY OF <u>JUNE</u> , 1997 A.D. BY <i>Scott H. Smith</i> PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>26</u> DAY OF <u>JUNE</u> , 1997 A.D. BY <i>Scott H. Smith</i> W.M.R. | RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Howe Construction</u> DATE <u>08-18-97</u> TIME <u>15:58:00</u> PAGE <u>1</u> <u>35</u> <i>Deanne M. Brown</i> RECORDER |
|---|---|--|--|---|--|---|---|

