



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
October 8, 2015**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 8, 2015.

CLOSED SESSION

12:30 pm To discuss Property, Personnel and Litigation

WORK SESSION

3:00 pm Council Questions and Comments

3:10 pm – Alice Claim Subdivision Site Visit and Work Session

- a) 3:10 pm – Review Staff Report and Newly Proposed “Gully Plan”
- b) 3:45 pm – Physical Tour of the Alice Claim Property
 - a. LOCATION – South of intersection of King Road, Ridge Avenue and Sampson Avenue, Park City, Utah, 84060
- c) 4:45 pm – Return from Site Tour and Presentation by Applicant
- d) 5:15 pm – Council Discussion and Direction
 - a. Public Input Subject to Mayor and Council

**CUP appeal and public hearing to be scheduled at a future meeting*

5:50 pm – Mountain Accord – Wasatch Mountains Land Designation Discussion

REGULAR MEETING

6:00 PM

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

- 1. Manger’s Report – Update on Early Morning Deliveries Policy in Old Town and Response to Resident Complaint

2. Manager's Report - Historic Preservation Quarterly Update
3. Manager's Report – Response to a Council Request regarding the Residency Characteristics of Park City's Workforce
4. Manager's Report – Response to the Hillside Pathway Request

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

IV. CONSIDERATION OF MINUTES

1. Consideration of a Request to Approve the City Council Meeting Minutes for July 9, 2015

V. CONSENT AGENDA

1. Appoint 2015 Election Poll Workers for the 2015 General Election
2. Consideration of a Request to Proclaim November 1, 2015, as Extra Mile Day in Park City, Utah

VI. NEW BUSINESS

1. Consideration of an Ordinance of the First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

2. Consideration of an Ordinance of the AGIO 260 Second Amended Condominium Plat at 260 Main, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted:

See: www.parkcity.org



DATE: October 8, 2015

TO HONORABLE MAYOR AND COUNCIL

The purpose of this work session is for the City Council to see the site conditions and discuss the proposed amendment to the application submitted to Staff on 9.30.15 (Gully Plan). The CUP Appeal has not been noticed for this meeting and a mutually agreed upon date will be established once the next steps of the subdivision/plat amendment are determined.

The proposed project is a subdivision/plat amendment of nine (9) lots on 8.65 acres south of the intersection of King Road, Ridge Avenue, Woodside Gulch, and Sampson Avenue (approximately), within the Historic residential (HR-1), Estate (E) and Sensitive Lands Overlay (SLO) zone districts. The property is a "metes and bounds" parcel with contiguous portions of platted lots. A City water tank and land owned by the City is adjacent to the subject property to the south. A City water lines lies in a parcel of City owned property that bisects the subject property.

After reviewing the project in various forms, the Planning Commission voted unanimously to forward a negative recommendation on the Subdivision and Plat Amendment on August 12, 2015. In addition, Planning Commission reviewed a Conditional Use Permit for retaining walls greater than six feet (6') which would be needed for the entrance of to the subdivision on the plat and voted unanimously to deny the Conditional Use Permit (CUP). The Applicants have appealed the denial of the CUP, and the appeal of that decision will be brought back to the City Council after Council has made a determination of this Application. The Applicant is requesting that City Council consider an amended site plan (Attachment 3 – Site Plan submitted 09.30.2015 "Gully Plan") which is different from what the Planning Commission based their recommendation on (but similar to a plan previously reviewed by Planning Commission in 2009), and give feedback on that plan.

Respectfully:

Matt Dias, Asst City Manager

City Council Staff Report



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Bruce Erikson, AICP, Planning Director
Date: October 8, 2015
Type of Item: Site Visit and Work Session – Subdivision & Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council visit the site and hold a work session discussion for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and provide input and discussion to Staff and the applicant. Staff further recommends that the City Council review a proposed amended “Gully Plan” as described below.

Staff reports reflect the professional recommendation of the Planning Department. The City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Acronyms

HR-1 Historic Residential District
E Estate District
SLO Sensitive Lands Overlay
CUP Conditional Use Permit

Topic

Applicant: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council. There is also a separate pending appeal of a Conditional Use Permit or a wall- “the CUP Appeal”.

Executive Summary

The purpose of this work session is for the City Council to see the site conditions and discuss the proposed amendment to the application submitted to Staff on 9.30.15 (Gully Plan). The CUP Appeal has not been noticed for this meeting and a mutually agreed

upon date will be established once the next steps of the subdivision/plat amendment are determined.

The proposed project is a subdivision/plat amendment of nine (9) lots on 8.65 acres south of the intersection of King Road, Ridge Avenue, Woodside Gulch, and Sampson Avenue (approximately), within the Historic residential (HR-1), Estate (E) and Sensitive Lands Overlay (SLO) zone districts. The property is a “metes and bounds” parcel with contiguous portions of platted lots. A City water tank and land owned by the City is adjacent to the subject property to the south. A City water lines lies in a parcel of City owned property that bisects the subject property.

After reviewing the project in various forms, the Planning Commission voted unanimously to forward a negative recommendation on the Subdivision and Plat Amendment on August 12, 2015. In addition, Planning Commission reviewed a Conditional Use Permit for retaining walls greater than six feet (6') which would be needed for the entrance of to the subdivision on the plat and voted unanimously to deny the Conditional Use Permit (CUP). The Applicants have appealed the denial of the CUP, and the appeal of that decision will be brought back to the City Council after Council has made a determination of this Application. The Applicant is requesting that City Council consider an amended site plan (Attachment 3 – Site Plan submitted 09.30.2015 “Gully Plan”) which is different from what the Planning Commission based their recommendation on (but similar to a plan previously reviewed by Planning Commission in 2009), and give feedback on that plan.

Background

Please refer to the Planning Commission Packet from August 12, 2015 (Attachment 1 – 08.12.2015 Planning Commission Staff Report and Exhibits & Attachment 2 – 08.12.2015 Planning Commission Meeting Minutes) for a detailed background of the project. In summary, the Planning Commission did not find that the project met the General Plan for the area, there was no good cause for the subdivisions as required by the Land Management Code, the site design did not meet the Land Management Code requirements for compact design and to minimize impacts to steep slopes. The Planning Commission also found that the roadways and intersections were substandard in the area. See Attachment 1 Exhibit A - Draft Action Letter Denying the Alice Claim Subdivision and Plat Amendment as well as Attachment 2 – 08.12.2015 Planning Commission Meeting Minutes, specifically the motion, findings of fact, and conclusions of law on minutes page 27 – 34.

Analysis

The Planning Staff recommends the City Council review the information attached, conduct a work session and conduct a site tour with the applicant and public. If the City Council chooses, public comment may be taken at the work session. Staff recommends that the City Council leave time for public comment and advise the public to limit comments at this time to the requested direction regarding whether to consider the amended Gully Plan. A full staff analysis and report will be the basis of a future public hearing on whichever plan proceeds forward for review.

The applicant has provided the City with an amended subdivision site plan (Attachment 3 – Site Plan submitted 09.30.2015 “Gully Plan”) that more closely conforms to the General Plan and Land Management Code base upon Planning Department, initial, high-level” review.

Based on Planning Dept. initial review, the Gully Plan concept is still nine (9) lots but has smaller, more compact lots; private roads (i.e. driveways) have been moved off steep slopes and one driveway has been removed, the lots are moved lower in elevation with the project site. No changes have been made to the intersection with King Road.

This Gully Plan is laid out similarly to “Plan B” from the 2009 discussions (Attachment 4 – Site Plan B). During those discussions, as well as more recently in 2015, several members of the Planning Commission expressed a preference for this Gully Plan. The 2015 Gully Plan is much in line with Planning Commission comments. Due the long review process with Planning Commission, the applicant is willing to revisit the Gully Plan with City Council, but only if the Council moves forward with the review without a remand to the Planning Commission. If the City Council’s review does not move towards a positive action or the Council indicates a preference for a remand to the Planning Commission, the applicant will amend back to the original site plan for Council final action.

Recommendation

Conduct a site tour and at the work session, Staff requests the City Council provide preliminary direction to proceed with review of the revised subdivision proposal (“Gully Plan”).

Attachments

Attachment 1 – 08.12.2015 Planning Commission Staff Report and Exhibits:

Exhibit A – Draft Action Letter Denying the Alice Claim Subdivision and Plat Amendment

Exhibit B – The proposed Alice Claim Subdivision and Plat Amendment

Exhibit C – Minutes from the July 22, 2015 Planning Commission meeting

Exhibit D – Submitted Comments by Commissioner Steve Joyce on 08.06.2015

Exhibit E – Conditions of Approval to be forwarded to the City Council in case the Council decides not to follow the Planning Commission’s recommendation.

Attachment 2 – 08.12.2015 Planning Commission Meeting Minutes

Attachment 3 – Site Plan submitted 09.30.2015 “Gully Plan”

Attachment 4 – 2009 Site Plan B



Planning Commission Staff Report

Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Christy Alexander, AICP, Planner II
Date: August 12, 2015
Type of Item: Legislative – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 meetings and forward a negative recommendation to the City Council based on the findings of fact and conclusions of law.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicant: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City’s Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 7,714 square feet to 7,910 square feet.

The current plan also includes a plat amendment that will remove existing lot lines on contiguous platted lots encumbered by the existing King Road and Sampson Avenue. If approved, the property would be dedicated to the City as right-of-way.

Background

Please reference prior staff reports for the history of this application, most recently being:

- October 8, 2014 Planning Commission Work Session
- April 8, 2015 Planning Commission Meeting
- June 10, 2015 Planning Commission Meeting
- July 8, 2015 Planning Commission Meeting
- July 22, 2015 Planning Commission Meeting

At the July 22, 2015 meeting the Commission focused on the following concerns:

- Primary issues were compatibility of layout, moving off the steep slopes and down into the valley, and size more compatible with the HR-1 zone, which was more in the realm of 4,000 to 5,000 square feet lots and 1,500 to 2,000 square feet footprints.
- Clarification that 9 lots was neither the right nor wrong answer. Issue was having nine lots of that size in HR-1 on very steep slopes with the extensive retaining wall. 10 or 12 units might fit based on size and position on the lots. Disputing the applicant's claim that in ten years no one had disputed the nine lot plan because there was significant evidence showing otherwise.
- Statements that there was never an agreement that everything else would be acceptable if Lot 7 was moved. Instead, a long list of discussions about the massive amount of cut and fill on the hillside with the proposed plan and the non-clustered layout of the lots on the steep slopes was reiterated.
- Reference to the August 27, 2008 Planning Commission meeting minutes which stated, "During the meeting the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time the Commissioners expressed concerns that the future home sites were being cleaned up prior to the final approval of the development plan. They also insisted all proposed development should be close to the access road along the bottom of the valley." Pointing out that the same sentiment was expressed at several other Planning Commission meetings moving forward. Each time the Commission recommended smaller homes down at the base of the canyon. Documentation from many work sessions and meetings document the fact that the Planning Commission had concerns and expressed them throughout the process. The project was never brought to a vote in the past, but the current comments are consistent with the prior comments,
- LMC 15-7-1.6C and 15-7-31, which directs the Commission to consider the topography and the slopes along with lot size and lot placement.
- In all of the documents there has been continual discussion in either work session or regular meetings about moving houses off the very steep slopes and

into the canyon. Despite the number of times those comments were made the applicant chose not to adopt that type of plan. Commission liked what the Applicant did in moving Lot 7 and the Estate lot, but there is still a hillside with 100% limit of disturbance on approximately two-thirds of the hill.

- Reference to the 2009 meeting and the discussion that was brought forward by the Planning Department with three alternatives. One alternative pushed the lots to the bottom. When they asked the Planning Commission which of the alternatives they preferred, there was overwhelming support for Alternative B. Current Planning Commission expressed similar issues as the Planning Commissions of 2005-2011. They would like to see a plan that is more compact and down in the flatter area to reduce the amount of disturbance to the hillside.
- Based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, it was interesting to see how consistent all of the Planning Commissions have been on these issues.
- LMC 15-7.1-5(I), Zoning Regulations state, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval."
- The purpose statement of HR-1 states, "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'".
- A lengthy discussion was had on existing footprint, lot size and house sizes within the surrounding HR-1 and HRL neighborhoods and the HR-1 and HRL Districts as a whole through the City and how the proposed footprints were almost twice the size of the average footprints in the nearest HR-1 District neighborhood along Daly Avenue. The proposed lot sizes were shown to be almost twice the size of the average lot sizes in the nearest HR-1 District neighborhood along Daly Avenue. The Commissioners unanimously agreed that the proposed footprints and lot sizes were not compatible with the nearest HR-1 Districts and that total floor area of the houses was difficult to adequately measure.
- The former Planning Commissioners consistently wanted the lots to be small and as low as possible.
- Per the LMC, the proposed subdivision did not substantially provide positive benefits and mitigate negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the enormous retaining walls, site disturbance and the frightening condition of the roads, Commissioners were unable to see adequate mitigation for good cause.
- Very few large walls around town, if any, are in the HR-1 District. The walls proposed for this development are not only tall but they are also very wide and carve up the hillside.
- Rather than deny the application the Commission preferred a continuance at the June 10, 2015 meeting in order to give the applicants the opportunity to come back with a more acceptable plan which the Applicant did not do.

In addition to staff's concerns over inappropriate clustering of homes, lot sizes, footprint sizes, and compatibility within the HR-1 district and visual impacts of such tall retaining walls, cut and fill and significant vegetation disturbance in a historic residential district, the corresponding CUP has brought up concerns over the impacts and how they reflect how the topography isn't appropriate for this development. Here is an example of the impacts:

In addition to the 3 walls proposed for this CUP, the Applicant is proposing 11 other walls which do not require a CUP. It is important to note that although the individual walls may only be 6' each, the visual impact of 5 walls that terrace creates the visual image of a broken up 30' wall. The applicant is proposing 6' walls in 4 different locations. Near Lots 7 and 6 there are four 6' walls proposed (total 24'), near Lot 2 there are two 6' walls proposed (12'), near Lot 3 there are three 6' walls proposed (18'), and near Lot 4 there are two 6' walls proposed (12'), all of blonde sandstone veneer. Each wall will need to be setback 4' horizontally from each other to provide the proper planting strip and terracing requirements as found in the LMC. The amount of excavation, cut, and fill to the steep slopes and disturbance to the significant vegetation has not been shown to be adequately mitigated as no final engineered plans have been submitted for those walls as well as the three 10' walls which will reflect the amount of excavation which will be required. Also, not all of the walls have shown their exact width, just that the longest wall may be approximately 196' long, therefore staff cannot analyze the amount of large amount of excavation needed to adequately retain the project.

Based on the discussions of the June 10, 2015 and July 22, 2015 meetings, staff has thus prepared findings for denial and as such, staff recommends that the Commission take a vote based on the proceedings of the June 10, 2015 and July 22, 2015 meetings to forward a negative recommendation to the City Council.

Purpose of "HR-1" and "E" Zoning Districts

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

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

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

- (A) Allow very low density, environmentally sensitive residential Development which:

- (1) Preserves ridge tops, meadows, and visible hillsides,
 - (2) Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - (3) Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - (4) Mitigates geologic and flood hazards,
 - (5) Protects views along the City's entry corridors, and
 - (6) Decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- (B) Incorporate pedestrian trail linkages between and through neighborhoods; and
(C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Good Cause

Planning Staff recommends finding there is not good cause for this subdivision as discussed at the June 10, 2015 and July 22, 2015 Planning Commission meetings

Department Review

This project has gone through an interdepartmental review. Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015, March 24, 2015, and May 12, 2015. Engineering continues to express concerns with the site access and lack of final utility engineering design, flood plain, debris flow, SBWRD continues to express concern with lack of sewer lateral design, and the Water Department continues to express concern with the low water pressures available and lack of an updated final water model. Planning's concerns are appropriate clustering of homes, lot sizes, footprint sizes, and compatibility within the HR-1 district and visual impacts of such tall retaining walls, cut and fill and significant vegetation disturbance in a historic residential district.

Notice

The property was posted on February 11, 2015 and notice was mailed to property owners within 300 feet in accordance with requirements of the LMC on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015. The property has been posted to notice the continuations to this date.

Public Input

Public comment was taken during the various past meetings held to discuss the project. The various Planning Commission meeting minutes will reflect that public input. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

This application is for a major subdivision and plat amendment as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. Staff is recommending the hearings be combined and a final Subdivision Plat is considered. The approval or denial of this subdivision and plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC Section 1-18. Any retaining walls over 6 feet require a CUP. Any new structures may require a Steep Slope CUP and all will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment; or
- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned on the June 10, 2015 draft ordinance or as amended; or
- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or staff to provide additional information necessary to make a recommendation on this item.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A geotechnical report has been previously submitted and reviewed for the parcel but not for individual lots. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, as well as retaining walls will require a Historic District Design Review prior to home design and construction.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and consider taking a vote based on the proceedings of the June 10, 2015 and July 22, 2015 and forward a negative recommendation to the City Council.

Exhibits

Exhibit A – Draft Action Letter Denying the Alice Claim Subdivision and Plat

Amendment

Exhibit B – The proposed Alice Claim Subdivision and Plat Amendment

Exhibit C – Minutes from the July 22, 2015 Planning Commission meeting

Exhibit D – Submitted Comments by Commissioner Steve Joyce on August 6, 2015

Exhibit E – Conditions of Approval to be forwarded to the City Council in case the Council decide not to follow the Planning Commission's recommendation.

EXHIBIT A

Draft Action Letter Denying the Alice Claim Subdivision and Plat Amendment

FINAL ACTION DENYING THE ALICE CLAIM SUBDIVISION AND PLAT AMENDMENT LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH, AND SAMPSON AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at the intersection of King Road, Ridge Avenue, Woodside Gulch, and Sampson Avenue has petitioned the Planning Commission for a recommendation of approval for preliminary and final plat approval of the Alice Claim subdivision and plat amendment; and

WHEREAS, the property was properly noticed and posted on February 11, 2015 according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on February 11, 2015 and published in the Park Record on February 6, 2015 and on the public notice website on February 9, 2015; and

WHEREAS, the Planning Commission held a public hearing on March 13, 2013, April 8, 2015, June 10, 2015, July 8, 2015, and July 22, 2015 to receive input on the proposed subdivision and plat amendment; and

WHEREAS, the Planning Commission, on August 12, 2015, forwarded a negative recommendation to the City Council; and,

WHEREAS, on September 17, 2015, the City Council held a public hearing to receive input on the subdivision and plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to deny the Alice Claim Subdivision.

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

SECTION 1. DENIAL. The Alice Claim Subdivision and Plat Amendment as shown in Exhibit "A" is denied subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact:

1. The property is located at the intersection of King Road , Ridge Avenue, Woodside Gulch, and Sampson Avenue (approximately), within the Historic Residential (HR-1), Estate (E), and Sensitive Lands Overlay (SLO) Districts.
2. The proposal includes a subdivision of nine (9) lots on 8.65 acres.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property

on the south end, and a City-owned parcel bisects the subject property. The City water line runs within the City owned property.

5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner has not secured legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require significant excavation and retaining walls in three (3) locations up to and possibly in excess of ten feet (10') in height. The total excavation is proposed to be 30' in linear height and the total length of the longest wall is approximately 196' long. These retaining walls will be reviewed under a concurrent CUP.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. Huge amounts of significant vegetation and at least 4 significant deciduous trees are proposed to be removed by the layout of the lots, drives, and retaining walls.
10. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. Adequate Water Service and Pressure may not be available to most of the proposed development sites (proposed Lots) within the development as currently designed. The applicant has not submitted an updated final water model for the most recent site plan dated May 18, 2015. The applicant will be responsible to determine what portion of the property is serviceable by the current water system, or propose acceptable mitigation.
12. A culvert for the stream is proposed for Lot 1 primarily in order to meet the 50' setback regulations from streams within the Estate and SLO lot, otherwise the culvert would not be necessary.
13. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 7, 8, and 9 at a minimum appear to be in the stream's flood plain. Until further study is complete, none of the proposed lots can be reasonably developed. A flood plain study still needs to be completed.
14. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 10' rear setback from the required 30' rear setback for this Estate District lot in order to allow the buildable area to be lower on the hill side and off of the Very Steep Slopes.
15. The utility plan submitted on May 18, 2015 does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer as a final engineered utility plan has not been submitted.

16. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
17. All drives are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future. All drives must meet the 14% maximum grade requirement.
18. Public trails are shown on the proposed plat with a 15' public recreational trail easement.
19. The proposed lots range in size from 3.01 acres within the Estate District and .18 acres (7,714-7,910 square feet) within the HR-1 District.
20. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
21. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
22. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.
23. The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%.
24. The existing encumbered Lots 1-7 and 36-40, Block 77 are proposed to be dedicated to the City as right-of-way if the plat is recorded as they currently have a road over them.
25. The proposed location of the building pad on Lot 1 is on Steep Slopes (15% - 40%) and not on Very Steep Slopes (greater than 40%), and also more than 50' away from Very Steep Slopes .
26. LMC 15-7-1-6(C) directs the Planning Commission to consider the topography and the location of streets along with lot size and lot placement and other items during review of Final Subdivision Plat which the Planning Commission has continually expressed concern over the steep slopes, extension of streets into very steep slopes, incompatible clustering and layout and size of the lots and not placing all of the lots on the lowest point of the slopes along the gulch.
27. The existing mine shaft on the property is currently filled but not capped as stated on the site plan dated May 18, 2015. Any structures on this site must be setback at least 10 feet from the mine shaft.
28. The Applicant has shown on the plat the limits of disturbance as the proposed lot lines but does not show limits of disturbance for the proposed retaining walls.
29. The lots are positioned as proposed to avoid development on the ridgelines and allow for drives that contour with the topography in order to meet the required grades. However, the proposed height of the homes on Lots 8 and 9 will be visible over the eastside of the ridgeline and the excavation of the lots will require large amounts of cut and fill.
30. Very few homes within the Historic Districts compare in size to the total square footage, footprint and lot size as is proposed by the Alice Claim Subdivision. The layout of the homes is not compatible to the historic density and clustering of

homes within the nearby HR-1 and HR-L districts and could be designed to meet the smaller average footprint size of other nearby HR-1 districts.

31. The proposed subdivision, as designed, does not incorporate a design that reflects the established development pattern of the neighborhood and nearby HR-1 District which includes a clustering of smaller lots situated side-by-side down in valleys and have direct access to the primary roadway that services the development,
32. The proposed development layout does not comply with the purpose statement of the HR-1 District, specifically 15-2.2-1(A), (C), and (D).
33. The average lot size in the HR-1 District as a whole is 4,607 square feet and the average lot size in the closest HR-1 neighborhood to the proposed development is Daly Avenue which is 4,356 square feet. The Applicant proposes lot sizes ranging from 7,714-7,910 square feet within the HR-1 District.
34. The average footprint size in the HR-1 District as a whole is 1,482.24 square feet and the average footprint size in the closest HR-1 neighborhood to the proposed development is Daly Avenue which is 1,465.44 square feet. The Applicant proposes footprint sizes of 2,500 square feet within the HR-1 District.
35. In all of the past Planning Commission work session and regular meeting minutes from 2008 discussing this project, there has been continual discussion about the Commission's concern to move proposed homes off the very steep slopes and into the bottom of the canyon (gulch). The current Commission at the July 22, 2015 meeting reiterated that they would be supportive of a plan that is more compact and down in the flatter area of the canyon to reduce the amount of disturbance to the hillside. Also, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, the Commissioners stated it was interesting to see how consistent all of the Planning Commissions from 2008 to 2015 have been on these issues.
36. LMC 15-7.1-5(I), Zoning Regulations state, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval."
37. The purpose statement of the HR-1 District states, "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'".
38. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.
39. Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.
40. On November 20, 2012, the Planning Department notified the applicant that the application would be closed due to inactivity by the applicant.
41. On November 30, 2012, an appeal of the closing of the file for the Alice Claim Subdivision is filed by the applicant's attorney. The closing of the file was later rescinded by the Planning Director with the stipulation that the applicant either bring the last plan submitted forward to the Planning Commission for action, or redesign the project and submit it within thirty (30) days. The applicant chose to go forward with the last submitted plan.

42. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
43. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.
44. The Applicant submitted further revisions to the plat to address some of the City's concerns and deficiencies in their application on March 16, 2015.
45. On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the Commissioners.
46. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on May 4, 2015.
47. The Applicant submitted further revisions to the plat to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.
48. On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.
49. On June 10, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 8, 2015 meeting in order to give the Applicant sufficient time to respond to the Commission and public's comments from that meeting. The Applicant did not submit any comments or changes to the site plan by the deadline given of June 24, 2015.
50. On July 8, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 22, 2015 meeting in order to give the Applicant more time to respond to the June 10, 2015 meeting comments. The Applicant submitted a response on July 13, 2015.
51. On July 22, 2015 the Planning Commission held a public hearing for this project and continued the item to the August 12, 2015 meeting in order to allow Staff time to prepare the appropriate findings for a vote at that meeting.

Conclusions of Law:

1. There is no good cause for this proposed subdivision plat given that the proposed development does not meet the purpose of the Historic Residential (HR-1) District, nor does it meet specific requirements of the Subdivision Ordinance, nor does preserve the character of the neighborhood or existing development patterns established within the neighborhood.
2. The proposal does not cluster the development to meet the general subdivision requirements in Section 15-7.3-2(E) wherein the language states that "units should be clustered in the most developable and least visually sensitive portions of the site." This does not meet the good cause standard as it does not utilize best planning practices of clustering development.
3. The proposed subdivision plat is not consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
4. The proposed subdivision does not meet Subdivision regulations 15-7.3-1(D) which states: "Restrictions Due to Character of the Land: Land which the Planning Commission finds to be unsuitable for Subdivision or Development due

to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridgelines, which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger”.

Dated this ____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

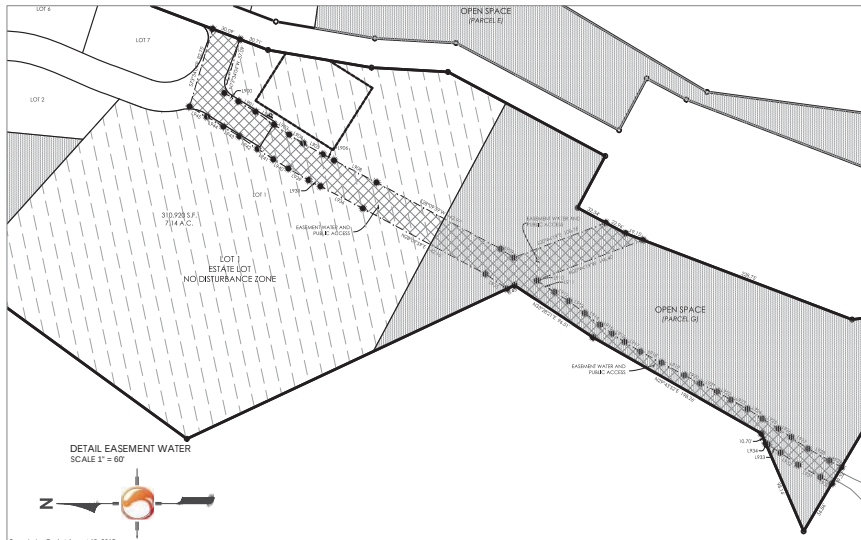
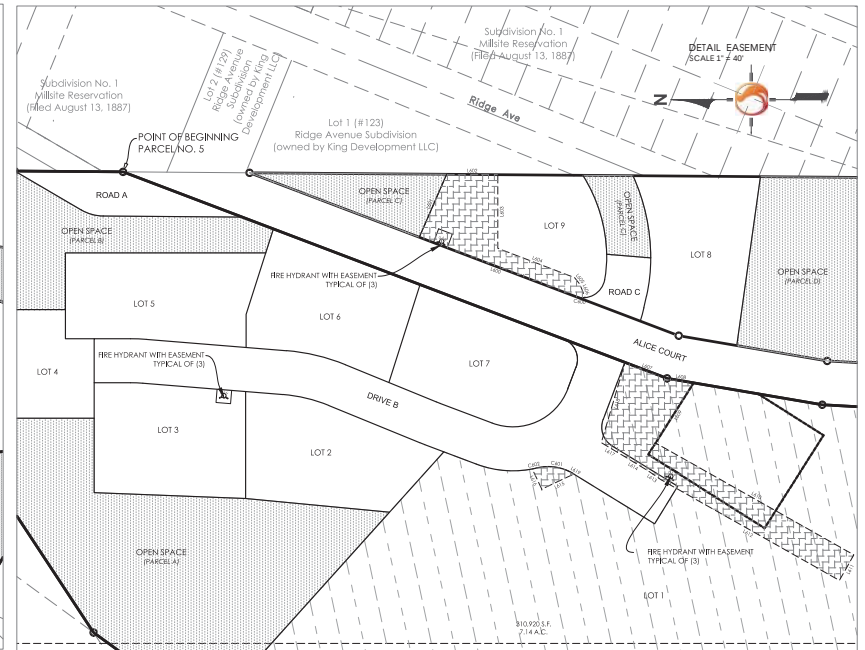
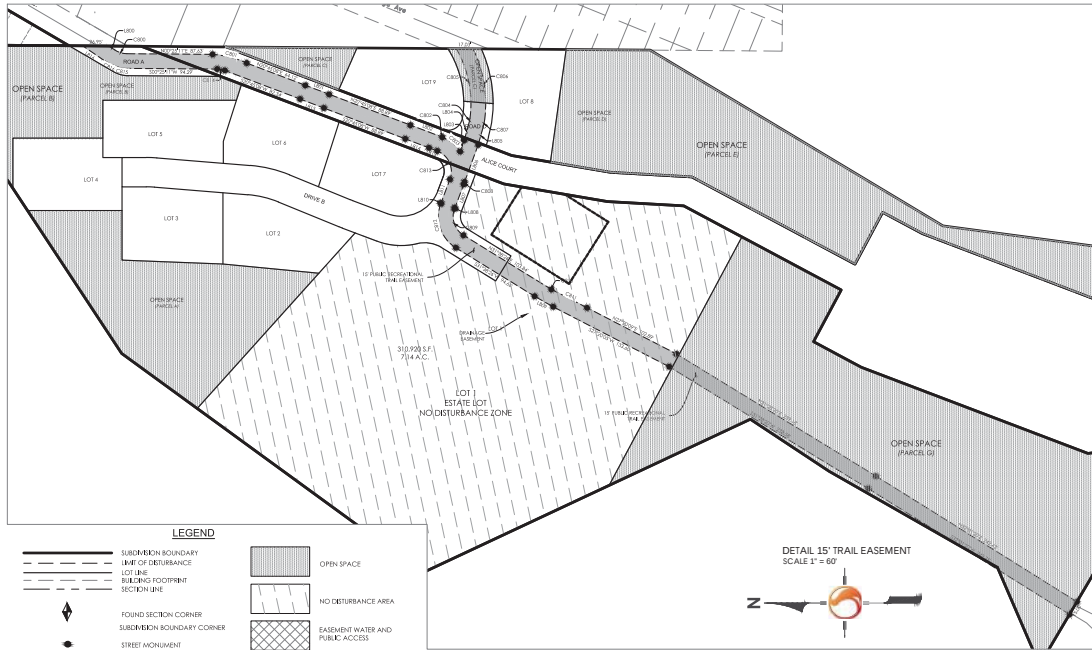
City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



DATE	BY	CHKD	DESC	REVISION
08/10/2015	JR	JR	01	01
08/10/2015	JR	JR	02	02
08/10/2015	JR	JR	03	03
08/10/2015	JR	JR	04	04
08/10/2015	JR	JR	05	05
08/10/2015	JR	JR	06	06
08/10/2015	JR	JR	07	07
08/10/2015	JR	JR	08	08
08/10/2015	JR	JR	09	09
08/10/2015	JR	JR	10	10
08/10/2015	JR	JR	11	11
08/10/2015	JR	JR	12	12
08/10/2015	JR	JR	13	13
08/10/2015	JR	JR	14	14
08/10/2015	JR	JR	15	15
08/10/2015	JR	JR	16	16
08/10/2015	JR	JR	17	17
08/10/2015	JR	JR	18	18
08/10/2015	JR	JR	19	19
08/10/2015	JR	JR	20	20

DATE	BY	CHKD	DESC	REVISION
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08/10/2015	JR	JR	04	04
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DATE	BY	CHKD	DESC	REVISION
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08/10/2015	JR	JR	02	02
08/10/2015	JR	JR	03	03
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08/10/2015	JR	JR	16	16
08/10/2015	JR	JR	17	17
08/10/2015	JR	JR	18	18
08/10/2015	JR	JR	19	19
08/10/2015	JR	JR	20	20

SHEET
2 OF 2

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



Stantec Consulting Services Inc.
3995 S. 700 E. Ste. 300
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84106-2500
Tel: 801.561.0000
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www.stantec.com

Project Number	Rev
20230307	1
Client	Rev
Stantec	1
Designed By	Rev
JR	1
Checked By	Rev
JR	1
Scale	Rev
As Shown	1
Date	Rev
01/22/15	1
Date	Rev
01/22/15	1

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

EXHIBIT C

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 22, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Melissa Band, Preston Campbell, John Phillips, Nann Worel

EX OFFICIO:

Bruce Erickson, Interim Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Char Root, Chief Building Official; Matt Cassel, City Engineer

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except Commissioners Strachan and Thimm who were excused.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.** (Application PL-08-00371)
2. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height.** (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Planner Christy Alexander requested that the Planning Commission discuss the two Alice Claim items and open the public hearing on both items together. However, a separate action should be taken for each item.

Planner Alexander reported that the Planning Commission last heard this item on July 8th, at which time it was continued from the June 10th meeting where there were discussions regarding the subdivision and plat amendment and the CUP for retaining walls. On June 10th the applicant had requested time to submit a response to the comments and concerns expressed that evening. Planner Alexander stated that the applicant did not submit materials for the July 8th meeting. However, they submitted a letter on June 30th requesting a continuance from July 8th to this meeting on July 22nd. Planner Alexander stated that the

applicant was granted the continuance with a deadline of July 13th to submit their responses to the Staff for this meeting. The applicant had met the July 13th deadline. Those were included in the Staff report as Exhibits B and C.

Planner Alexander recommended that the Planning Commission conduct a public hearing on the two items, and discuss the applicant's response, as well as the Staff analysis. She recalled from the June 10th meeting that some of the Commissioners decided to hold their comments until after hearing the applicant's response. She requested that the Commissioners provide all of their comments for the record this evening and direct the Staff to make findings for either approval or denial or both. Planner Alexander recommended that the Planning Commission continue the item to August 12th to allow time for the Staff to prepare the findings as directed for action at the next meeting.

Planner Alexander referred to the analysis section and noted that she had provided the definition of good cause from the LMC, and what the Planning Commission should consider when finding good cause: 1) does it meet or address the issues related to density; 2) does it preserve the character of the neighbor or resolve existing issues; 3) does it promote excellent design and utilize best planning practices. Planner Alexander stated that her analysis also discussed clustering, home size and compatibility with the HR-1 Zone. She had also prepared new tables and did some analysis from the County Assessor's website, as well as from the City GIS data. The table shows the average lot sizes, the average total building sizes, and average footprint sizes for Daly Avenue, King Road, Sampson Avenue, Ridge Avenue, as well as the HR-1, HR-L and Estate zones overall; and compares them with the Alice Claim proposal for the HR-1 lots. Planner Alexander noted that the comparison shows that the Alice Claim lots are much larger than the average lot sizes on the roads and in the zones mentioned. In addition, the total building size is much larger than the average building sizes, and the footprint is much larger as well.

Based upon further analysis, the Staff did not find compatibility. Planner Alexander stated that the Planning Commission could discuss the compatibility issue and make findings. If the Commissioners decided to forward a positive recommendation, she recommended that they place conditions to lower the lot size, building size, and footprint size.

Planner Alexander stated that the Staff report clarified some of the questions previously raised by the Planning Commission as to why it was zoned HR-1 instead of HR-L. The Staff report also outlined some of the subdivision procedures, as well as safety of the roads and access.

Planner Alexander noted that on June 10th the applicant had stated that additional time was needed to negotiate the access point and they would come back with an update. She

pointed out that the access negotiation was not listed in the response letter. In discussing it with the applicant she was told that they were still in negotiations and that it may not go through for a few months.

Planner Alexander stated that the Staff report also clarified other items from the applicant's response letter regarding the retaining walls, concerns with the conditions of approval, and sensitive lands overlay.

Planner Alexander stated that the applicant had a presentation for the Planning Commission and that both the Staff and the applicant were prepared to answer questions.

Brad Cahoon, legal counsel representing the applicant, provided handouts to the Commissioners and had prepared a power point presentation. Assistant City Attorney McLean requested that Mr. Cahoon provide the Planning Department with a copy of his power point presentation in addition to the handouts.

Mr. Cahoon commented on the recommendation from Staff to conduct a public hearing this evening. He noted that page 209 of the Staff report confirms in the minutes that Chair Strachan closed the public hearing. Mr. Cahoon explained that it was difficult to respond when there is a continuing supply of comments. He remarked that the typical approach is for the applicant to present and then for the public and Staff to respond. The applicant is then given the opportunity to rebut the comments. When there is a continuing supply of comments there is no end to the discussion. Mr. Cahoon was not opposed if the Commissioners chose to move forward with a public hearing this evening, but he requested that the Planning Commission decide at which point they should bring it up for a vote.

Mr. Cahoon addressed the conditional use permit application for the entry wall. He presented photographs of several walls throughout the City that range from 30 to 50 feet high in some places. Many have attractive stone and are screened and landscaped. However, many of the walls, including recent walls, are unsightly and out of character with Old Town and Park City. Mr. Cahoon explained that showing the walls was in response to comments on June 10th regarding their proposed wall and comparing it to existing walls around the City.

Mr. Cahoon stated that the main idea of this application is to have the walls be partially hidden through mitigation, design, stone veneer and landscaping. He noted that the June 10th Staff report recommended approval of the walls with minor adjustments for landscaping. Mr. Cahoon stated that both the LMC and the State Code require that the Planning Commission approve a conditional use permit when reasonable conditions in accordance with the Code mitigate anticipated detrimental effects from the walls. He believed the applicant had satisfied that requirement, particularly given the walls that were

already approved and in place. The applicant was proposing a less intrusive wall that was more in keeping with the character of Old Town, and consistent with the walls they had previously built.

Mr. Cahoon addressed the subdivision application. Mr. Cahoon stated that the Staff report, under the section addressing the Sensitive Land Ordinance, mentions an official zoning map from 2005. For the record, he indicated that the applicant had requested a copy of that zoning map but they had not received it. The only map they were aware of that was in effect at the time of the application was the map that was provided with their materials. Mr. Cahoon noted that the applicant was accused of not submitting a Sensitive Lands analysis; however, that was not the case. It was submitted and the Staff has confirmed their compliance with that requirement. Mr. Cahoon pointed out that HR-1 zoning does not required SLO at all. It only applies to the Estate lot; however, for their Estate Lot it is considered an allowed use for this particular home. He also noted that the Estate lot home was moved down from the hill. Mr. Cahoon remarked that there was a legal contention that they were not subject to Sensitive Lands given the timing of the application and the map that was in effect that did not impose an SLO District over this property at that time. Mr. Cahoon wanted it clear that they had submitted the Sensitive Lands analysis and satisfied the requirements.

Mr. Cahoon referred to page 204 of the Staff report and the discussion regarding limit of disturbance, and the suggestion to limit the LOD to half the size of the lots or to the footprint of the homes. He found that suggestion to be unreasonable and unrealistic; and he did not believe that has been imposed on other developers. Mr. Cahoon stated that vegetation would be disturbed beyond the edge of the homes during construction and that could not be avoided. In considering patios, decks, driveways and walkways, Mr. Cahoon did not believe it was a realistic requirement.

Jerry Fiat, representing the applicant, commented on a current development on Ridge Avenue. He stated that typically in Old Town the lots are relatively small and the disturbance is typically lot line to lot line. By the time they complete the excavation and dig for walkways, stairways, etc., there is no way to limit it to footprint size. It would be impossible to build. Mr. Cahoon requested that the limit of disturbance remain as set forth on the proposed plat.

Mr. Cahoon referred to page 203 of the Staff report and noted that the first paragraph references a statement from the City Engineer that a couple of dump trucks in the past have fallen over on the roads as they came down King Road turning left on to Lower King Road below Ridge Avenue; and that it concerned him. Mr. Cahoon wanted it clear that the City Engineer's actual statement was that they had a couple of dump trucks tip over at that intersection as they go from King and then come down and take that corner. He pointed

out that it was actually looking at the whole intersection and trying to make it better. He thought the key language was, "...and right now there are not any fatal flaws." Mr. Cahoon stated that the City Engineer goes on to state, "I don't see any fatal flaws in any of the alternatives right now. They will all work". Mr. Cahoon asked Mr. Fiat to address the truck tipping since he had personal knowledge of the incident.

Mr. Fiat stated that it was only one truck and it was not a dump truck. It was a semi-trailer that was overloaded with dirt. Mr. Fiat pointed out that careless driving cannot be stopped and it can happen anywhere. The driver clipped the corner, got stuck, tried to move himself out and in the process he dumped his load. Mr. Fiat clarified that they were cleaning the Alice Lode at that time and over a thousand trucks came out of Alice Lode without a single complaint or problem. He believed the incident with the semi-trailer resulted from a lack of common sense, and fortunately no one was hurt.

Mr. Cahoon remarked that Tom Gadek had submitted public comment and in his comment he treats Ridge Avenue as the only egress for this project. Mr. Cahoon stated that Mr. Gadek was incorrect. He noted that the first paragraph on page 203 of the Staff report states that "As proposed, Ridge Avenue would be the only exit to the subdivision". He believed that should be corrected to insert the word "not", to read, "As proposed, Ridge Avenue would not be the only exit to the subdivision". Mr. Cahoon remarked that Ridge Avenue was not planned as an exit for the subdivision. There is a stop for the trail but that is all. He noted that both King Road and Sampson were both egress options for this development. They have never been required to connect to Ridge Avenue.

Planner Alexander referred to the sentence Mr. Cahoon had read and thought it should say that Alice Court would be the only exit. Mr. Cahoon clarified that instead of Ridge Avenue, the sentence should state that Alice Court would be the only exit. Planner Alexander answered yes.

Mr. Cahoon stated that page 202 of the Staff report identifies the issue of HR-1 zoning and why it was not zoned HRL. However, he did not believe the Staff report attempts to answer that question. He thought it was important to note because Alice Claim HR-1 is floating within an area of much lower density and much more organically organized homes that respond more to the topography than it does to a grid layout. Whether it was a mistake or an oversight, he thought it should be taken into account when reviewing this application, particularly in terms of compatibility with the neighborhood and how that plays out.

Regarding compatibility, Mr. Cahoon addressed some of the points in the Analysis on page 199 of the Staff report. The first was compatibility. Mr. Cahoon stated that in the record there is data that 30 Sampson was recently approved for 5,013 gross square feet. It was identified as Exhibit D in the materials submitted by the applicant. Mr. Cahoon remarked

that data on 50 Sampson also shows a gross square footage of 5,000 square feet. He noted that these home sizes have already been determined to be compatible with the neighborhood. He believes it confirms that the house size proposed in their project is compatible with the surrounding neighborhood.

Mr. Cahoon stated that the general purpose of HR-1 is to encourage building of homes that contribute to and maintain the Old Town neighborhood. There is no definition of “preserving the character of the neighborhood” or “preserving the character of Park City”. These are standards, and as written they are subjective and not mandatory. Mr. Cahoon thought it was difficult to define “neighborhood” other than by looking at what is already built or approved. He encouraged the Planning Commission to consider compatibility in that realm rather than just saying that the neighborhood is HR-1. Mr. Cahoon remarked that the nearest HR-1 neighborhood is Daly Avenue, which cannot be seen because it is blocked by the hill. What appears to be the neighborhood surrounding their project are the areas identified on Exhibit D.

Mr. Cahoon remarked that Park City is a variety of building shapes, looks, locations and sizes that constitute the look and feel of Park City. He believed their nine lot plan meets all of the objective criteria and that should be the focus. Alice Claim was a historic mining site and there are no historic structures to preserve. Homes at 123 and 135 Ridge Avenue are non-historic modern houses. Mr. Cahoon stated that another purpose of the HR-1 zone set out in the Code is to encourage single-family development on combinations of 25' x 75' historic lots. The pattern of development and the lot combinations that have already taken place have led to a reduction in density and larger homes, which is the standard purpose for HR-1.

Mr. Cahoon presented a slide that reflected the lot combinations and the expanded size from the 25' x 75' grid to the expanded lot sizes. He believed the three and four lot combinations were consistent with their proposal.

Mr. Cahoon noted that page 200 of the Staff report provided new data regarding lot, building and footprint sizes. However, he believed there were flaws in the data and it was important for the Commissioners to understand their position because the data was being used against them to support incompatibility. Mr. Cahoon referred to page 201 of the Staff report and the top three rows of the table, and pointed out that the footprint size was shown to be larger than the building size. He could not understand how that was possible. Mr. Cahoon stated that the assessor records do not always include the non-livable space in the calculation such as mechanical, garage, basement space, etc. He asked Mr. Fiat to provide comments based on his experience.

Mr. Fiat asked to go back to an earlier point regarding the homes on Sampson Avenue. It was stated that 50 Sampson Avenue was 5,000 square feet, and Mr. Fiat thought that was incorrect. He explained that 50 Sampson is the same subdivision as 30 Sampson and 40 Sampson, and the current approval on 30 Sampson is for a 5,000 square foot house. Mr. Fiat clarified that they did not know the actual size of the house built on 30 Sampson. The plat restriction limits it to 3,000 square feet of living space, and 50 Sampson has the same plat restriction. Mr. Fiat clarified that 30, 40 and 50 Sampson have the same plat restriction. He pointed out that 30 Sampson is 5,000 square feet, which means that there is 3,000 square feet of living space and 2,000 square feet of non-living space. Mr. Fiat had done a GRAMA request with the City and actually measured the plans for 50 Sampson. The actual correct square footage was shown on the Exhibits. Mr. Fiat emphasized that it was not 5,000 square feet.

Mr. Cahoon understood that the 5,000 square feet which was noted in Exhibit D for 50 Sampson was based on Mr. Fiat's estimate. Mr. Fiat replied that it was more of a statement. He explained that they were looking at a subdivision and what it allows them to build on their land. He clarified that they were not talking about the actual houses because the houses would have to go through a CUP and specific restrictions would apply. He believed the most apples to apples comparison is what can be built on the lot. Mr. Fiat clarified that he did not know the actual square footage for 50 Sampson when he made his statement, but after measuring the plans the actual dimension is 4,386 gross square feet. Mr. Cahoon stated that Exhibit D would be adjusted to reflect the correct square footage.

Mr. Cahoon stated that when they looked at the chart and the averages and noticed the discrepancy on the second page of the chart where the average footprint was larger than the building square footage, it caused them to question the data. He provided a handout of a slide showing the assessors total building size versus the actual building size for 50 and 60 Sampson, 147 Ridge, and 325 Daly. Mr. Cahoon asked Mr. Fiat to talk about his background on 325 Daly Avenue.

Mr. Fiat stated that in the past he was considering buying 325 Daly. At that time, both the City and County records showed 325 Daly as being 2,792 square feet; however, it was marketed as being 4,970+ livable, usable square feet. Mr. Fiat questioned the numbers and he had an appraiser measure the structure. The house measured more than 5,000 square feet. Mr. Fiat noted that the City and County number reflected the livable/usable square footage and not the gross building size. Mr. Fiat remarked that in all cases the sizes of the homes shown were significantly different than what actually exists.

Mr. Fiat reviewed copies of the County Assessor measurements, as well as a copy of the MLS listing they were referencing. He pointed out that the applicant was proposing a 5,000 square foot gross building square footage of the homes. However, the City made them

commit that they would include all of the non-livable area inside of that 5,000 square feet, including the garage, basement and mechanical space. Mr. Cahoon stated that prior to the meeting he confirmed with Planner Alexander that the numbers she had listed was the living area from the Assessor's information. Her data did not include the basement area or the attached built-in garage area. Mr. Cahoon thought that was an important fact, because when all of those areas are included it shows that what they are proposing is compatible with the surrounding structures. It is even compatible with Daly Avenue, which they do not consider a comparison neighborhood.

Mr. Cahoon presented data regarding eight homes on Sampson Avenue. It showed the actual lots size, the maximum allowed footprint, and actual footprint, the actual gross building size, and the allowable building size per Code. Mr. Fiat explained that one of the reasons that the actual footprint size was missing in some cases was because some of the homes date back to when the City used an FAR rather than footprint. Therefore, the footprint was never identified or listed. Mr. Fiat noted that the current Code only talks about footprint. He remarked that a general rule of thumb is that it is somewhere between 2.5 to 2.75 of the footprint. He clarified that they used a 2.5 multiplier to calculate what they could put on the lot based on the existing Code and the allowable footprint.

Mr. Cahoon referred to the table on page 200 of the Staff report and noted that the average total building size for Sampson Avenue was shown as 1805 square feet. He believed that number only included the livable space in the calculation and not the entire size of the home which includes the non-livable area. Mr. Cahoon reiterated that the data was flawed and could not be used in generating a compatibility analysis.

Mr. Fiat thought it was physically impossible to get an 1800 square foot calculation out of what actually exists on Sampson. He pointed out that 115 Sampson was technically a vacant lot. He estimated the homes at 121 Sampson and 99 Sampson to be approximately 2,500 square feet each. Mr. Fiat stated that if the numbers were averaged out and the basement and garage square footage were removed from the calculation, he thought it would still be over 3,000 square feet. He agreed that the numbers were flawed and they were not even close to the true numbers. Mr. Fiat explained that they used Sampson in their examples because Sampson represented a limited number of homes. One architect had designed four of the homes and it was easy to obtain the data.

Mr. Cahoon asked Mr. Fiat to compare the 5,000 square feet homes he was proposing. Mr. Fiat stated that it would be reasonable to expect that the actual living space is between 3,500 and 4,000 square feet. Mr. Fiat pointed out that the assessor does not count basements in the square footage, even though most basements are livable space. He felt that supported his reason for wanting to introduce a gross square foot number. Mr. Fiat stated that the intent is to create houses that have more articulation and better living areas

that attract families. Using a gross square foot number would eliminate the argument of how to measure and what should be included. Gross is a multiplier and it would be a consistent measurement for everyone.

Mr. Cahoon noted that the past Staff reports addressed density; however, it was not addressed in the current Staff report. He stated that the maximum permitted density in HR-1 is 41 lots. Combined with the entire 8.2 acres, the entire maximum permitted density would be 56 lots. He pointed out that this applicant was proposing 8 lots in the HR-1 zone and one lot in the Estate Zone, which results in an 84% density reduction.

Mr. Fiat referred to the Code section that addresses lot combinations. He pointed out that all of Old Town was platted as 25' x 75' lots except for the Alice Lode. In his opinion, the intent of the Code was not to repeat the grid pattern of 25' x 75'. He believed the intent of the Code was to combine the lots to reduce density for the limited infrastructure that exists in town. From a design point of view, Mr. Fiat believed this proposal was a better design and transition into the open zone than towering it down in the gully. He noted that the homes would be subject to a conditional use permit and specific changes could be made during that process.

Mr. Fiat stated that the homes that were built as three and four stories on smaller footprints end up breaking up the bedrooms and sometimes living space on multiple levels. These homes by design are not always a good fit for families or elderly people or people with disabilities. Mr. Fiat remarked that the goal is to build sensible homes to attract full-time residents who live in Park City year around; yet they do not design structures for that purpose. Mr. Fiat pointed out that the single family home on the Estate lot is a permitted use and does not require an SLO submittal, even if it was in the SLO District.

Mr. Cahoon addressed good cause, since he did not have the opportunity to address it at the June 10th meeting. He stated that there was a requirement for finding of good cause; however, they have a legal argument that it is inconsistent with the State Code. His understanding of good cause is that they only have to satisfy the requirements of the subdivision ordinance and have it supported by substantial evidence. In this case, if they are required to demonstrate good cause, he believed there was significant evidence to support good cause. Mr. Cahoon noted that the general statement is, "Providing positive benefits and mitigating impacts". The Code then lists examples. He stated that materials in the Staff report and materials submitted by the applicant attempt to address good cause.

Mr. Cahoon emphasized that you cannot separate what happened with the Alice Lode property regarding the cleanup and the fact that it was a barren, polluted wasteland that the City did not want as open space but wanted it cleaned up. Now that it has been cleaned up and it is ready for residential use, the public suddenly cares about it. He felt that was an

important consideration, as well as all of the facts leading up to the cleanup and all of the history.

Mr. Fiat stated that he knew about the Alice Lode and he lived nearby on Norfolk. The City owns the gully, which was the most contaminated portion of the land. The rest of the land has some contamination but it was a lower level contamination. Mr. Fiat noted that the City had applied for a Brownsfield grant and it was on the EPA radar. If it was not cleaned up the EPA would step in, but there was no funding for the cleanup. Mr. Fiat stated that it was the most visually polluted site in Park City. Mr. Fiat noted that he had not yet purchased the property, but he went to the City and asked if they could develop it if they cleaned it up. After several discussions with the City, he believed that they had a working plan. They anticipated minor changes and understood that it needed to go through the Planning Commission and the City Council. Mr. Fiat explained that they ran into a deadline because of the access. They were asked to try and get the existing access working, but being unable to reach a deal with the property owner put them against a deadline.

Mr. Fiat stated that most of the waste that left the property was from the City property in the gully. The deal that was made regarding Richardson Flat was arranged by the City before the land was purchased. Richardson Flat was closing, and if it closed the Alice Lode would be capped and left as a contaminated site. Mr. Fiat remarked that the cleanup of the Alice Lode not only cleaned up the visual blight and took out the contamination; but it helped the water quality problem and it helped the City with the EPA and potential grants. If they had waited to come before the Planning Commission before doing the cleanup, Richardson Flat would have been closed.

Mr. Cahoon presented before and after pictures of the cleanup.

Mr. Cahoon summarized that the cleanup was tied to the nine lot subdivision. The City entered into a Memorandum of Agreement to provide for the disposal of the contaminated soils at Richardson Flat. The City entered into a voluntary agreement with the developer, and the cleanup plan was attached as part of the plan. Mr. Cahoon stated that after going through initial reviews with the Planning Department and Building Department, this plan was ultimately used as a guide for the cleanup. Mr. Cahoon noted that there needed to be a plan for the future use, and since the property was zoned residential it was cleaned to a residential level to provide for the contemplated development.

Mr. Fiat noted that the cleanup efforts forced United Park City Mines to clean upstream. The Silver King was cleaned and UPCM rebuilt the stream above the Alice Lode. He pointed out that their cleanup efforts started a chain reaction that would never have happened otherwise. United Park City Mines would not want the risk of re-contaminating

the land once the Alice Lode was cleaned up. Therefore, it ended up being a full upstream cleanup.

Mr. Cahoon presented the proposed plat that was the same version from May, which reflected the nine lot configuration that resulted from the cleanup.

Mr. Cahoon summarized key items that he believed supported a finding of good cause. He noted that the mine shaft located near the trail was filled in and the trail was moved. Other items included matching the cleanup to the zoning, the City's land being the most contaminated, the revegetation, the improvements to the water shed downstream, the reduction in density, a 73% commitment for open space that would be covered by a conservation easement, and hiking and biking trail easements. Mr. Cahoon disputed the assertions made at the last meeting about prescriptive right because permission has always been given for using the trails. He pointed out that putting them on the plat and dedicating the easements would resolve the question and show that it is a public benefit. Mr. Cahoon mentioned the donation of land as part of the plat amendment, the improved access, relocation of the water line wholly within the City's property, and the road connection.

Mr. Cahoon stated that in their materials the applicant provided a summary of the different work sessions this plan has gone through, as well as multiple iterations and fine tuning responses to multiple comments. He noted that the more recent public hearings have led to additional responses, such as moving two of the lots further down into the current configuration. They have submitted multiple studies and have multiple experts dealing with the City's experts on engineering, building, water, fire, sewer, etc.

Mr. Cahoon did not believe there were any outstanding material issues that would prevent an approval of this subdivision plat. He did not believe it made sense to treat this as if they were going to record a plat right now and go through the effort and expense of designing the sewer and other things at this stage in the process. He vigorously opposed any notion that the applicant needed to do all of that at this stage in the process. The focus should be on the design, factoring in the good cause he outlined, and understanding that they have used Best Planning and Design Practices. He thought DHM had done a phenomenal job in designing this subdivision around saving major vegetation, avoiding sensitive areas and providing vast open spaces and trails. Mr. Cahoon believed this plan preserves the character of the neighborhood. It is compatible and they have the evidence to support it.

Mr. Cahoon requested that the Planning Commission approve the CUP application for the entry wall. He also requested positive recommendations to the City Council on the subdivision and plat amendment applications. As requested, they need the 10' setback adjustment for the Estate lot. He was comfortable with the preference for the historic

access, and they were still in good faith negotiations with the property owner. Mr. Cahoon believed they were getting closer to reaching an agreement. Negotiations have been difficult but he felt it was still possible.

Mr. Cahoon commented on the need to move forward and he requested a vote by the Planning Commission that is supported by the evidence that was provided in the record.

Mr. Fiat stated that before they did the cleanup they were told that they would receive a permit for grading the roads. However, when they started the cleanup and went to pick up the permit, but they were told that a permit was not needed and they could proceed without it. Mr. Fiat noted that throughout the process they have done studies for water, sewer, fire, etc.; and a significant amount of money has been spent on other requests for details. He thought it was clear that the subdivision would be approved with conditions and they would not be spending the money if they did not believe they could meet those conditions.

Mr. Fiat used the water model as an example. He noted that the City had them jump hoops to prove that the water would work. They did a water model and proved that it would work. They then lowered the houses further down because that seemed to be what everyone wanted. However, once they lowered the houses they were told that they needed to have a water model. Mr. Fiat pointed out that lowering the houses meant the water model would work better. Mr. Fiat remarked that they agreed to a condition that they would make it work, and he was beginning to feel it was bad faith because they are continually being asked to do the same things over or to for things that were not asked of other developers. He felt they were being held to a different standard.

Mr. Cahoon commented on the unsigned statement that was submitted by the City Attorney's Office regarding the former Chief Building Official, Ron Ivie's, statements in response to Jerry Fiat's affidavit. Mr. Cahoon reiterated that it was prepared by Counsel but it was not signed. He pointed out that throughout the statement, it is repeated that the Planning Commission and City Council would still have to approve the subdivision. Mr. Cahoon emphasized that those statements in no way detract from the reasonableness of the reliance on what was said. Mr. Cahoon explained that counsel only stated what the law requires. The City Council ultimately approves the plat. The applicant never took the statements to mean that there was no chance that the nine lot development could ever be approved. That was never said. And in his statement, Mr. Ivie had no objections to the plan. He pointed out that Mr. Ivie was tied to what was happening both before the applicant purchased the property, and then after the purchase and leading up to the cleanup. When the Planning Commission ordered the cleanup and the work to stop, Mr. Ivie disagreed with the Commission and said the work needed to proceed. Based on Mr. Ivie's statements the applicant finished the cleanup.

Mr. Cahoon stated that there were also written documents such as the Memorandum of Understanding and the joint cleanup plan that had the nine lot subdivision attached that went beyond verbal statements. He noted that the City Manager had signed the agreement to participate on the cleanup. Mr. Cahoon stated that in light of the cleanup of Alice Claim, their reliance on numerous representations, and the joint agreement with the City, was unfair to deny the applicant this nine lot subdivision. In addition, they have demonstrated that they meet all of the objective requirements for a subdivision approval.

Planner Alexander noted that the City Engineer was present to answer questions.

Commissioner Worel asked City Engineer, Matt Cassel, to clarify his opinion regarding the roads. Mr. Cassel stated that in considering the location of the driveway access the applicant was asked to look at improving the intersection. He recalled his previous statement about trucks tipping over and that Mr. Fiat had further detailed once of the instances. Mr. Cassel explained that when he said there are no fatal flaws, it means that for all intense and purpose the intersection works right now. He stated that the goal has always been to try and improve the intersection. If this development moves forward and there is a possibility to make the intersection better, they need to do it. Mr. Cassel remarked that the developer has land on both sides of the road and they have been asked to look at any possible opportunity for improvement. Mr. Cassel noted that the intersection functions in its current condition. Even though it is not the best, there is nothing to indicate that there is a fatal flaw. The intersection does not work to the level he would like it to, but it works. The goal is to mitigate it as best as possible.

Vice-Chair Joyce stated when the Planning Commission looks at a subdivision approval they need to evaluate the safety issues. People continually talk about the road system up there being substandard. When Mr. Cassel previously talked about trucks rolling over, Vice-Chair Joyce took that to mean that there were already safety issues. His concern from a safety standpoint is making a new entry on to the road and basically making it more complex. Vice-Chair Joyce stated that the Planning Commission has an obligation from a safety aspect not to exacerbate a problem. If it was already at a low level with significant issues, he was concerned about adding traffic to that flow. Vice-Chair Joyce did not believe the Commissioners had voiced a concern about traffic from the standpoint of quantity, other than during construction. He felt the issue was more about having very narrow roads all come together.

Mr. Cassel stated that there are two parts to traffic. One is the construction traffic, which is controlled by the construction mitigation plan. The second part is the permanent traffic being created by development. Mr. Cassel noted that as part of the evaluation of the intersection, the developers had Fehr and Peers look at the impacts of the additional traffic from the development. It took it from Level Service A to Level Service A, which reflects an

inconsequential difference to the traffic. Mr. Cassel stated that he wasn't looking at that specifically. As they look at putting an additional drive in this "funky" intersection, they need to make sure that the sight lines and the ability to see other traffic coming is as clear as possible. The sightlines on the King Road are not great and if it can be improved they would like to do so. In addition, as the applicant puts their drive and access into that intersection, they need to make sure their sightlines are clear and meet the Code to avoid creating new safety hazards or lowering the level of safety of the intersection.

Vice-Chair Joyce asked if Mr. Cassel was confident that it was achievable. In looking at the two alternatives for access to the development, Mr. Cassel thought they could keep the impacts to a negligible amount, particularly for sight distances and the ability to see uphill and downhill traffic. He would make sure that the driveways would not impact the ability of that intersection to work. Mr. Cassel pointed out that he was looking even deeper by asking the applicant to explore the possibility of improving the intersection as a whole and not just for their driveways.

Mr. Fiat clarified that they own the land that the road in that location, as well as both sides of the road. They intend to deed that land to City so the road could be significantly improved. He believed that one of the advantages of the non-preferred access is that they would widen the view corridor and the turning radius. Mr. Fiat remarked that the issue of the intersection was primarily the construction traffic going up to the Resort Center; and not the residential traffic on Sampson.

Commissioner Band referred to LMC 15-7.1(5)(d) Site Plan, which states that the Planning Commission shall study the preliminary plat, the report by Staff, taking into consideration the requirements of the LMC, master plan, sensitive lands, width of streets, etc. She asked how the Planning Commission could approve this application when they were still working on improvements. She did not have a sense that Mr. Cassel was confident about the intersection, but it could work and he was hoping to make it better. Commissioner Band stated that if the Commissioners were not looking at the actual improvements, she questioned whether they were looking at the preliminary plat approval properly.

Assistant City Attorney McLean remarked that it goes to the City Engineer's analysis of the intersection and what he means by making it better. Mr. Cassel replied that improving sightlines would make it better. Ms. McLean asked if the intersection would change. Mr. Cassel stated that it was addressed as part of the conditions. He explained that he appeared to be "wishy-washy" because currently there were two different accesses on the table and the applicant needed to decide where the access would be. One access is where they can continue down the road and the other is still in negotiations. Mr. Cassel stated that the access needs to be finalized before he can finish his evaluation.

Commissioner Band understood that the access they were looking at today was the one with the retaining wall that requires the CUP. Mr. Cassel answered yes. Commissioner Band clarified that since it was the only access on the table at this point, she wanted to know how Mr. Cassel felt about that access in terms of improvements. Mr. Cassel replied that it was the best secondary alternative. He still preferred the access to be straight on King Road, but he thought the secondary alternative would work, particularly now that the applicants pushed the access further up the hillside and away from the intersection.

Mr. Cassel clarified that he was comfortable with the access proposed and that the proposed modifications would help the sightlines so everyone could see the traffic coming and going as they go through the intersection.

Commissioner Band asked Mr. Cassel to provide some history on the trucks that have tipped over in that area, and whether it was due to careless driving or a greater concern. Mr. Cassel stated that two vehicles tipped over. Mr. Fiat mentioned one, and the other one was a dump truck. He could not recall the exact details, other than the trucks had tipped over and some cleanup was required.

Commissioner Band asked if there was a time when the City was not able to improve or mitigate roads or intersections. Mr. Cassel could not recall a time in the last eight years.

Commissioner Nann referred to a letter the Commissioners received from a member of the public concerned about inadequate roads in the event of a wildfire and the need to evacuate, and the ability for emergency vehicles to access. She asked Mr. Cassel for his thoughts on this concern. Mr. Cassel stated that it was a difficult question and a battle that took place seven years ago. Hillside Avenue was built at substandard levels and they had to live with it. When people talk about emergency vehicles getting up and residents not being able to get out, it is more widespread than just the Alice Claim site. It also includes Daly, Empire Pass, Deer Valley and the City in general. Mr. Cassel agreed that it was a major issue the City deals with and it needs to be resolved. He did not believe nine homes at Alice Claim would tip the level and exacerbate the problem.

Vice-Chair Joyce opened the public hearing.

Planner Alexander stated for the record that she had received emails and letters of public comment from Brian Barrett, Carol Sletta, Tom Gadek, Brooke Hontz, and Jim Doilney. The written comments were provided to the Planning Commission.

Charlie Wintzer, a Park City resident, stated that the intent of the first part of the subdivision approval is the preliminary plat approval. He did not think the Planning Commission needed to get involved with the deals of house size, etc. at this time. The

focus should be on the number of lots, where they should be located and how they fit on the site. Mr. Wintzer remarked that the more they get involved in the details the further away they get from the questions related to the preliminary plat approval process. Mr. Wintzer commented on the HRL and the HR-1. He stated that when Park City was platted and zoned it was all HR-1. The HRL zone was created on Rossi Hill and the neighborhood asked to be changed to HRL. The same thing occurred on that side of the mountain when the neighbors together decided they wanted to be HRL. Mr. Wintzer did not believe the way the lines were drawn was a mistake. It was a result of those who asked to be downzoned. The City did not have the right to downzone private land, which is why this property was never changed. Mr. Wintzer was unsure why they were looking at a retaining wall CUP for a subdivision that may or may not be approved. He thought the CUP request was out of sequence and they should be focusing on the subdivision. If the subdivision is approved, that would be the time to approve the CUP for the retaining wall. Mr. Wintzer referred to the comment from the applicant about how this project has gone on for eight work session in ten years. He pointed out that it was the applicant's choice and not the choice of the Planning Commission. The Planning Commission did not ask the applicant to come back every year for ten years and to submit another application.

Carol Sletta thanked the Planning Commission and the City Staff for their thoughtful work on this project. She has lived at 135 Sampson since 1980 and having lived in the area next to the proposed subdivision and reading all the information, she could not see good cause for allowing this project. Mr. Sletta did not believe it would preserve the character of this historic residential area. She was very familiar with the streets of Anchor, King, Sampson and Ridge, and calculated that she has driven through that area a minimum of 15,000 times. Over the years she has seen trucks tip over and many other things happen. A lot inexperienced drivers block the intersection in the winter and during a bad winter the roads are nearly impassable. Ms. Sletta stated that she loves that corner because it makes Old Town Park City, Old Town Park City. When the City Engineer mentioned significantly improving the road, she thought it would be terrible because it is not what Old Town Park City is about. Ms. Sletta stated that if another road comes into that intersection she could see it becoming more unsafe. It is a fun, funky road and she would hate to lose that part of Old Town Park City.

Lee Gerstein, a resident adjacent to the proposed project, commented on the construction traffic going to PCMR and watching the vehicles do three, five, and seven point turns. He pointed out that two known accidents over the course of many years did not include the near misses. He watches the trucks get perilously close to the edge of Sampson. They do not always know what is behind them. Mr. Gerstein shared the concern of a five-way intersection with an emergency crew trying to get up as people are trying to flee houses during a fire. He was unsure how they could take what exists and add something to it that makes reasonable turns and angles and egress from there. Retaining walls are very pretty,

but currently they have a forested, vegetated natural hillside that would be chopped down for this project. Mr. Gerstein keeps hearing the word construction mitigation but he questioned its actual meaning, because in looking around he does not see any construction mitigation. It is a great word to use during a meeting, but there is no mitigation for those with children and pets, and those who like to cycle or walk. He has seen several near misses between people and vehicles. Mr. Gerstein stated that the cleanup that was done on the site was laudible and tremendous. He hoped there was no quid pro quo from the town, because it was done with the expectation of building something. He suggested that in a different venue and under different circumstances the applicant should receive some recognition from the town for the cleanup effort.

Sherrie Levington Gerstein stated that she and her husband, Lee Gerstein, own 135 Ridge Avenue, the property that has been in negotiations. Ms. Gerstein opposed this project for all the reasons everyone else had stated. She also respectfully disagreed with the comments that they and the applicant have been in tough negotiations because she did not recall any tough negotiations in the last several months. Mr. Gerstein stated that negotiations went on six years ago, but she wanted it clear for the record that there have been no serious negotiations since that time.

Kathryn Deckert, a resident at 102 Daly Avenue, referenced one of the applicant's good cause for this project being approved in his letter dated July 13th. It talks about good cause being the relocation of water lines into the Park City parcel from the development within the Alice Claim, and also connection of a road into the Park City parcel. Ms. Deckert did not see this as being good cause. It is about another parcel that has nothing to do with the Alice Claim. It is 20 lots and to think of having this approved in order to annex or develop another parcel in Old Town is not good for the current residents because it introduces more residential traffic and construction traffic. Ms. Deckert commented on the number of trucks going up Daly in the last month that create safety hazards for hikers, bikers, pedestrians, pets, and children. She was concerned that further development would continue these unsafe conditions for an unlimited time. Ms. Deckert also had issues with nine 5,000 square foot homes that do not reflect the character and scale of the historic district. In her opinion, character means diversity and over the last 30 years Old Town has evolved into a package of different sized homes. Some are still the small mining homes that were there 45 years ago. Having 5,000 square foot homes in one subdivision does not add to the diversity and it creates a disconnect between Old Town and this onclave of 5,000 square foot homes. Ms. Deckert did not believe the proposed project provided the most beneficial relationship for the use of land and circulation of traffic, and for the benefit of the people who live in Old Town.

Brooke Hontz had submitted a lengthy letter prior to the meeting. She did not intend to read the letter into the record but asked that it be incorporated into the minutes in its entirety. The letter can be found at the end of the Alice Claim discussion in the minutes.

Mr. Hontz, a resident on Daly Avenue, asked the Planning Commission to consider forwarding a negative recommendation to the City Council on the Alice Claim application citing substantial credible evidence against the project, and well-articulated reasons for denial. Ms. Hontz stated that in the first part of her letter she requested that the Planning Commission consider safeguarding the official record for this application. There is a lot of information that she had never heard before that is important. She also asked if there was a way to better share the information with the public, as well as for the sake of the applicant. Ms. Hontz stated that the letter from Snell and Wilmer, dated July 13th, 2015 references different visions of a plan, and possibly different applications, and multiple different Planning Commissions who have served. Throughout the letter it clearly demonstrates that over ten years the applicant has gone back and forth on a plan and not made substantial progress with the legislative process based on their volition. Ms. Hontz believed a historic timeline prepared by Staff of the applications would show large periods of inactivity by the applicant with an occasional update where no new information is provided to the Planning Commission, and no action was required to be requested of the Planning Commission. Ms. Hontz believed that issue was important. As a Planning Commission member for four and a half years she could speak to that with some authority that she never had the opportunity to provide a recommendation that would have been forwarded to the City Council. It was never asked the entire four and half years that she sat on the Planning Commission. Ms. Hontz noted that the public testimony that has been provided thus far has been educated, thoughtful and related to the requirements of the LMC and the General Plan. The public has provided considerable evidence and anecdotal experience that the Planning Commission can use for their findings of denial. The input provided from the public can substantiate that the application does not meet the subdivision standards of the Land Management Code. The evidence provided is relevant and measurable. Ms. Hontz noted that on page 2 of her letter she talks about how the Snell Wilmer letter references that nine lots or the density had not been an issue for the Planning Commission. However, as a former Planning Commission member she could say that it was patently untrue, and the entire record should reflect that fact. As indicated in her letter, Ms. Hontz thought it was unclear whether the current application was the same application. She suggested that the City Legal Staff should review the entire file and make a determination on the date this application was made, and which General Plan and LMC was applicable to this application. She thought it was important for the Planning Commission to have that specific General Plan and LMC in hand in order to make an accurate denial statement. Based on some of the information mentioned this evening or written in the Snell and Wilmer letter that has never been heard before, Ms. Hontz did not believe they could have it both ways. She did not believe the applicant could want to have

the lots larger like the Estate or HRL lots, but then say they were reducing the density by 87% because they were HR-1. It has to be one or the other. Ms. Hontz believed that concept was argued both ways throughout the July 13th letter and also this evening. Ms. Hontz stated that an argument is made in the Snell and Wilmer letter talks about the authority of the City Council. In order for a subdivision to be approved by the City Council, acting under their authority as a land use authority, it must meet the legal standard established in the LMC for subdivisions. No density can be assigned to a parcel until it is subdivided and every box is checked in the checklist of the subdivision ordinance. Ms. Hontz referred to the last page of her letter and noted that one of the arguments made this evening was that the rectangular two-part area that would be dedicated to the City is a benefit to the City. She assumed that there may be a minor benefit in getting the roadway under City ownership. However, it additionally makes representation that a small home could be built within that area that is located under the current Sampson Avenue. Ms. Hontz did not believe that was possible based on current codes. Mr. Hontz stated that she personally met with the Sewer District and the Fire Chief to discuss this project. At the time of those meetings she found that there had been no face to face meetings from the applicant with those entities. Both entities have specific concerns about meeting the subdivision ordinance and being able to provide adequate service. Regarding traffic, Ms. Hontz thought they were wrong in saying that the amount of traffic did not matter. She was pleased to see that her calculation of 90 trips was less than the 114 trips calculated by the Traffic Engineer. She had contacted a traffic engineering firm and discussed all of the issues. She was told that total trips per day is a relevant and important way of looking at traffic for road and traffic engineers when they are trying to understand how to size a roadway. She thought it was ridiculous to say that it does not matter that there will 114 additional trips up that road every day. Based on the size of the road, the steepness, the sightlines, and the construction that will continue to occur on the Mountain for the rest of their lifetime, it is impossible to think it was not an issue. Ms. Hontz stated that on pages 4, 5 and 6 of her letter she had provide the key elements of the Code that were applicable. Those elements were cited on pages 7, 8, 9 and 10, where she had created draft denial Findings of Fact and Conclusions of Law. She took the time to go through public record from many years on this project, including the most recent iteration, as well as Planning Commission comments, and put them into Findings. She also added which part of the Subdivision Code it supports. Ms. Hontz reiterated that she had done a lot of work to substantiate that the application did not meet the subdivision standards. She asked the Commissioners to take the time to review at least a portion of what she had done.

Mary Wintzer, a resident at 320 McHenry, recalled from the last meeting what she had heard on KPCW, which was Chair Strachan telling the applicant that he was facing a unanimous denial of the subdivision. The applicant was given a certain date that he could come back with a significant change in the subdivision applicant. Ms. Wintzer could not see a significant change this evening. She understood that the applicant wants to move

forward, but she also believed the citizens of Old Town also deserved to move forward. Ms. Wintzer believed the applicant had been given more time than was permitted at the last meeting, and she asked the Planning Commission to vote for denial this evening.

Jim Doilney, a resident at 50 Sampson Avenue, asked the Planning Commission to consider whether their votes and comments would be consistent with the Park City Vision Statement which states that there should be no increase in density unless it is for Affordable Housing or in the context of TDRs. Mr. Doilney remarked that it was not happening in this process and the vision statement was not being met. Relative to density, he noted that the changes and subdivided density were discretionary matters. They are not a right. Alice Claim has the density for two lots, not nine lots. To justify the applicant's nine lot goal, Mr. Cahoon stated that there were 13 lots of record. The implied assertion is that King Development was asking for a four lot reduction. Mr. Doilney believed this assertion misrepresents the situation. He pointed out that King Development could demonstrate that it has 13 usable lots which could be serviced using those lots, boundary lines and adjacent platted streets. However, they have not done this because the existing lots are probably not buildable under those standards. Changes to lot lines are not a right, but rather occasionally like subdivisions granted by the City as a discretionary matter. King Development has no right to expect lot line changes incompatible with the City vision. Mr. Doilney stated that in addition, the underlying square footage rights of these 13 lots are likely much less than the square footages proposed in the nine lot application. Mr. Doilney stated that Mr. Cahoon offers that the developer's permitted density is 56 lots, which is only a mathematical equation of dividing the gross footage of the acreage by the minimum lot size. He did not believe that was a fair assertion. Regarding home size and compatibility, Mr. Doilney found it interesting to hear that the applicant and his consultant had calculated his house at 4,300 square feet, and that the issue was confusion between gross and net square footage. He stated that he lives in an approved subdivision that is limited to 3,000 square feet, which is the size of his house according to the City building officials who looked at the plans. Given the fact that prior assertions did not prove to be true, he questions whether assertions by the developer's engineers should be accepted as fact. Mr. Doilney thanked the Commissioners for their time and consideration.

Anita Baer, a resident at 345 McHenry, stated that she has wonderful neighbors and she did not want the town to change that much anymore.

Vice-Chair Joyce closed the public hearing.

Commissioner Band stated that she sympathized with the amount of time and money the applicant had spent; however, it did not mitigate the obligation of the Planning Commission to look at this application solely on its merits. Commissioner Band pointed out that a lot of things have been compared to HRL zone, but it is in the HR-1 zone. Even though it is

adjacent to HRL and the proposed homes feel like HRL does not change the fact that the property is zoned HR-1. She agreed that tax assessor data is often inaccurate because she sees the inaccuracies as a real estate agent. She appreciated the comments made by Charlie Wintzer about not getting into the details of lot and home sizes in this subdivision process; but she thought it was important to do it anyway because those details matter. Commissioner Band agreed that the Planning Commission did not have the authority to reduce lot sizes. However, the Staff has recommended that it be more in line with the HR-1 zoning and the Planning Commission can only approve or deny. Commissioner Band remarked that in walking around the HR-1 zone it is visually different from the HRL zone and from Sampson Avenue. That is also evidenced by looking at the plat and the numbers.

Commissioner Band read from LMC 15-7.1(5)(i), zoning regulations, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval." The purpose statement of HR-1 states, "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'". Commissioner Band believed they were seeing less density because more people are requesting to combine lots. She believed that double lots were probably the largest they would see, which is still substantially less than what this applicant was requesting. Commissioner Band noted that the applicant appears to take issue on this point and several others that the Planning Commission Staff took into account what it calls "public clamor". She agreed that in some cases the input was public clamor, but there were also many excellent well-thought out and well-researched comments, including those by previous Planning Commissioners who provided information on previous history and issues that need to be considered. She recalled from the October Staff report that the former Planning Commissioners consistently wanted the lots to be small and as low as possible.

Commissioner Band felt good cause was the most important issue. Regarding good cause versus substantial evidence, LMC 15-7.1-7C states that, "The Planning Commission shall make a finding as to good cause prior to making a positive recommendation to the City Council". She found that statement to be the overriding command to the Planning Commission. The LMC requires them to look at every aspect of a project coming up for approval and to make a finding as to good cause prior to making a positive recommendation.

Commissioner Band thought the term "blind right turn" was frightening. Regarding the comment about "no fatal flaws" she asked if they needed a fatality to have a fatal flaw. In driving up and down the roads she questioned whether they were doing justice to the public and their health, safety and welfare. If they did not take this into consideration the Planning Commission would not be doing everything they are asked to do as part of a subdivision approval.

Commissioner Band asked for clarification on whether the mine shaft was capped. Vice-Chair Joyce stated that the mine shaft has been filled but not capped. Commissioner Band pointed out that no studies have been done and she thought that was an important factor. She asked if anyone knew the closest a home has ever been built to a mine shaft. She had Googled the question but could not find an answer. She also wanted to know the difference between capping versus filling. Commissioner Band noted that they recently had a collapse in town and there is evidence of settling. They have also had sink holes in town. She thought this issue at least bears studying when they are looking at putting a home that close to a mine shaft since it has never been done in Park City.

Per the LMC, Commissioner Band did not believe the proposed subdivision substantially provided positive benefits and mitigated negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the retaining walls, site disturbance and the frightening condition of the roads, she was unable to see adequate mitigation for good cause. She believed the cleanup and the tax revenue were the only benefits.

Commissioner Band stated that at the last meeting all the Commissioners indicated that they would deny this application if the proposal had not changed. She acknowledged that the applicant presented arguments responding to their comments. In her opinion, the Commissioner had been given more relevant information since the last meeting to support a denial.

Commissioner Campbell stated that his comments were the same as the last meeting.

Commissioner Worel agreed with Commissioner Band's comments. Her concern with this project has always been about health and safety and the ability to navigate the roads. She was disappointed to hear from the neighbor that the negotiations regarding a different access were not occurring. She had asked for the status of the negotiations at a previous meeting and the applicant told her that they were in progress. After hearing from the neighbor this evening that is apparently not the case.

Commissioner Worel had tried to contact the Fire Chief earlier today without success. She wanted to hear his comments regarding the ability to get emergency vehicles to the area if an evacuation was ever necessary. She realized that this was a problem all over town, but that was not a reason to approve another project with the same implications. Commissioner Worel wanted the opportunity to review the letter from Brooke Hontz that was given to the Commissioners just before the meeting.

At the request of the interim Planning Director, Commissioner Campbell summarized his comments from the previous meeting for the record. Commissioner Campbell understood the applicant's position and he was sensitive to the rights they have and the time and energy they have expended. Based on their previous work in town he believes the applicant does good work and he was certain that the same quality and design would also be present in the project. Commissioner Campbell did not favor a denial of their right to build; however, his comments at the last meeting were that the proposal was not compatible with what exists in the HR-1. He believed the applicant would see a different outcome if their proposal was laid out to look more like HR-1. Commissioner Campbell believed in the vested rights that the applicant has and he suggested that the applicant look at the possibility of applying for a rezone to achieve what they were trying to build. Based on the sections shown he believed it was compatible with the hillside and he was not opposed to development in that area. He agreed with the comment that there is a need for diverse housing and not just three or four story structures that are not physically conducive for multi-generational families. Commissioner Campbell favored what the applicant was proposing; however, he could not support it based on his reading of the LMC.

Vice-Chair Joyce referred to the comment from Mary Wintzer about not seeing any changes to the plan. He pointed out that the applicant had made it clear in the June meeting that they had no intentions of revising the plan; and that they only intended to respond to the comments from both the Planning Commission and the public. In fairness to the applicant, Vice-Chair Joyce did not believe the Planning Commission had expected to see a revised plan.

Vice-Chair Joyce stated that in reading the July 13th letter from King Development, one of the items was that they had spent 10 years presenting a nine-lot plan with no objections. He researched past materials and found a number of places in past minutes, including his own comments in April, where he had asked the question about where nine lots came from. At that time there was a response about it being one less than what would be required for an MPD. Vice-Chair Joyce stated that the research shows that nine lots were consistently brought forward by King Development. He noted that page 239 the Staff report includes a 2008 letter from Joe Tesch defending eight HR-1 lots and one Estate lot and why they could not reasonably ask for less density. Vice-Chair Joyce believed that the letter from 2008 clearly demonstrates that it has been an issue for quite a while. Vice-Chair Joyce clarified that 9 lots was neither the right nor wrong answer. His issue was having nine lots of that size in HR-1 on very steep slopes with the extensive retaining wall. He recognized that ten or 12 units might fit based on size and position on the lots. Vice-Chair Joyce disputed the claim that in ten years no one had disputed the nine lot plan because there was significant evidence showing otherwise.

Vice-Chair Joyce noted that the July 13th letter indicates that the applicant was asked to make several specific changes to the nine lot plan and that the changes were made. Vice-Chair Joyce appreciated that lot 7 was moved off the hillside, but over and over he has made reference to the very steep lots, with the worst being Lot 7. He did not believe there had ever been an agreement that everything else would be acceptable if Lot 7 was moved. However, he did recall a long list of discussions about cut and fill and the position of the lots on the hills.

Vice-Chair Joyce referred to the August 27, 2008 Planning Commission meeting minutes which stated, "During the meeting the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time the Commissioners expressed concerns that the future home sites were being cleaned up prior to the final approval of the development plan. They also insisted all proposed development should be close to the access road along the bottom of the valley." He pointed out that the same sentiment was expressed at several other Planning Commission meetings moving forward. Each time it was about smaller homes down at the base of the canyon. Commissioner Joyce did not believe the portrayal in the July 13th letter from King Development that there was suddenly a change of opinion from the Commissioners was accurate, because documentation from many work sessions and meetings document the fact that the Planning Commission had concerns. He understood that it was never brought to a vote, but the comments are consistent.

Vice-Chair Joyce pointed out that there has been a lot of discussion about how the applicant thinks they should be HRL. Commissioner Joyce emphasized that the property is in the HR-1 zone and the Planning Commission has consistently held to that fact throughout the process. During the March 11, 2009 work session three alternatives were brought forth by the Planning Department; and one alternative referred to changing to HRL. In that same meeting Joe Tesch read from the HRL purpose and stated that, "He believed the development was more in the spirit with the HRL zone". He emphasized that contrary to what was stated in the July 13th letter from King Development, the suggestion of rezoning to HRL was not a new concept and it has been discussed repeatedly over the years.

Vice-Chair Joyce commented on the reference that the Planning Commission was trying to apply steep slope to structures rather than lots. He clarified that they were not trying to apply the Steep Slope Cup. They were actually trying to apply LMC 15-7-1.6C and 15-7-31, which directs them to consider the topography and the slopes along with lot size and lot placement.

Vice-Chair Joyce commented on the reference to density and the discussion that it should remain open space. He agreed that it was private property and not public open space. He

recalled that it came out of public comment and it was not accurate. Vice-Chair Joyce stated that the applicant has the right to develop their land, but it needs to be appropriate development. Vice-Chair Joyce referred to the discussion regarding the 2500 square foot footprint, and the statement in the applicant's letter that it was disappointing that the Commissioners were unwilling to honor their agreement just one meeting later. He pointed out that it had been a Staff recommendation. He did not believe that the Planning Commission at any time gave the impression that they were committing to the Staff recommendation.

Vice-Chair Joyce read the statement from the applicant's letter stating, "It did not matter where we put the houses, the Commission was not going to give a positive recommendation." He had two issues with that statement. The first is that location of houses does matter. In all of the documents there has been continual discussion in either work session or regular meetings about moving houses off the very steep slopes and into the canyon. Despite the number of times those comments were made the applicant chose not to adopt that type of plan. He liked what they did in moving Lot 7 and the Estate lot, but there is still a hillside with 100% limit of disturbance on approximately two-thirds of the hill.

Vice-Chair Joyce referred to the 2009 meeting and the discussion that was brought forward by the Planning Department with three alternatives. One alternative pushed the lots to the bottom. When they asked the Planning Commission which of the alternatives they preferred, there was overwhelming support for Alternative B. He believed this current Planning Commission appeared to be going in the same direction as the Planning Commissions of 2005-2011. They would like to see a plan that is more compact and down in the flatter area to reduce the amount of disturbance to the hillside.

Vice-Chair Joyce appreciated the work that was done on the environmental cleanup. He gave the applicant more credit for cleaning up their portion of the land for development; but less credit for cleaning up the City piece because the trade-off was the ability to use Richardson Flat.

Vice-Chair Joyce commented on the photos of walls around town that the applicant showed in their presentation. He agreed that there are large walls around town, but very few, if any, are in the HR-1 District. He pointed out that the walls proposed for this development are not only tall but they are also very wide and carve up the hillside.

Vice-Chair Joyce referred to the concern raised in the applicant's letter about the amount of time spent on the mine. He noted that the geo-tech report states that, "typically mines are closed by backfilling and capped with concrete. However, in the mine assessment it states that they can build within ten feet and the mine was filled with dirt. He explained that

the statement in the geo-tech report was the reason why the Commissioners kept asking questions about the cap.

Vice-Chair Joyce noted the comment by the applicant about the Planning Commission listening to public clamor. However, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, he thought it was interesting to see how consistent all of the Planning Commissions have been on these issues. Vice-Chair Joyce stated that the Commissioners listen to public input and they appreciate comments that point specifically to LMC issues, but in the end they are tasked with simply applying the LMC.

Vice-Chair Joyce was prepared to comment on some of the points that were held over from the June 10th meeting.

Interim Planning Director Erickson stated that the Staff would have to reset the Findings of Fact. If the main points were on the table, the Planning Commission would have the opportunity before the next meeting to review the Staff report to make sure it was what they wanted.

Assistant City Attorney McLean remarked that the Commissioners could submit their comments to the Staff to be incorporated into the Staff report. Mr. Erickson stated that the primary goal is to make sure that the Findings of Fact and Conclusions of Law were consistent with the LMC and with the comments and opinions of the Planning Commission.

Vice-Chair Joyce stated that he would submit his comments to Staff. He assumed the Staff would make it available to the applicant and the other Commissioners.

Vice-Chair Joyce referred to the information the applicant submitted regarding house sizes and compatibility. In what he has looked at so far, the most reliable aspects are lot size and footprint size. He noted that the larger homes in the comparison provided by the applicant were in the HRL zone. He questioned the accuracy of the calculations and he believed the applicants were very selective in the houses they chose when preparing their comparison. Vice-Chair Joyce could find no reason to move away from what the Planning Staff provided for footprint because it was the most consistent. Vice-Chair Joyce stated that personally he would feel more comfortable if the Planning Commission was looking at a plan that was down in the valley and off the hillside and was more compatible with HR1 in lot size and house size. He was not opposed to development but it has to be the right fit. His primary focus was on disturbance, cut and fill, very steep slopes, and the size and layout of the lots.

Mr. Erickson stated that it was more precise for the Staff to deal with building pad size, limits of disturbance and building height in calculating the house, as opposed to regulating the internal volumes of the house. He offered to look at building pad size and limits of disturbance to help regulate these issues in the future. Mr. Erickson asked if the Planning Commission wanted further analysis from the City Engineer on the intersection. He explained that engineering and traffic analyses work in ranges and bands. He clarified that what Mr. Cassel was trying to describe was that the density being proposed did not change the effective band of Level of Service A. That was the why Mr. Cassel said there is no fatal flaw. The intersection does not fail, but adding an additional 100 trips to the model may be significant. Mr. Erickson offered to work with the City Engineer to make sure his recommendations are clear to the Planning Commission, the public and the applicant. The Staff could also look at other mechanisms for regulating house sizes if this moves forward. If the Commissioners intend to forward a recommendation for denial the Staff would not spend the time on it.

Commissioner Worel stated that she would also like to hear from the Fire Chief. Mr. Erickson would make sure that the Staff gets an opinion from the Fire Chief.

Jerry Fiat asked to respond to some of the comments. He stated that they obtain two designs for the mine shaft. One was to fill it with soil and the other was to fill it and cap it. They were also given distances that they would have to setback. Mr. Fiat pointed out that it was not a matter of following the recommendation. They made a decision that the setback would be based on the engineer. In response to the question asked by Commissioner Band, Mr. Fiat stated that both the St. Regis and the Montage were built on top of mine shafts. One advantage of the Alice Lode is that they know exactly what mine shafts are there. There are mine shaft throughout town and he has built homes where they ran into mine shafts because no one knew they were there. Mr. Fiat remarked that the debate about filling it or capping it is a minor issue. If pulling out dirt and capping it with concrete is required they would do it, but he felt the issues was blown out of proportion.

Mr. Fiat referred to the statement by Commissioner Worel indicating that he had said that negotiations regarding the access were progressing. He clarified that it was actually Lee Gerstein who made that statement during a previous public hearing. Mr. Fiat stated that negotiations were still going on, but there is a difference of opinion as to what they were willing to pay for the easement.

Mr. Fiat addressed the comment about the City doing them a favor by letting them put the contaminated soil on Richardson Flat. He stated that very little soil from their property went to Richardson Flat. It was used exclusively for cleaning up the City property.

Mr. Fiat explained that the nine-lot plan started with a conversation he had with Ron Ivie about what they could put on the property and have a dead-end road. He pointed out that the discussions have always been about nine lots because they did not want to go through a major subdivision or MPD. In looking at options A, B and C that were previously presented by Staff and referenced by Vice-Chair Joyce, Mr. Fiat noted that at that time the Planning Director recommended that they look at more lots. Mr. Fiat stated that they were asked to do specific studies and those studies were done and presented. He clarified that he had not drafted the letter submitted on July 13th; however, he had approved all of the work that was done at the request of the Planning Department over the years. He felt like they were always being asked for something and then when they give it they are asked for something else. They have complied with all the requests with no guarantee that it would be approved. Mr. Fiat stated that he was reluctant to make any changes to the plans when there is no guarantee that the changes would lead to an approval. They have already spent a significant amount of money on the plans and the cleanup.

Mr. Fiat clarified that they did not terrace the wall to avoid the CUP. They actually lowered the road and lowered the lots which allowed them to reduce the size of the walls significantly. He noted that all the remaining walls are typical of all the construction in Old Town. Mr. Fiat agreed that the entry wall was very large and not typical.

Mr. Cahoon noted that Vice-Chair Joyce had quoted from the geo-tech letter of 2006, which said that the typical approach for filling the mine shaft was to fill it and cap it with cement. He pointed out that the follow up letter confirmed that it was filled and that the 10' setback would be appropriate. Mr. Cahoon remarked that because the original guide was "typical" did not mean that filling was "atypical".

Mr. Cahoon commented on compatibility and noted that the Code says compatibility with the neighborhood. It does not say compatibility with HR-1. He thought it was incorrect to say that they have to ignore the neighborhood below them because it is HRL. Instead, they have been asked to drop all the way down to Daly Avenue for compatibility. Mr. Cahoon had driven down Woodside Avenue where there are very large homes in the HR-1 district that were not mentioned. There are also massive buildings that were recently approved on the other side of the City in the HR-1 zone. He believed that was an important clarification on what the Code required.

Mr. Fiat referred to the comment about how they were selective in the houses they showed in their comparison. He explained that the houses selected were the adjoining houses to their property. Mr. Fiat stated that because the Staff report had calculated numbers for Sampson Avenue and because he was familiar with a number of houses on Sampson, he had provided a complete list of Sampson. He did not include anything he could not substantiate, which is why some of the properties were missing from the list. Mr. Fiat

stated that he could state as fact that 40 and 50 Sampson Avenue were 7,500 square foot lots. He recalled that 121 Sampson was a 6,000 square foot lot. Mr. Fiat emphasized that the list was not selective. It was meant to be complete.

Vice-Chair Joyce believed there was consensus among the Planning Commission to direct the Staff to prepare findings and conclusions for denial. Assistant City Attorney McLean clarified that the Planning Commission would be making a recommendation to the City Council. She suggested that it would be appropriate for them to provide input on the conditions of approval in the event that the City Council would not follow their recommendation and approve the application. Another alternative would be to submit their suggested changes to Planner Alexander and she could summarize them for the City Council.

Commissioner Band referred to Mr. Cahoon's comment about the Code referencing neighborhood compatibility and not zoning. She cited several places in the LMC that references zoning for new subdivisions.

Mr. Erickson stated that the Staff would focus on the subdivision characteristics; however, they would consider compatibility in a relative sense based on the comments from the Planning Commission.

Commissioner Worel felt her concerns had been adequately summarized and addressed in the direction to Staff.

Vice-Chair Joyce reiterated that his primary issues were compatibility of layout, moving off the steep slopes and down into the valley, and size more compatible with the HR-1 zone, which was more in the realm of 4,000 to 5,000 square foot lots and 1,500 to 2,000 square foot footprints.

Vice-Chair Joyce noted that the Staff had requested that the Planning Commission continue these items to allow Staff time to prepare the appropriate findings for a vote at the next meeting.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue - Alice Claim Subdivision and plat amendment to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE Alice Claim South of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10 feet in height to August 12, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Cahoon asked if the Planning Commission intended to direct Staff to prepare findings and conclusions for the CUP application. Mr. Erickson explained that the CUP for the retaining wall is tied to the subdivision approval. If the Commissioners forward a negative recommendation for the subdivision approval they could not approve the CUP.

Assistant City Attorney McLean stated that she would advise the Staff on whether it was better to prepare findings for the CUP now or continue it to a date uncertain pending the City Council decision on the subdivision. She could discuss the options with Mr. Cahoon.

Mr. Cahoon asked if a decision was made not to provide conditions of approval in the event the City Council overturns the negative recommendation. Vice-Chair Joyce stated that the Planning Commission had provided guidance to the Staff and they would have the opportunity to review it prior to the next meeting. He personally intended to submit detailed comments from the June meeting to be incorporated.

Mr. Cahoon stated that the applicant has spent a lot of time with the Planning Commission and they were obviously going before the City Council. If an issue arises and the Council sends them back to the Planning Commission, he thought it would be prudent to address the conditions as part of the recommendation. If the City Council had all the information and input from both sides, it could possibly avoid having to come back to the Planning Commission. Mr. Cahoon recommended that the Planning Commission forward that input with their recommendation.

Planner Alexander believed the Planning Commission had already stated what they would like to see changed before they could even consider an approval. She could base the conditions of approval on those comments.

Mr. Cahoon responded to the discussion about the length of time their application has been pending. He noted that the cleanup was conducted in the middle of the Great Recession of 2008. The real estate recovery was very slow and that was a big factor in the timing and the lapse between the time of the cleanup and when they came back to the Planning Department to move forward. Mr. Cahoon thought that was an important consideration in terms of economic history.

The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

EXHIBIT D

From: [Steve Joyce](#)
To: [Christy Alexander](#)
Subject: Notes about Alice Claim
Date: Thursday, August 06, 2015 2:42:36 PM

A few little notes, some of which may be irrelevant since we are voting “no”. Then down below I included my notes to their July letter. That may be irrelevant but I thought you might find something useful there.

- They continue to talk about a conservation easement being given to a 3rd party. That should not be a part of any plan. The land should be marked on the plat so that it can’t be developed, but we shouldn’t care whether a 3rd party decides to take the easement or not.
- I have never agreed with the 25’ height limitation being an acceptable limitation to compensate for house size. I believe that everyone else would agree.
- The 100% disturbance areas will result in the bulk of the hillside being disturbed for roads, retaining walls, houses and driveways. Completely counter to our “limit disturbance”.
- I believe that ALL of their existing plots (not the metes and bounds) are under the streets and are not developable.
- There is a finding of fact that says “The property can only be accessed through the platted king Ave right of way as the owner CANNOT secure legal access...” I have issues with the word CANNOT and would like it changed to HAS NOT secured. My point is that if they simply aren’t willing to pay the requested price for an easement, that is a choice they made, versus a true inability.

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July Response to Their letter

1. Page 211 - They “spent ten years presenting nine lot plans with no objection.”
 - a. Page 231 include a 2008 letter from Joe Tesch to the Park City Attorney going to great lengths defending 9 lots
 - b. At the April 8 planning commission meeting I asked “where did 9 lots come from?” Other than someone’s joke about it being one less than an MPD, the answer was that 9 was always what the applicant had proposed.
 - c. The problem is not with 9 lots. It is with 9 lots, in HR1, spread out on very steep slopes, on 7700 sq foot lots, with 100% limits of disturbance, with 2500 sq foot footprints, and substantial retaining walls.
2. Page 211 – “we were asked to make several specific changes to the nine lot plan”. While I appreciate the dramatic changes the applicant made to lot 7, that was simply the most egregious of the problems. By no means did we hold that out as the only Lot or issue that needed to be fixed.
 - a. Oct 8 doc, page 21 – From the August 27, 2008 planning commission meeting:

- “During that meeting, the Planning Commissioners expressed their satisfaction with the quality and results of the cleanup. At the same time, the commissioners expressed concerns that the future home sites were being cleaned up prior to final approval of King Development’s development plan. They also insisted that all proposed development should be close to the access road along the bottom of the valley.
- b. Oct 8 doc, page 25 – From the Jan 28, 2009 work session – During that meeting, the Commissioners suggested that all proposed home lots should be along the access road along the valley bottom.
 - c. Oct 8 doc, page 26 – March 11, 2009 work session – The Planning Commission informed King Development that they prefer the home lots along the access road in a more historic pattern. Thereafter, the planning department staff prepared three options for King Development’s review that included small home lots along the access road.
3. Page 212, top, rezoning. That comment was a response to the applicant’s comments that they should have been HR-L, not HR-1.
 - a. In March 11, 2009 work session, Mr. Brown explained a “Plan C” that would require rezoning the property to HR-L. Plan C showed 10 lots that meet the minimum criteria for HR-L. The units were moved down the slope and on to the bottom of the valley at the edge of the remediation area. (Oct 8 package, page 136).
 - b. In the same meeting, Joe Tesch Read from the HRL purpose statement and stated, “he believed the development was more in spirit with the HRL zone.”
 4. Page 212 - Appears commission is trying to apply steep slope to structures, not lots. Correct, but LMC 15-7.1-6.(C) and 15-7.3-1 both require us to consider topology and slopes along with lot size and placement.
 5. Page 212, bottom – feel and look are improper. Poor choice of wording, but we are referring to clustering, mass and scale, compared to surrounding homes in the zone. We can get to the details later, but I stand by the analysis done by the planning department staff.
 6. Page 213 – Density. “Should remain open space” is wrong. The applicant has the right to develop the land. The existing lots under the platted roadways aren’t interesting in the calculation. The maximum density for HR-1 is exactly that, a mathematical maximum. You’ll notice that would ignore things like entry ways, roads, and such. The question is what will this land, with it’s features, support.
 7. Page 213, home size – “So, it was disappointing that the Commissioners were unwilling to honor their agreement just one meeting later.” That was a staff recommendation. At no point did the commission make an agreement, even with any form of informal straw poll.
 8. Page 213, bottom - The Planning Department concurs with...” Please remember that every Planning Commission document starts with “The staff report reflects the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently”
 9. Page 214, bottom – Therefore it did not matter where we put the houses, the commission just was not going to give us a positive recommendation”. The applicant still has a plan that will develop a large section of the hillside with retaining walls, roads and houses. They have proposed the limits of disturbance to match the lot lines. Yes, they have moved the houses some, but have never approached what was suggested as early as 2008. We have not voted at any time, and won’t make that vote based solely on one parameter, such as lot location.
 10. Page 215 – Good cause – The environmental cleanup that was done for both the applicant’s property and the city’s adjacent piece was a necessary task and was very positive. There seems to be considerable disagreement between the applicant and members of the city

staff about the nature of the agreement. It appears that cleaning up the city's property was key to having the city get agreement to use Richardson Flats.

11. 217, bottom, open space – Property was characterized as public open space. This is quite wrong. The land clearly belongs to the applicant
12. 218, Walls – 30, 40, and 50 feet. Our discussion was focused on the HR-1 district, not all of Park City.
13. 218 – Walls – to eliminate the need for any CUP approval. Completely true, but this does not eliminate our responsibility for assessing disturbance, cut and fill in both HR-1 and the estate-SLO zone.
14. 218 – Walls – the 30 foot wall is right at the entrance and is very visible. It is also right at a fairly dangerous set of intersections on substandard roads. It is in HR-1. We have heard that the city engineer and fire chief still have concerns. The city engineer explained that having utility lines close to retaining walls has a substantial effect, and the utility plan is not complete.
15. Page 218 – bottom,
 - a. One concern/confusion about the mine was your Geotech report, page 384 of the 6/10 meeting package, says "Typically mines are closed by backfilling and capped with concrete." This one isn't.
 - b. The City Engineer and Fire Chief continue to express concerns with the site and emergency access, road safety and lack of final utility engineering design, SBWRD continues to express concern with lack of sewer lateral design, and the Water Department continues to express concern with the low water pressures available even if the Applicant can demonstrate that it meets the minimum requirements
16. Page 220 – SLO, as explained by staff, the map the applicant is referring to is not signed and states on the map that the information may not be up to date. The lot is subject to SLO zoning.
17. Page 220 – July 8 staff report. The setbacks were definitely wrong in the June 10 package
18. Page 220 – Estoppel, there seems to be considerable disagreement about who did what regarding the environmental cleanup. Ron Ivie has testified that he repeatedly made clear that the building department had no approval rights for a subdivision and that he could not short cut the standard process. It appears the applicant assumed a risk by performing a cleanup before having anything approved by the planning commission or the city council. The obvious reward was that by cooperating with the city on the cleanup, they could use Richardson Flats.
19. Page 223 – "the commission appears to have been swayed by public clamor." Actually, the issues of compatibility of scale and massing, as well as a serious concern about the amount of cut, fill and vegetative disturbance consistently go back through multiple planning commissions. We are simply applying the LMC.

EXHIBIT E

(June 10th COA as amended)

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings ~~or retaining walls~~ within this subdivision. Completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls.
4. The architectural detail, height, building materials, and other design features of the development of the Estate Lot must show compatibility with adjacent properties when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA. The applicant must adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land of the Estate Lot when reviewed under the HDDR application process and will need to be part of the CC&Rs for the HOA.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and a an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted

and be reviewed and go through the entire process including internal review, planning commission and city council review.

9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed prior to plat recordation and owned and maintained by the HOA.
11. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.
13. The culvert inlet shall be at least 50' away from any structure on Lot 1 and the culvert shall be owned and maintained by the HOA.
14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.
15. All homes within ~~this the HR-1 District in this~~ subdivision shall be limited to the LMC required footprint maximums or 2,500~~1,466~~ sf, whichever is lower and building pads shall be as shown on the plat in Exhibit A. The home on the Estate lot shall be limited to 2,500 sf maximum.
16. Limits of disturbance ~~as shown on Exhibit A shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made~~shall be shown within the lot lines on the plat. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.
17. All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade, two stories, and an interior height maximum of 30 feet from lowest finished floor plane to top wall plate, and all other building height exceptions found within the LMC continue to apply.
18. The maximum total floor area of all homes within the HR-1 District in this subdivision shall be limited to 5,000~~4,356~~ sf, including basement and garages.
19. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.
20. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.
21. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
22. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.

23. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.
24. Applicant must still provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.
25. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.
26. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
27. The applicant will need to receive CUP approval for the proposed retaining walls over 6' prior to plat recordation.
28. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.
29. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
30. Any structures built near the existing mine shaft shall be setback at least 10' if the shaft is filled up to the ground surface with soil and/or gravel and 40' setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.
31. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
32. All Site and Public Improvements shall be completed prior to plat recordation or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval. Building permits for grading and retaining walls will be permitted prior to the plat recordation so long as a bond for site restoration/re-vegetation is put in place when the building permits are pulled.
33. City utility maintenance access is required across the drives for Lots A & C.
34. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
35. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.
36. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 12, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm,

EX OFFICIO:

Bruce Erickson, Interim Planning Director, Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Worel who was excused.

ADOPTION OF MINUTES

July 22, 2015

Commissioner Joyce referred to page 3 of the Staff report, the motion to approve the minutes, and noted that the language, "Commissioner Campbell abstained since she was absent" should be corrected to "...since **he** was absent...."

Commissioner Joyce referred to page 36, bottom paragraph, and changed, "for all intense and purposes" to correctly read, "for all **intents** and purposes."

MOTION: Commissioner Phillips moved to APPROVE the minutes of July 22, 2015 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Thimm abstained since he was absent on July 22nd.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.

8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on August 12, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.

10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

12. The applicant shall engage the services of a certified surveyor to confirm the as-built elevations of the driveway to ensure compliance with applicable City codes.

4. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and plat Amendment.** (Application PL-08-00371)
5. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height.** (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Planner Alexander stated that after the meetings on June 10th and July 22nd, the Staff directed Staff to prepare findings for denial for a negative recommendation on the Subdivision and Plat Amendment and denial on the CUP. She had drafted Staff reports for the Subdivision and the CUP based on that direction.

Planner Alexander had forwarded to the Planning Commission the comments she received from Commissioner Joyce. She had also sent comments she received from Commissioner

Band clarifying some of her LMC references that were reflected in the minutes. In addition, the applicant had requested that Planner Alexander clarify language in the Staff Report and the Minutes of what he believed were incorrect LMC references. She handed out a list of what she had prepared based on the applicant's request.

Chair Strachan assumed that all of the Commissioners had received a letter from Heather Smith, who is Brad Cahoon's legal secretary at Snell and Wilmer. The letter was dated today, August 12, 2015.

Assistant City Attorney McLean clarified on the record that if there was a noticing failure that the State Code requires that a Staff report be provided at least three business days before the public hearing. She stated that if the City did fail to comply with the requirements, an applicant may waive the failure so the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Assistant City Attorney McLean explained that if the applicant chose to waive it, the Planning Commission could proceed this evening. If they did not wish to waive it, she recommended a continuance. Ms. McLean noted that the applicant had indicated to her earlier in the day that they wanted to proceed forward; however, she wanted a decision to be on the record in light of the letter that was sent to the Planning Commission.

Brad Cahoon, legal counsel for the applicant, waived in order to proceed.

Planner Alexander noted that a public hearing was scheduled this evening because the process is to consistently hold a public hearing until the Planning Commission makes a decision. She asked to go through the findings of fact and the conclusions of law with the Planning Commission in case they needed clarification or wanted to add additional language.

Planner Alexander stated that the last attachment she submitted were conditions of approval. In the event that the Planning Commission forwards a negative recommendation and the City Council chooses not to follow their recommendation, the attached conditions could be considered by the Council. Planner Alexander requested that the Planning Commission review the conditions of approval prior to voting this evening.

Since Chair Strachan was not present at the last meeting, Commissioner Joyce summarized that the Planning Commission heard comments from the applicant and all the Commissioners who were present. Commissioner Joyce stated that all the issues and comments were on the table and the only reason they continued a vote to this meeting was because they wanted to give the Staff time to prepare appropriate Findings and Conclusions for denial. He recalled that the discussions were completed and the intention

was to pull the notes and comments together. Commissioner Joyce was unsure whether a public hearing was necessary this evening.

Assistant City McLean pointed out that the item was noticed for public hearing. Chair Strachan agreed. However, he informed the public that the applicant has indicated that if the public comment is still open and new things are said at this meeting, they would not have enough time to respond and that would be unfair. Chair Strachan cautioned the public to think carefully before making new comments. For anyone who made comments at the previous public hearings, their comments were already on the record. Since it was noticed, he still intended to open the public hearing.

Chair Strachan opened the public hearing.

Brooke Hontz, a resident on Daly Avenue, stated that there was a third category that Chair Strachan had not mentioned that would not set back the process this evening. She noted that the record reflects her previous comments; however, she asked the Commissioners to consider incorporating some of the Findings of Fact that were in her letter that was submitted into the record at the last meeting and included in the minutes, into the Findings drafted by the Staff. Ms. Hontz noted that everyone, including the applicant, had received a copy of her letter. Ms. Hontz stated that two Conclusions of Law related to subdivision Code Section 15-7-3, Policy B and Policy C was not new information and should not be a surprise to anyone. She encouraged the Planning Commission to add those to the drafted Conclusions of Law as limitations and things that are not met by this application. Ms. Hontz referred to her letter submitted at the last meeting; specifically, Findings 6-17, related to streets; 18, 19, and 20, related to access and traffic; and 23, which was an expanded sewer discussion. She reiterated that all of the items were on the record but they were not addressed in the Findings of Fact drafted by Staff. She thought the Staff had had missed the public health, safety and welfare portion of the project that the public had participated in extensively. Ms. Hontz also encouraged the Staff to consider adding the items from her letter to conditions of approval because they were important issues to be addressed if the City Council did not follow the recommendation for denial.

Chair Strachan clarified that Ms. Hontz was asking the Planning Commission to consider adding Findings 6-17, 18-20 and 23 from her letter. Ms. Hontz stated that she would also like the Commissioners to consider adding the suggested Conclusions of Law outlined in her letter. Chair Strachan noted that the letter Ms. Hontz had submitted could be found beginning on page 54 of the July 22nd meeting minutes.

Chair Strachan asked if Mr. Cahoon had the opportunity to review the Findings Ms. Hontz was suggesting. Mr. Cahoon replied that he had read the minutes of July 22nd, and he

generally objected to what Mr. Hontz was requesting. Mr. Cahoon had nothing further to add on any issue.

Jess Walker, representing Lee Gurstein and Sherry Leviton, reiterated their opposition for the reasons previously stated by his clients and others, as well as the reasons stated in the Planning Commission Staff report.

Chair Strachan closed the public hearing.

Mr. Cahoon noted that page 169 of the Staff report for the Conditional Use Permit makes reference to the General Plan. He asked if the Staff was quoting from the 1997 General Plan. Planner Alexander answered yes. Mr. Cahoon had been unable to access the 1997 General Plan online and he requested that Planner Alexander provide him with an electronic copy.

Chair Strachan was not opposed to looking at the proposed findings that Ms. Hontz had specified in her letter. He suggested that the Planning Commission take a ten minute break to allow the Commissioners to read through her Findings. He did not want to include items that were not needed, but he also wanted to make sure they did not overlook something that should be included. The Board agreed. Chair Strachan reiterated that the suggested items were 6-17, 18-20 and 23, which were listed on pages 63 through 65 of the Staff report. Assistant City Attorney McLean pointed out that Ms. Hontz had also asked the Commissioners to consider Conclusions of Law 15-7-3B and 15-7-3C.

The meeting was briefly adjourned and re-opened.

Chair Strachan had a question regarding the citation to 15-7-3 Policy Statements B and C. If the Planning Commission decided to include those, he asked if they should be Conclusions of Law and phrased accordingly, or whether they should be Findings.

Assistant City Attorney McLean stated that if the Commissioners find that the policies are not met, it would be a Conclusion of Law. However, there should be Findings of Fact to support that conclusion.

Commissioner Joyce was comfortable with the Findings and Conclusions of Law drafted in the Staff report. He refuted all the points in Ms. Hontz's letter, particularly the Findings of Facts 16-20 and 23, which fell into two categories. The first was roads. Commissioner Joyce believed the Planning Commission had discussed road safety at length and the City Engineer had attended several meetings to answer their many questions and explain the road situation. Commissioner Joyce questioned whether the City Engineer would agree with a number of the items Ms. Hontz had mentioned because they were definitively

contradictory. He thought the comments about Ridge Avenue were irrelevant because nothing in the proposed plan touches Ridge Avenue. Commissioner Joyce did not agree with Ms. Hontz about the sewer district and the water pressure being missing pieces. He noted that representatives from the Water Department spoke to the Planning Commission and assured them that the water pressure meets the standards. A finding of fact indicates that the applicant had not updated the water model since the plan was changed; however, the lots were moved further down the hill, and in his opinion, that should make the pressure better. Commissioner Joyce remarked that regardless, it would have to be approved by the Sewer District and the Water District.

Commissioner Joyce pointed out that traffic studies were done on the roads and it was determined that the level of service would not change. He believed the road issues had been thoroughly discussed.

Commissioner Band was comfortable with the Staff report. She supported adding 15-7-3 B and C from Mr. Hontz's letter as Findings of Fact and Conclusions of Law.

Commissioner Thimm concurred with his fellow Commissioners. He stated that even though he was absent from the last meeting he had closely read the minutes and reviewed the Staff report and any new information. In reading through the items in the letter, he questioned whether they had a basis to even state some of them. He understood that a traffic analysis was submitted and reviewed by the City Engineer, and he thought it was well documented in the materials. Commissioner Thimm stated that Item 10 could be added, but he did not think it was needed because it was well-documented in other information and in the mapping itself. He agreed with Commissioner Joyce that Ridge Avenue was irrelevant to the proposed plan. Commissioner Thimm would be comfortable adding 15-7-3 B and C.

Planner Alexander noted that 15-7-C discussed public improvements. She reminded the Planning Commission that the proposed roads would be private roads within the development and not public roads.

Chair Strachan asked if the Commissioners wanted to forward their recommendation with or without conditions of approval.

Commissioner Thimm stated that if the Planning Commission makes a finding that recommends denial, he would like to stand on that recommendation.

Commissioner Band concurred. She understood the reason for sending conditions of approval with their recommendation, but she believed that many of the points in the drafted

conditions were already addressed in the denial. She did not think it needed to be restated.

Commissioner Campbell thought the conditions would weaken their position. It might misrepresent their position to the City Council and send the message that they were close to approving it. Commissioner Campbell remarked that what the applicant proposed was so far away from what is allowed in HR-1 that the only condition of approval he would add would be to rezone.

Commissioner Joyce concurred with his fellow Commissioners. Chair Strachan also agreed. He hoped that if the City Council disagreed with their position that they would remand it back to the Planning Commission.

Chair Strachan thought the Planning Commission would be well-served to include Finding #6 from Ms. Hontz letter, which states, "All roadways near the proposed subdivision are substandard streets." The streets master plan says that "Roadways which are severely substandard pose real life and safety hazards which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are ensured." Chair Strachan believed they could say those things with confidence and there was evidence in the record to support it. It quotes public documents and it bolsters the findings.

Chair Strachan also thought they should include 15-7-3B as a Conclusion of Law, with added language that, "simply this application fails to satisfy this requirement."

Commissioner Joyce referred to Chair Strachan's comment about adding Finding #6. He did not disagree that the roadway is substandard, but in their discussions with Matt Cassel he could not recall that as one of the reasons why they were denying this application. He understood Mr. Cassel's comments to mean that the road was not perfect and it would not make it much worse. In fact, with the land around it they may be able to fix some of the problems that currently exist and the road might actually be better. Commissioner Joyce was hesitant to add Finding #6 if it could be construed as a reason for denying this project.

Commissioner Campbell agreed with Commissioner Joyce. In his opinion, the streets had no bearing on his decision.

Commissioner Band thought roads were a factor. The Planning Commission is charged with looking at positive benefits and mitigating negative impacts, and that includes looking at roads when approving a new subdivision. She noted that the City Engineer had said there were no fatal flaws. Commissioner Band believed that Mr. Cassel did not want to go on record saying that the roads would not work when they obviously could work. In her

opinion it was not even close to an ideal situation. Commissioner Band was willing to defer to what the other Commissioners decided, but she personally favored adding the language.

Commissioner Campbell thought the language would dilute their argument. The language "prohibit additional development until roadway improvements are assured" implies that the Planning Commission would give approval to everything else once the roadway is fixed. However, if the roadway was magically fixed tomorrow, he would still be opposed to this application based on all the other reasons. Commissioner Band understood, but she still thought roads were an element to be considered. Commissioner Campbell stated that it was a temporary element that the City could fix.

Chair Strachan explained that he liked Finding #6 because the Planning Commission is the most powerful when they are acting on the health, safety and welfare of the community at large. He believed that having a finding that their consideration was based in part on health, safety and welfare of the community would probably strengthen their position.

Commissioner Joyce reiterated that everything stated in Finding #6 was factual and he would not be opposed to adding it if that was what the Commissioners decided.

Chair Strachan stated that he looks to the Conclusions of Law as the basis for whether to approve or deny an application. He pointed out that the Findings of Fact are factual statements and not necessarily reasons. If the Planning Commission agrees on the Conclusions of Law, it was not uncommon to disagree on some of the Findings.

Chair Strachan asked if the Planning Commission had any comments or changes regarding the CUP. The Commissioners were comfortable with the Findings of Fact and Conclusions of Law for the CUP as drafted by Staff.

Mr. Cahoon had nothing further to add.

MOTION: Commissioner Joyce moved to forward a NEGATIVE Recommendation to the City Council for Alice Claim south of intersection King Road and Ridge Avenue, the Alice Claim subdivision Plat Amendment based on the Findings of Fact and Conclusions of Law as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to DENY the conditional use permit for retaining walls at Alice Claim based on the Findings of Fact and Conclusions of Law found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

It was noted that this item was scheduled to go to City Council on September 17th. It would be publicly noticed and letters would be sent to property owners. Assistant City Attorney McLean recommended that the Planning Commission have a representative at the City Council meeting to be available to answer questions the Council may have regarding their discussions.

Findings of Fact – Alice Claim Subdivision & Plat Amendment

1. The property is located at the intersection of King Road , Ridge Avenue, Woodside Gulch, and Sampson Avenue (approximately), within the Historic Residential (HR-1), Estate (E), and Sensitive Lands Overlay (SLO) Districts.
2. The proposal includes a subdivision of nine (9) lots on 8.65 acres.
3. The property is a “metes and bounds” parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line runs within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner has not secured legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require significant excavation and retaining walls in three (3) locations up to and possibly in excess of ten feet (10’) in height. The total excavation is proposed to be 30’ in linear height and the total length of the longest wall is approximately 196’ long. These retaining walls will be reviewed under a concurrent CUP.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.

8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.

9. Huge amounts of significant vegetation and at least 4 significant deciduous trees are proposed to be removed by the layout of the lots, drives, and retaining walls.

10. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.

11. Adequate Water Service and Pressure may not be available to most of the proposed development sites (proposed Lots) within the development as currently designed. The applicant has not submitted an updated final water model for the most recent site plan dated May 18, 2015. The applicant will be responsible to determine what portion of the property is serviceable by the current water system, or propose acceptable mitigation.

12. A culvert for the stream is proposed for Lot 1 primarily in order to meet the 50' setback regulations from streams within the Estate and SLO lot, otherwise the culvert would not be necessary.

13. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 7, 8, and 9 at a minimum appear to be in the stream's flood plain. Until further study is complete, none of the proposed lots can be reasonably developed. A flood plain study still needs to be completed.

14. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 10' rear setback from the required 30' rear setback for this Estate District lot in order to allow the buildable area to be lower on the hill side and off of the Very Steep Slopes.

15. The utility plan submitted on May 18, 2015 does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer as a final engineered utility plan has not been submitted.

16. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.

17. All drives are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future. All drives must meet the 14% maximum grade

requirement.

18. Public trails are shown on the proposed plat with a 15' public recreational trail easement.

19. The proposed lots range in size from 3.01 acres within the Estate District and .18 acres (7,714-7,910 square feet) within the HR-1 District.

20. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.

21. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.

22. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.

23. The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%.

24. The existing encumbered Lots 1-7 and 36-40, Block 77 are proposed to be dedicated to the City as right-of-way if the plat is recorded as they currently have a road over them.

25. The proposed location of the building pad on Lot 1 is on Steep Slopes (15% - 40%) and not on Very Steep Slopes (greater than 40%), and also more than 50' away from Very Steep Slopes .

26. LMC 15-7-1-6(C) directs the Planning Commission to consider the topography and the location of streets along with lot size and lot placement and other items during review of Final Subdivision Plat which the Planning Commission has continually expressed concern over the steep slopes, extension of streets into very steep slopes, incompatible clustering and layout and size of the lots and not placing all of the lots on the lowest point of the slopes along the gulch.

27. The existing mine shaft on the property is currently filled but not capped as stated on the site plan dated May 18, 2015. Any structures on this site must be setback at least 10 feet from the mine shaft.

28. The Applicant has shown on the plat the limits of disturbance as the proposed lot lines but does not show limits of disturbance for the proposed retaining walls.

29. The lots are positioned as proposed to avoid development on the ridgelines and allow for drives that contour with the topography in order to meet the required grades. However, the proposed height of the homes on Lots 8 and 9 will be visible over the eastside of the ridgeline and the excavation of the lots will require large amounts of cut and fill.

30. Very few homes within the Historic Districts compare in size to the total square footage, footprint and lot size as is proposed by the Alice Claim Subdivision. The layout of the homes is not compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts and could be designed to meet the smaller average footprint size of other nearby HR-1 districts.

31. The proposed subdivision, as designed, does not incorporate a design that reflects the established development pattern of the neighborhood and nearby HR-1 District which includes a clustering of smaller lots situated side-by-side down in valleys and have direct access to the primary roadway that services the development,

32. The proposed development layout does not comply with the purpose statement of the HR-1 District, specifically 15-2.2-1(A), (C), and (D).

33. The average lot size in the HR-1 District as a whole is 4,607 square feet and the average lot size in the closest HR-1 neighborhood to the proposed development is Daly Avenue which is 4,356 square feet. The Applicant proposes lot sizes ranging from 7,714-7,910 square feet within the HR-1 District.

34. The average footprint size in the HR-1 District as a whole is 1,482.24 square feet and the average footprint size in the closest HR-1 neighborhood to the proposed development is Daly Avenue which is 1,465.44 square feet. The Applicant proposes footprint sizes of 2,500 square feet within the HR-1 District.

35. In all of the past Planning Commission work session and regular meeting minutes from 2008 discussing this project, there has been continual discussion about the Commission's concern to move proposed homes off the very steep slopes and into the bottom of the canyon (gulch). The current Commission at the July 22, 2015 meeting reiterated that they would be supportive of a plan that is more compact and down in the flatter area of the canyon to reduce the amount of

disturbance to the hillside. Also, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, the Commissioners stated it was interesting to see how consistent all of the Planning Commissions from 2008 to 2015 have been on these issues.

36.LMC 15-7.1-5(I), Zoning Regulations state, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval."

37.The purpose statement of the HR-1 District states, "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'".

38.The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.

39.Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.

40.On November 20, 2012, the Planning Department notified the applicant that the application would be closed due to inactivity by the applicant.

41.On November 30, 2012, an appeal of the closing of the file for the Alice Claim Subdivision is filed by the applicant's attorney. The closing of the file was later rescinded by the Planning Director with the stipulation that the applicant either bring the last plan submitted forward to the Planning Commission for action, or redesign the project and submit it within thirty (30) days. The applicant chose to go forward with the last submitted plan.

42.On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

43.The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.

44.The Applicant submitted further revisions to the plat to address some of the City's concerns and deficiencies in their application on March 16, 2015.

45.On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the

Commissioners.

46.The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on May 4, 2015.

47.The Applicant submitted further revisions to the plat to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.

48.On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.

49.On June 10, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 8, 2015 meeting in order to give the Applicant sufficient time to respond to the Commission and public's comments from that meeting. The Applicant did not submit any comments or changes to the site plan by the deadline given of June 24, 2015.

50.On July 8, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 22, 2015 meeting in order to give the Applicant more time to respond to the June 10, 2015 meeting comments. The Applicant submitted a response on July 13, 2015.

51.On July 22, 2015 the Planning Commission held a public hearing for this project and continued the item to the August 12, 2015 meeting in order to allow Staff time to prepare the appropriate findings for a vote at that meeting.

52. All roadways near the proposed subdivision are substandard streets. The Streets master plan says that "Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured".

Conclusions of Law – Alice Claim Subdivision & Plat Amendment

1. There is no good cause for this proposed subdivision plat given that the proposed development does not meet the purpose of the Historic Residential (HR-1) District, nor does it meet specific requirements of the Subdivision Ordinance, nor does preserve the character of the neighborhood or existing development patterns established within the neighborhood.

2. The proposal does not cluster the development to meet the general subdivision requirements in Section 15-7.3-2(E) wherein the language states that “units should be clustered in the most developable and least visually sensitive portions of the site.” This does not meet the good cause standard as it does not utilize best planning practices of clustering development.
3. The proposed subdivision plat is not consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
4. The proposed subdivision does not meet Subdivision regulations 15-7.3-1(D) which states: “Restrictions Due to Character of the Land: Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridgelines, which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger”.
5. This application fails to meet [15-7-3.(B) Land to be subdivided or resubdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

Findings of Fact – Alice Claim, CUP for retaining walls

1. The property is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes a subdivision of nine (9) lots on 8.65 acres.

3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line runs within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner has not secured legal access through the Woodside Gulch water tank access easement used by the City.
7. The new roadway would require significant excavation and retaining walls in three (3) locations up to ten feet (10') in height which require Conditional Use Permit approval and Historic District Design Review approval.
8. The 3 retaining walls would consist of blonde sandstone veneer up to ten feet (10') in height with four feet (4') of horizontal terracing in between each wall and up to approximately 196' in length, placed at the entrance to Alice Court which will create significant visual and massing/scale and cut and fill and loss of vegetation impacts to the neighborhood.
9. 10 other retaining walls up to six feet (6') in height and one wall up to four (4') feet in height are proposed elsewhere within the development but would not require a Conditional Use Permit. Any retaining walls would still be subject to the Historic District Design Review process.
10. The retaining walls have not been engineered as of the date of this report and would require the City Engineer to approve the engineered plans. This is an unmitigated impact as staff can't analyze exactly how much excavation will occur, and the applicant has not shown the footing and foundation size, and how much separation between the walls will be possible to plant vegetation with any footings or tiebacks that may be required.
11. Historic District Design Review applications are required for any construction of retaining walls within the historic districts or any lots adjacent to the historic district.
12. Snow storage, guardrails and lighting are elements of the retaining walls that require City Engineer and Planning Department approval.

13. There are impacts created by the proposed retaining walls which include:

- a) Size and location of the Site; the applicant has determined the three 10' walls must be placed in this location due to the access they are providing and this will create a significant visual impact to the community with the mass, scale and incompatibility to surrounding Historic structures.
- b) Utility capacity within the roads adjacent to the proposed walls as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure;
- c) Screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods if it cannot be mitigated adequately with landscaping. The Applicant has not shown engineered drawings to show that adequate landscaping can possibly be planted between the terraced walls;
- d) Building mass, bulk and orientation as the walls are 10' in height and width are not exact, which is considered massive, mass and orientation within the Historic District and approximately 2 times the height of the majority of retaining walls within the District which are typically 4' to 6' in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods;
- e) Physical design and compatibility with surrounding structures as the walls are not compatible in size to other residential homes and retaining walls within the HR-1 District. This creates a negative visual impact upon the historic district and surrounding neighborhoods;
- f) Environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed. Significant excavation, cut and fill, and loss of significant vegetation along the steep slopes is a negative environmental impact.

14. The applicant submitted draft utility plans dated May 18, 2015 that have not received final approval by the Snyderville Basin Water Reclamation District, Water Department, and City Engineer. The applicant will be responsible to determine what portion of the property is serviceable by the current water system and proposed sewer and storm drainage systems or propose acceptable mitigation and if the proposed walls will negatively impact the utilities. Proposed roads with utilities that are not private driveways next to the retaining walls are required to be 20' wide and are shown as such on the site plan.

15.The applicant has submitted a geotechnical report for the overall site but not for the individual lots or retaining wall locations. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site.

16.A Debris Flow Study has not been submitted to the City Engineer and may affect the construction of the retaining walls.

17.Significant vegetation and at least 4 deciduous trees are proposed to be removed by the layout of the lots, drives, and retaining walls and due to the steepness and height of the hillside, any structures or 10 foot retaining walls will be visible at the entry to Alice Claim. The retaining walls were not included in the cross canyon views that the Applicant submitted.

18. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.

19.All drives next to retaining walls are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future. All drives must meet the 14% maximum grade requirement. Adequate and safe snow storage has not yet been addressed by the Applicant when snow is pushed over the sides of these retaining walls.

20.The proposed building pad areas near proposed retaining walls on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%. The excavation of the steep slopes for these homes next to the retaining wall has not been addressed to ensure debris flow and the soils surrounding the proposed walls will not be impacted.

21.The Applicant has shown on the plat the limits of disturbance as the proposed lot lines but does not show limits of disturbance for the proposed retaining walls.

22.Several of the retaining walls will be visible from various points within the Historic Districts and are proposed to be twice as high as other retaining walls for private residential development within the Historic Districts.

23.Very few large walls around town, if any, are in the HR-1 District. The walls

proposed for this development are not only tall but they are also very wide and carve up the hillside.

24.The walls were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.

25.Proposed tree heights will only screen approximately 50% of the walls vertically where located and proposed spacing of trees will only screen approximately 25% of the walls horizontally which creates a visual impact.

26.Any footings or foundations of the walls could impact what vegetation can be planted to screen the walls and without final engineered plans the Applicant can't prove that the walls will be adequately visually mitigated.

27.The retaining walls proposed do not comply with the General Plan in maintaining compatibility with surrounding historic districts. Specifically page 56 Historic District states "Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights and floor area ratios." The three 10' walls up to 196' in length are not compatible in mass, scale and height to historic structures in the historic district as they are much larger than any other private residential development that is not part of an MPD and therefore does not comply with the General Plan. Page 34 Environmental and Open Space Policies also states "Direct development to the "toe" of slopes, preserving the ridge tops, meadows and visible hillsides. Open space foregrounds should be incorporated in development proposals to enhance the visual experience of open space." This development is proposed on visible hillsides and not directed to the toe of slopes and therefore does not comply with the General Plan.

28.In all of the past Planning Commission work session and regular meeting minutes from 2008 discussing this project, there has been continual discussion about the Commission's concern to move proposed homes off the very steep slopes and into the bottom of the canyon (gulch). The current Commission at the July 22, 2015 meeting reiterated that they would be supportive of a plan that is more compact and down in the flatter area of the canyon to reduce the amount of disturbance to the hillside and the need for these large retaining walls.. Also, based on the LMC issues of compatibility, scale and massing, and concern about cut, fill and vegetative disturbance, the Commissioners stated it was interesting to see how consistent all of the Planning Commissions from 2008 to 2015 have been on these issues.

29.Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.

30. On November 20, 2012, the Planning Department notified the applicant that the application would be closed due to inactivity by the applicant.

31. On November 30, 2012, an appeal of the closing of the file for the Alice Claim Subdivision is filed by the applicant's attorney. The closing of the file was later rescinded by the Planning Director with the stipulation that the applicant either bring the last plan submitted forward to the Planning Commission for action, or redesign the project and submit it within thirty (30) days. The applicant chose to go forward with the last submitted plan.

32. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

33. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015 as well as a new application for a CUP for the proposed retaining walls.

34. The application for the Alice Claim CUP corresponds with the Alice Claim subdivision application that was presented to Past Planning Commissions between 2008-2014 was deemed "complete" by the Planning Department on January 23, 2015.

35. The Applicant submitted on March 16, 2015 further revisions to the plat, site plan and retaining walls to address some of the City's concerns and deficiencies in their application.

36. On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the Commissioners.

37. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision, plat amendment and CUP on May 4, 2015.

38. The Applicant submitted further revisions to the plat, site plan, and retaining walls to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.

39. On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.

40. On June 10, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 8, 2015 meeting in order to give the Applicant sufficient time to respond to the Commission and public's comments from that meeting. The Applicant did not submit any comments or changes to the site plan by the deadline given of June 24, 2015.

41. On July 8, 2015 the Planning Commission held a public hearing for this project and continued the item to the July 22, 2015 meeting in order to give the Applicant more time to respond to the June 10, 2015 meeting comments. The Applicant submitted a response on July 13, 2015.

42. On July 22, 2015 the Planning Commission held a public hearing for this project and continued the item to the August 12, 2015 meeting in order to allow Staff time to prepare the appropriate findings for a vote at that meeting.

Conclusions of Law – Alice Claim, CUP for retaining walls

1. The CUP is not consistent with all requirements of the Park City Land Management Code in regards to restrictions due to character of land, steep slopes, mine hazards, safety, health and welfare of the community.
 2. The CUP is not consistent with the Park City General Plan in maintaining compatibility with surrounding historic districts as defined in the Historic District Design Guidelines for New Construction.
 3. The proposed walls are not compatible with the surrounding structures in use, material, scale, mass, circulation and mitigation with the slope of the landscape.
 4. The effects of any differences in Use, material, scale, mass and landscaping of the proposed walls have not been properly mitigated through careful planning and compatible layout of the subdivision to the nearby HR-1 districts.
 5. The reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, thus the Conditional Use is denied.
- Planning Commission

The Park City Planning Commission Meeting adjourned at 7:10 p.m.

Planning Commission Meeting
August 12, 2015
Page 41

Approved by Planning Commission: _____

Christy Alexander

From: Melissa Band
Sent: Wednesday, August 12, 2015 2:17 PM
To: Christy Alexander
Subject: Alice Claim additional notes

Christy:

On page 217 of the packet it says "Mr. Cahoon commented on compatibility and noted that the code says compatibility with the neighborhood. It does not say compatibility with HR-1. He thought that it was incorrect to say that they have to ignore the neighborhood below them because it is HRL."

This is incorrect. Per 15-7.1-5 part (i) the code states: "Zoning Regulations: Every plat shall conform **to existing zoning** regulations and subdivision regulations..." This subdivision is clearly in HR-1 zone, not HR-L and thus, per the code, they must conform to their zone and its regulations.

Again in 15-7.1-5 part (C) "... Particular attention will be given to... And requirements of the official **zoning map** and streets master plan, as adopted by the planning commission city Council,"

15-7.3 Policy Part (C)

"The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, streets master plan, **official zoning map**... And it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted uniform building and housing codes, the land management code, the general plan, **official zoning Map**, and capital budget program of Park city."

15-14-2 occupancy permit

"Land, buildings, or premises **in any zoning district shall** hereafter be used **only for a purpose permitted in such a district in accordance with the appropriate regulations.**"

Definitions 15-15-32 and 36

1.256 subdivision.

"...Subdivision includes the division or development of residential and nonresidential **zoned** land."

(B) subdivision minor.

"Any subdivision containing not more than three lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the general plan, **official zoning map**, Street master plan, or these regulations."

1.291 zoning district

"An area identified on the official zoning map to which a uniform set of regulations applies as set forth herein, which districts are conterminous with, and which are designed to implement the parts parks the general plan."

Though neighborhood compatibility is also mentioned in the LMC, when one looks at all of the references again and again to zoning, it is very clear the intent of the land management code is primarily to rely on zoning and that "neighborhood compatibility," though also a part of the process, is not referenced nearly as often and is intended to be part of a lesser and more subjective set of rules governing the creation of subdivision.

Thanks,

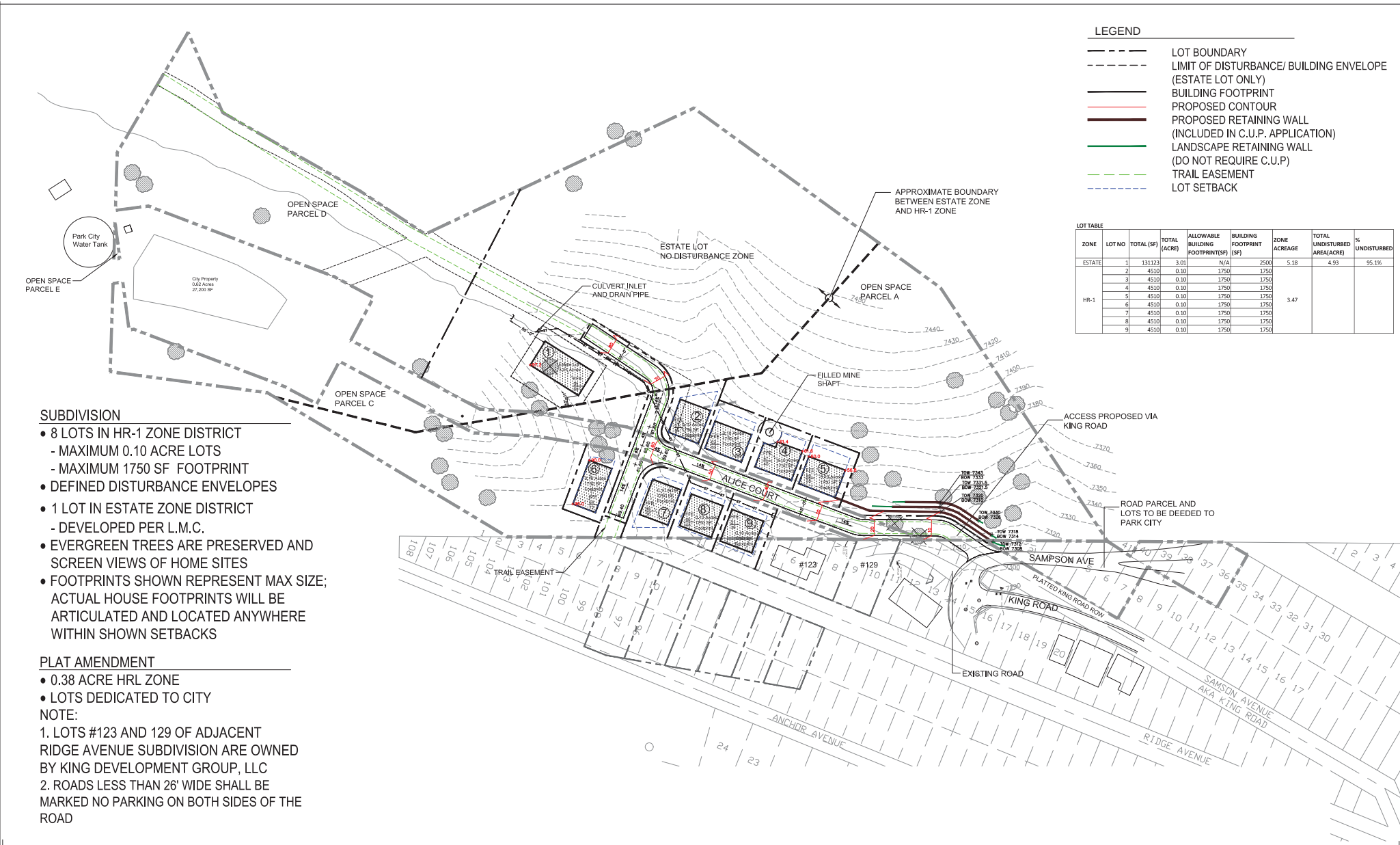
Melissa

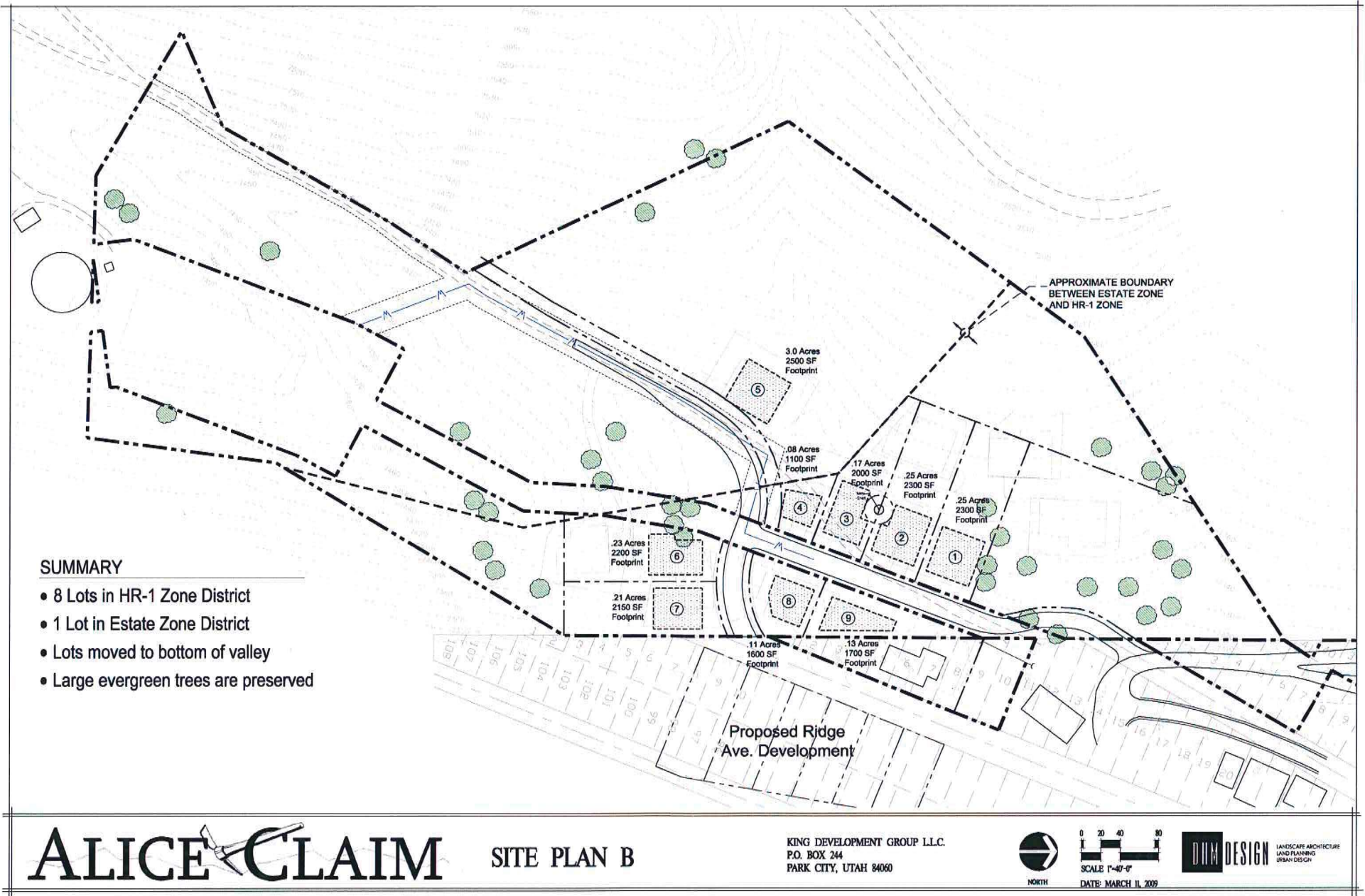
Alice Claim - LMC references from 7.22.15 minutes and staff report for 8.12.15 Planning Commission meeting:

1. LMC 15-7.1-5(I), Zoning Regulations state, "Every plat shall conform to existing zone regulations and subdivision regulations applicable at the time of proposed final approval." The purpose statement of (found within the HR-1 zone regulations) states, "Encourage construction of historically compatible structures that contribute to the character and scale and encourage single family development on combination lots of 25' x 75'". Commissioner Band believed they were seeing less density because more people are requesting to combine lots. She believed that double lots were probably the largest they would see, which is still substantially less than what this applicant was requesting.
2. LMC definition of good cause Section 15-15-1.112
3. LMC 15-7.1-6(C) states that, "The Planning Commission shall make a finding as to good cause prior to making a positive recommendation to the City Council". She found that statement to be the overriding command to the Planning Commission. The LMC requires them to look at every aspect of a project coming up for approval and to make a finding as to good cause prior to making a positive recommendation. Per the LMC, Commissioner Band did not believe the proposed subdivision substantially provided positive benefits and mitigated negative impacts for the zone or for health, safety and welfare. In looking at the pros and cons and looking to mitigate the negative impact of the large homes, the retaining walls, site disturbance and the frightening condition of the roads, she was unable to see adequate mitigation for good cause. She believed the cleanup and the tax revenue were the only benefits.
4. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.
5. LMC 15-7.1-6(C) directs the Planning Commission to consider the topography and the location of streets along with lot size and lot placement and other items during review of Final Subdivision Plat which the Planning Commission has continually expressed concern over the steep slopes, extension of streets into very steep slopes, incompatible clustering and layout and size of the lots and not placing all of the lots on the lowest point of the slopes along the gulch.
6. LMC 15-7.1-5(D) Planning Commission Review of Preliminary Plat, which states that "the Planning Commission shall study the preliminary plat, the report of the Staff, taking into consideration the requirements of LMC, any master plan, site plan, or sensitive lands analysis approved or pending approval on the subject property." She asked how the Planning Commission could approve this application when they were still working on improvements. She did not have a sense that Mr. Cassel was confident about the intersection, but it could work and he was hoping to make it better. Commissioner Band stated that if the

Commissioners were not looking at the actual improvements, she questioned whether they were looking at the preliminary plat approval properly.

7. Commissioner Band referred to Mr. Cahoon's comment about the Code referencing neighborhood compatibility and not zoning. She cited several places in the LMC that references zoning for new subdivisions. – See her comments sent 8/12/15







DATE: October 8, 2015

TO HONORABLE MAYOR AND COUNCIL

The Mountain Accord is currently considering various names for the Forest Service lands within the Mountain Accord boundary. This new designation will increase the protection on the properties for future generations.

Respectfully:

Ann Ober, Community Relations



City Council Staff Report

Subject: Land Designation Title
Author: Ann Ober
Department: Executive
Date: October 8, 2015
Type of Item: Legislative

Summary Recommendations:

Take no action.

Executive Summary:

The Mountain Accord is currently considering various names for the Forest Service lands within the Mountain Accord boundary. This new designation will increase the protection on the properties for future generations.

Background:

In February 2015, the Mountain Accord Executive Team created a Federal Designation Task Force to create new protections for the Wasatch-Cache National Forest located within the Mountain Accord boundaries. Over twelve meetings, the Task Force narrowed the types of designations down to three options for the over-arching area:

- Central Wasatch Conservation Management Area;
- National Recreation and Conservation Area; or
- National Monument.

The Task Force is currently recommending the Central Wasatch Conservation Management Area. In a recent email chain, the Forest Service also introduced the "Central Wasatch National Conservation and Recreation Area" title. This title is increasing in popularity amongst the Executive Board because it reflects both goals of the range – conservation and recreation. However, the title has not been used before in Federal Legislation, which makes the actual protections unknown and more tenuous. The same is true for the title "National Recreation and Conservation Area." The other two have been used in other areas and, hence, have definitions.

Conservation Management Area

Definition: Lands that feature exceptional scientific, cultural, ecological, historical, and recreational values. The purpose is to conserve, protect, enhance, and manage the lands for the benefit and enjoyment of present and future generations.

Description: Management plan is developed by the Federal Lands Management Agency and is based on requirements laid out in legislation. National Conservation Areas allow for proactive management and restoration. Commonly Permitted Uses

- Typical dispersed recreation activities, camping, hunting, fishing, Off-Road Vehicles and motorcycles on designated routes.
- Forestry projects that protect natural resources.

- Mining on existing mining claims, abandoned mine remediation, grazing, commercial outfitter and guide services.
- Firefighting and fuels reduction, habitat enhancement and restoration. Commonly Prohibited Uses
- Mining, oil and gas development, road-building, erection of man-made structures such as dams and buildings, large-scale logging, new roads.

National Monument

Definition: Federal lands containing “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.”

Description: Management plan is developed by the Federal Lands Management Agency and is based on requirements laid out in legislation or proclamation establishing the monument.

- The overriding management goal is the protection of the object described in the proclamation or legislation.
- Permitted and prohibited uses are often the same as in national parks, but ultimately depend on language of the proclamation or legislation and management plans.
- Commonly Permitted Uses
 - Variety of dispersed recreation activities typically allowed in national parks.
 - Existing uses of the land that aren’t precluded by the proclamation, and do not conflict with the purposes of the Monument.
 - Commonly Prohibited/Restricted Uses
 - Commercial activities, new mining activities, timber cutting, grazing, development.
 - Vehicle use.
 - Hunting, fishing.

Analysis:

All but a few parcels of this property reside within Salt Lake County and **none of the property resides within Park City**, with a small portion existing within Summit County unincorporated area. Based on conversations this past winter when inclusion of land on the Summit County side in a designation was discussed by both the City and County, staff would not recommend taking action at this time. If Council would like to take action, staff recommends the City send their agreed upon thoughts to Summit County for the County’s consideration. This is in alignment with how the City proceeded with the possible inclusion of the lands within Summit County for the new designation.

Specific to the options, staff believes there are significant hurdles to all three titles, but Forest Service buy-in is crucial to success at the Federal Level. For this reason, the new option of “Central Wasatch National Conservation and Recreation Area” is probably the most likely to succeed. All of the options provide more protection and Wilderness is expected to be a part of the package for some areas within the designation.

Department Review:
Executive, Sustainability

Alternatives:

A. Approve:

Do not take a stance on any title at this time to allow those most affected by the title to decide.

B. Deny:

Take a stance on a specific title and send that recommendation to Mountain Accord

C. Modify:

Take a stance on a title and send the recommendation to Summit County.

D. Continue the Item:

Waiting will make the decision moot.

E. Do Nothing:

Same as D.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Balance between tourism and local quality of life	+ Abundant preserved and publicly-accessible open space + Managed natural resources balancing ecosystem needs + Enhanced water quality and high customer confidence		
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Very Positive 	Neutral 	Neutral 
Comments:				

Consequences of not taking the recommended action:

None

Recommendation:

Take no action.



MANAGER'S REPORT – 10/8/2015

Submitted by: Matt Dias
Subject: Update on Early Morning Deliveries Policy in Old Town - Response to Complaint

On September 15, 2015, after several weeks of various City staff working with two concerned residents who live on Swede Alley, the City Manager's Office received a formal noise complaint regarding the sound of delivery trucks conducting business in the early hours of the morning. For several weeks prior to receiving the formal complaint and since that time, various departments have worked to mitigate the noise of delivery vehicles, which deliver essential goods and other materials to businesses on Main Street.

As is often the case, staff responded to the initial complaint by attempting to work with the residents and delivery truck companies in to the hopes of mitigating some, but not all, of the negative impacts of early morning deliveries. As a result, staff was able to generally achieve the following improvements:

1. Reduction of the use of reverse beeping technology by re-routing drivers;
2. Relocating the loading/unloading of vehicles areas away from the focal point of the complaint location;
3. Agreement to mute the sound mechanism that beeps when scanning produce and goods during deliveries;
4. Reduction in the use of refrigeration motors while vehicle sit idle; and
5. Better compliance with our anti-idling ordinance by way of increased enforcement.

Despite these efforts, the residents remain unsatisfied and continue to seek increased enforcement and potential changes to the Noise and Parking codes. In addition, the residents' complaints appear to have been compounded by an initial contradiction between out of date delivery-related parking signage on Swede Alley, such as a Restricted Delivery Zone, and the City's existing Parking Code.

More specifically, our Parking Code explicitly allows for deliveries on the West side of Swede Alley from 3:00 am – 4:00 p.m., despite prior signage. The existing policy allowing 3:00 am deliveries was adopted by Council as recently as 2011, and after considerable public deliberation in response to a resident complaint and feedback from delivery companies.

On Friday, September 25, 2015, Assistant City Manager Matt Dias, Sergeant Jay Randall, and Alison Butz, Historic Park City Alliance, met with the residents on Swede Alley in order to better ascertain the residents' point of view. Staff has also scheduled a meeting with two of the known delivery truck companies. A temporary provision requesting the trucks utilize 4th street as an interim location has been authorized and is being monitored by the Police Department until further notice. In addition, staff has been in contact with County staff as a result of information reported to City Council that contends the City and County codes are in conflict.

As a result of this situation, some minor updates to the Park City Municipal and County Code will likely be recommended regardless of the outcome of this particular issue for clarification purposes.

In the meantime, staff is planning to bring this issue to a City Council Work Session on October 22, 2015. Please let the City Manager know if the direction is otherwise.

Respectfully:

Matt Dias, Asst City Manager



MANAGER'S REPORT – 10/8/2015

Submitted by: Anya Grahm
Subject: Manager's Report - Historic Preservation Quarterly Update

The Purpose of This Manager's Report is to Inform City Council of Staff's Current Preservation Efforts. Staff Recommends Council Review This Manager's Report and Make Recommendations to Staff with Regard to Which, If Any, Items Council Would Like to Further Explore in a Future Work Session.

Respectfully:

Anya Grahm, Planner II

Manager's Report

Subject: Historic Preservation Quarterly Update
Author: Bruce Erickson, Planning Director
Anya Grahn - Historic Preservation Planner
Department: Planning
Date: October 8, 2015
Type of Item: Manager's Report

Executive Summary

The purpose of this manager's report is to update and inform City Council of staff's current preservation efforts. Staff recommends Council review this Manager's Report and make recommendations to staff with regard to which, if any, items Council would like to further explore in a future work session.

List of Acronyms

Historic Preservation Board	HPB
Historic Sites Inventory	HSI
Historic District Design Review	HDDR

Background

Staff met with City Council on July 30, 2015, and provided an update on a number of historic preservation-related activities, including:

1. Historic Preservation Consultant & Historic District Design Review Process
2. Historic Preservation Board (HPB)
3. Historic District Grant Program
4. Intensive Level Survey
5. Historic Sites Inventory (HSI) Updates
6. Endangered Buildings & Abatement Challenges
7. Mine Sites

City Council directed staff to prioritize the Mine Sites, Historic District Grant Program, and Endangered Buildings & Abatement Challenges and return to City Council in the future with work sessions dedicated to these topics. Further, City Council passed the [Historic Site Inventory Pending Ordinance](#) on August 6, 2015, which has added another priority to this list.

Staff has outlined below the progress being made on City Council's prioritized historic preservation programming:

Historic Preservation Updates

1. Mine Sites

Following the City Council work session in July, staff met with Sandra Morrison of the Park City Historical Society and Museum to develop a prioritized list of mine structures that needed immediate stabilization. The prioritization was based on the

physical condition of the structure, its historical integrity, and its historical significance in telling the Park City story.

Staff added Conditions of Approval to Park City Mountain Resort's Conditional Use Permit (CUP) in 2015 that required the resort to identify and stabilize extant mining structures within its leasable area. Park City Mountain Resort (aka "Vail" or VRCPC Holdings, Inc.) contracted SWCA to conduct a reconnaissance level survey of their property, which was completed in early September. Following the survey, Vail, SWCA, and the Planning Department met to create a prioritized list of endangered buildings. Vail continues to work on an Alta survey to determine their exact property boundaries.

Vail committed \$50,000 prior to October 1, 2015, to stabilizing the initial list of structures. Vail is working with the Park City Museum to allocate \$50,000 towards the stabilization of the California Comstock, which was identified as a priority for City Council though it is outside of the Park City limits. If the work cannot be completed prior to winter, Vail will instead invest the \$50,000 in stabilizing other significant mine structures on their property. The Museum will act as the service provider, and Vail will grant an access agreement to the Museum for the work to be completed. The City is currently holding the \$50,000 in escrow while Vail completes their contract with the Park City Museum. Further, Vail is developing a five (5) year-fundraising plan to stabilize the other mine sites within Vail's property boundaries.

Staff will continue to monitor Vail's progress to ensure they meet the conditions of approval specified in their Conditional Use Permit.

2. Historic District Grant Program

The Planning, Legal, and Budget Department staff continue to work on restructuring the grant program. On September 24, 2015, the Budget Department held a City Council work session to discuss changes in accounting laws and funding historic preservation activities on non-City-owned properties. Staff is working on developing a Historic Preservation Easement program in which easements would be donated to the City in exchange for grant funds. City Council directed staff to continue working on this and to ensure that there are no redundancies with other City programs.

3. Endangered Buildings & Abatement Challenges

Since the July 30, 2015, work session with City Council, the Building and Planning Departments have met to create a list of properties that suffer from demolition by neglect. The Building and Planning Departments have conducted site visits to evaluate the physical conditions and structural stability of these historic structures. The departments are collaborating to determine the most cost effective way to secure and stabilize these structures to prevent demolition by neglect from occurring.

Additionally, Planning Department staff is working on developing a demolition by neglect ordinance. Such an ordinance would require affirmative maintenance and

provide the City with adequate remedies and enforcement authority to prevent the continued decline and deterioration of historic structures. Currently, the LMC addresses the consideration of owner neglect in the economic hardship criteria only. The shift has been the increased use of LMC 15-11-14 (A) Disassembly and Reassembly of a Historic Building or Historic Structure and 15 (A) Criteria for Reconstruction of the Historic Building(S) and/or Structure(S) On A Landmark Site Or A Significant Site which removed the effectiveness of the CAD section in considering owner neglect as part of a CAD. Said another way, the sections affirmatively permitting reconstruction, and reassembly do not provide for consideration of neglect where the CAD process does. The CAD process is now triggered much more infrequently. Staff is proposing to present our goals for a demolition by neglect ordinance to the Historic Preservation Board on October 7th and the Planning Commission on October 14th.

4. Historic Site Inventory Pending Ordinance

This was not in the original priority list; however, the pending ordinance was passed by City Council on August 6, 2015 and is now a priority for staff. The ordinance sought to expand the Historic Site Inventory criteria to also designate structures that have received a grant from the City; may have been removed from the HSI in the past; or despite non-historic additions, may be reasonably restored to its historic form. Further the pending ordinance has required the HPB to review demolition permits for all structures in the Historic District constructed in or prior to 1975.

Staff has been meeting with the HPB twice a month to review demolition permits as well as discuss the pending ordinance. Thus far, we have heard from the HPB that:

- They are interested in reviewing requests for panelization and reconstruction projects, as well as those projects that include lifting the historic structure to add a new foundation; and
- As they have been reviewing minor maintenance and construction projects that include an aspect of demolition, they prefer to review larger projects related more to the HDDR process than over-the-counter building permits.

Staff is working on incorporating feedback from the HPB and Planning Commission into modifications of the pending ordinance. Staff is proposing the following:

- Creating an additional category to historic designations. The City currently recognizes Landmark and Significant historic structures, and staff is proposing a third category that focuses on buildings constructed prior to 1975 that contribute to the look and feel of the historic district.
- Refining the HPB's demolition review process, which was initiated due to the ordinance. Staff is working on creating a new application for demolition review as well as defining the process and timing for the review. Further, staff recommends limiting the HPB demolition review to those projects that require a full Historic District Design Review (HDDR). Those projects that are minor routine maintenance or construction having little to no impact on the Historic District will be reviewed and approved by the Planning Director through an HDDR waiver letter.

- Adding criteria to the Land Management Code (LMC) that defines compatibility. Staff is proposing to conduct a work session with the HPB regarding a visual analysis of compatibility on October 7th in order to receive feedback from the HBP for possible modifications of the Design Guidelines.

Staff will be reviewing our proposed amendments to the ordinance with the HPB on October 7th and the Planning Commission on October 14th.

Department Review:

This report has been reviewed by the Planning and Legal Departments as well as the City Manager.



MANAGER'S REPORT – 10/8/2015

Submitted by: Rhoda Stauffer
Subject: Summary and Overview of Where Park City's Workforce Lives

At the City Council Work Session on September 17, during the Monthly Housing Update, Council Member Henney requested information about where Park City's workforce lives. In response, staff completed an analysis of data from the 2010 Census.

Respectfully:

Rhoda Stauffer, Housing Specialist

MANAGER'S REPORT – October 8, 2015

Submitted by: Rhoda Stauffer

Subject: Park City Workforce residency patterns

At the monthly housing update in a City Council Work Session on September 17, Council Member Henney requested information about where Park City's workforce lives. In response, staff completed an analysis of data from the 2010 Census.

US Census data - Local Employment Dynamics -- LED		
Total Primary Jobs in Park City	9431	100.00%
Where Employees Live:		
PC city limits	1911	20.26%
Outside city limits but within School District Boundaries	2182	23.14%
Eastern Summit County	640	6.79%
Salt Lake, Utah, Weber, and Davis Counties	2981	31.61%
Wasatch County	991	10.51%
Other	726	7.70%

Source: US Census Bureau Local Employment Dynamics, summarized by Bob Rosenthal & Assoc. Inc. a April, 2012 report entitled "Summit County Housing Affordability Analysis". Copies of the full report are available by request from Housing Staff.

Also, the HR Staff provided the following information about where the City's current workforce lives. Of those living in zip code 84060, twelve live in affordable housing and an additional six live in apartments.

Park City Municipal Corporation Employees

	Full Time Only	% full time only	Total full & part-time	% full time & part time
<i>Total Employees</i>	240		745	
City limits (Zip codes 84060 & 84068)	48	20%	205	28%
School District Boundaries (outside of City Limits)	38	16%	157	21%
Eastern Summit County	30	13%	81	11%
Salt Lake/Utah/Davis Counties	63	26%	182	24%
Wasatch County	59	25%	108	15%
Further Afar	2	1%	12	2%

Source: Human Resources office of PCMC

Economic & Planning Systems (EPS) is assisting staff to analyze data and will be recommending a percentage goal for a realistic balance of workforce members living within City Limits and school district boundaries. Staff will return with EPS with a final report and recommendations in early 2016.



MANAGER'S REPORT – 10/8/2015

Submitted by: Heinrich Deters
Subject: Hillside Pathway Request

On September 17, 2015 the City Council asked for an overview and update to possible pedestrian and bike improvements near Hillside Avenue. This report responds to that request for information.

Respectfully:

Heinrich Deters, Trails and Open Space Program Manager

Hillside Manager's Report

Background

On September 17, 2015 the City Council asked for an overview and update to possible pedestrian and bike improvements near Hillside Avenue.

Hillside Avenue was reconstructed in 2010. The project included a stairwell from the top of the street, going west, down to the Old Town Park connected to Main Street. Due to the challenging construction elements, that portion of the project was estimated to cost \$700k and was ultimately deferred to an undetermined future date. Funding for this project was evaluated in the FY 2013 CIP process but was not recommended at that time.

Staff continued to discuss a project(s) at this location thinking of other approaches that would be less expensive than a formal set of city stairs that would have to be maintained; especially considering:

- staff does not believe there is heavy pedestrian use in this location that justifies this type of expense;
- The Walkability Committee did not prioritize funding for this location;
- The Hillside Ave reconstruction included a 2' flat gutter on the east side of the project that can function as a pedestrian sidewalk (north – south);
- There are other stairway options that would likely serve a larger number of users (Swede Alley).

Project Alternatives

1. Provide better **wayfinding** to existing infrastructure through the Sandridge Lots and subsequent stairs.
 - Pros:
 - Utilizes existing infrastructure, could be implemented quickly and is inexpensive.
 - Cons:
 - None
2. An **informal or formal** "path" adjacent to the Hillside retaining wall: running from top of Hillside, south to bottom of Hillside
 - Pros:
 - Much cheaper than stairs.
 - Cons:
 - Staff believes the majority of users are actually heading to the Main Street area as opposed to bottom of Hillside where this path ends;
 - Would still have to remove irrigation & landscaping and need some stair grates to address grades;
 - Dumps into a parking lot – if we formalize it, we'd lose a parking spot;
 - Informal" implies complete lack of consistency and lack of clarity on ability to secure permitting from Building, Planning and Engineering;

- “Informal” implies complete lack of clarity on risk management;
 - Due to snow plowing off Hillside, couldn’t be used in winter;
 - Need to perform property survey.
3. A **formal or informal** path from the top of Hillside to Swede Alley behind Centennial house along ‘dog poop trail’, which runs from top of Hillside, north to Swede Alley terminating across from Brew Pub Lot.
- Pros:
 - Represents historical trail corridor;
 - Staff believes the majority of users utilize this corridor;
 - Much cheaper than stairs; Is it a Trail or a formal stairway;
 - Could also connect to Old Town Park. Maintenance expectations may be limited due to existing use/maintenance as a trail.
 - Cons:
 - If it is maintained then there would be increased maintenance costs; Unclear if it would have to meet American National Standards Institute and International Building Code standards;
 - Unclear of additional liability;
 - Need to perform property survey.
4. A **formal** set of stairs from the top of Hillside to the Old Town Park: It would connect to Main Street although not the most preferred location at Brew Pub Lot;
- Pros:
 - It could be added extended to Swede Alley or preferred location in the future;
 - It provides enhanced access to the neighborhood park;
 - Compatible with the City’s Old Town Stair network.
 - Cons:
 - It is expensive to build;
 - There will be increased expectations of maintenance;
 - Need to perform property survey;

Next Steps/Alternatives

Data: Staff has already placed trail counters on the existing trail to Swede Alley to generate user data.

Timing: This project has continued to be a low priority due to the perception of the limited users. Additionally, staff resources have been focused on the top walkability project (Dan’s to Jan’s) and top downtown projects (Brewpub), Miner’s Plaza, Main Street sidewalks, Sandridge Stairs and on the McPolin Barn remodel. Staff is willing to pursue preliminary scoping at this time, but on a “low” priority status. Staff would recommend that any proposed project be considered in the FY 17 CIP budget process and possibly built in fall of 2016 or 2017.

Project: Lack of clarity on permitting standards, property survey, liability and winter maintenance are significant issues. It would be unusual for the City to install an informal pathway for these reasons, unless it was recognized as part of the recreational trail system, not formal city stairs. The only way to resolve these issues are to commence a design and engineering process. To do so requires survey information. Staff believes we can secure updated survey information this fall and begin to address these questions throughout the winter and spring of 2016.

If Council does not agree with the above Next Steps/Alternatives, Council could direct staff to:

1. Build an informal trail at either of these locations;
2. Build a formal code-compliant stair/trail ; or
3. Resurrect the Hillside stair project.

Should Council wish to pursue any of these options, staff would recommend returning for a work session to discuss project budgets, risk-management, property issues and the scheduling of the preferred direction.

Hillside Walkability Options





DATE: October 8, 2015

TO HONORABLE MAYOR AND COUNCIL

Respectfully:

Karen Anderson, Deputy City Recorder



PARK CITY COUNCIL MEETING – DRAFT
SUMMIT COUNTY, UTAH
July 9, 2015

CLOSED SESSION

To discuss Property, Personnel and Litigation

WORK SESSION

Council Questions and Comments

Council member Dick Peek performed his first wedding.

Council member Matsumoto thought the Fourth of July parade was great this year. Her granddaughter was in it. She thanked all the staff that was there helping out. She thinks the new entrance to City Hall looks great and hopes they can plan some events in that area to use it.

Council member Simpson is interested in finding out what the numbers were for the 4th because she thinks it was big. She talked with many citizens who think the City should start treating the 4th like they do the Arts Festival weekend with parking restrictions and even some paid event parking. She attended the Wildfire Policy workgroup meetings at the Northern Utah Interagency Fire Center, which is right next to the prison in Draper. They're starting to talk about what the match will be whether it's in-kind services in prevention or whether it will be money and how we're going to calculate that. They're not currently anticipating using any kind of valuation in their calculations, so it will be based on actual fire risk as well as acreage. She went to a fire board meeting and they have a couple of new fire prevention bureau inspectors on board, so they're expecting to do a lot more outreach in the community. The new table that is in the plaza halfway up China Bridge is blue and round and awesome and she thinks they should put it down where the ugly green one is by the liquor store.

Council member Henney went to the McPolin farm barbecue and it was fabulous. He was able to wander around and look inside the barn and it's everything he was told it was. He went to the Olympic freestyle opening of the pools, which was quite an event, and he saw a lot of staff at both events. During the 4th of July their message to ride buses or ride bikes got through because there were bicycles everywhere and on every bike rack except for the two by the liquor store. He attended the Recreation Advisory Board, nothing to report from that. He attended the planning commission and was told it was the quickest planning commission meeting ever.

Mayor Jack Thomas attended the Utah Olympic event. He says there were 2,000 people and it was a phenomenal event.

Manager's Report

Main Street Parking Space Inventory History

Council member Simpson would like to see more data than from 2006 forward. Not exactly where the parking spaces are, but when China Bridge was built and how many spaces that added. Blake Fannesbeck, Public Works Director, says they weren't able to find much information previous to 2006. Simpson thinks it's important for everyone to have the information about when Main Street businesses paid into the parking fund and what that meant for them--how China Bridge was financed and where those funds came from vs. what we're doing now. She says we're only going to continue having a conversation about parking and how we're going to pay for it, so it's good to have that baseline of information in order to talk to people about it when they ask why we're not building more parking.

Council member Henney asked for the report because he wanted to see where they had lost parking spaces since 2006 when they started this analysis. They've lost 22 spaces here and there and it helps him to know what they should do with the Brew Pub lot—whether to build one or two levels, which wouldn't be adding, it would just be replacing.

Council member Matsumoto thinks it's good information because someone told her they'd lost 40 spaces putting in the Marsac Park, but from this study they know it's actually only four.

REGULAR MEETING

I. ROLL CALL – Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 pm at the Marsac Municipal Building on Thursday, July 9, 2015. Members in attendance were Jack Thomas, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Andy Beerman is excused. Staff members present were Diane Foster, city manager; Matt Dias, assistant city manager; and Mark Harrington, city attorney; Blake Fannesbeck, Public Works Manager; Hannah Turpin, Planning; Rhoda Stauffer, Sustainability; Marci Heil, City Recorder and Karen Anderson, Deputy City Recorder.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Diane Foster, City Manager, says that Ann Ober is interested in an alternate for the school district liaison role. Council member Matsumoto is the liaison and she says they have some meetings where they'd like to have an alternate. Council member Henney says he can be the alternate.

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

No input.

IV. APPOINTMENTS AND RESIGNATIONS

1. Consideration of the Following Special Events Advisory Committee (SEAC) Appointments: Melanie Owen and Cheryl Fox with Terms Expiring June, 2017 and Maria McNulty and Sarah Klingenstein with Terms Expiring June, 2018.

**Council member Simpson moved to approve the consideration of the Following
Special Events Advisory Committee (SEAC) Appointments:**

**Melanie Owen and Cheryl Fox with Terms Expiring June, 2017 and
Maria McNulty and Sarah Klingenstein with Terms Expiring June, 2018.**

Council member Peek seconded.

Approved unanimously

V. CONSENT AGENDA

1. Consideration of Awarding the 2015 Short Range Transit Development Plan Contract to KFH Group, in the Amount of \$78,680, in a Form Approved by the City Attorney.

Council Member Simpson points out that in the Short Range Transit Development Plan, under developing alternatives, it mentions personal rapid transit pods. Council member Simpson asks Blake Fannesbeck, Public Works Director, what those are. Fannesbeck says they're a single pod, like a gondola, but on a track that splits in different directions and you can push a button to make them go where you want. Mayor Thomas says that at a presentation for the Deer Valley base plan the University of Utah presenters mentioned these same pods and he thinks they should look at these options at some point.

2. Staff Recommends Council Authorize a Construction Agreement with Calgon Corporation for the Replacement, Disposal, and Installation of New Granular Activated Carbon at the Quinn's Water Treatment Plant in an Amount of \$95,916.

3. Consideration of a Contract with Gillig Corporation, in a Form Approved by the City Attorney, for the Purchase of Eleven (11) Low Floor Buses and One (1) Trolley, with Options to Purchase Twenty-Eight (28) Additional Buses During a Five (5) Year Option Period (Attached) In an Amount of \$1,391,252.00

Council member Simpson asks if they can switch these buses from diesel to hybrid at some point during the purchasing process. Simpson is surprised at how inexpensive hybrids are becoming. They're still more than diesels, but the price has come way down. Simpson asked if UTA is going to give Park City a hybrid and CNG bus to test up here for a week. Last year they had talked about getting one and testing it at high altitude to see if they have any trouble before going down the road of buying them.

Council member Matsumoto moved to approve the consent agenda.

Council member Simpson seconded.

Beerman – Excused; Henney – Aye; Peek – Aye; Approved

VI. NEW BUSINESS

1. Consideration of the Hewtex Subdivision Plat Amendment Located at 125 Norfolk Avenue, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney.

Public Hearing

No comments.

Council member Matsumoto is concerned that this lot will be larger than others in the area. Hannah Turpin, Planner, says there is a lot to the south that has an even larger footprint. From her research she feels like this property is consistent with the surrounding properties. It was pointed out that this isn't an application to build; it's an amendment, which will combine lots. But the point is that a larger lot could result in a much bigger house. Council member Simpson says that this has been an ongoing concern as they combine and change lot lines-- that the size of the houses could overwhelm the historic ones. Given the analysis Simpson is content with moving forward with this amendment. The slope is over 30% on this lot so it will require a conditional use permit.

Council member Simpson moved to approve the Consideration of the Hewtex Subdivision Plat Amendment Located at 125 Norfolk Avenue, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney.

Council member Peek seconded.

**Peek – Excused; Matsumoto – Aye; Henney – Aye
Approved**

2. Consideration of an Amendment to the 02-15 Housing Resolution that would allow developers to provide deed restricted affordable housing in advance of incurring a housing obligation from a future development project under the City's Housing Resolution. Staff also requests approval of an updated Fee in-Lieu calculation in accordance with the 02-15 Housing Resolution.

Public Hearing

No comments.

Council member Dick Peek asked whether a development that is going to be for affordable housing can be modified to be for something else. If affordable housing doesn't happen can there be a new application for it. Council member Simpson says that they would have to come back to the council and the housing authority to make any changes. Peek asked if the development is noted in the deed for affordable housing, then the deed restriction could get modified when it came before the council? Simpson says that yes it could.

Council member Simpson asked how much a developer has to have to come before the housing authority. Do they have to just have the property? Do they need to be somewhere in the planning stages of the development or do they just get credit towards a future obligation? Rhoda Stauffer, Housing Specialist, says the

credit towards a future obligation. She says they would want them to have property and then during the planning process there would be a timeline put on it so they couldn't build anything without going through the application process.

Council member Henney asked about the Empire Avenue development. Stauffer says they're being built right now and the developer wants them to be deed restricted for affordable housing and put towards future units that he's going to be building.

Council member Simpson moves to approve Consideration of an Amendment to the 02-15 Housing Resolution that would allow developers to provide deed restricted affordable housing in advance of incurring a housing obligation from a future development project under the City's Housing Resolution. Staff also requests approval of an updated Fee in-Lieu calculation in accordance with the 02-15 Housing Resolution.

**Council member Peek seconded
Beerman – Excused; Henny – Aye; Peek – Aye; Approved**

VII. ADJOURNMENT

**Council member Matsumoto moved to adjourn.
Council member Simpson seconded.
Beerman – Excused; Peek – Aye; Henney – Aye; Approved**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 4:00 p.m. Members in attendance were Council members Dick Peek, Tim Henney, Liza Simpson and Cindy Matsumoto. Staff members present were: Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Trisha Lake, Legal; Kayla Sintz, Interim Planning Director; Jason Glidden, Special Events Manager; Jenny Diersen, Special Events; Clint McAfee and Jason Christensen, Water. **Council member Peek moved to close the meeting to discuss Property, Litigation and Personnel. Council member Matsumoto seconded. Motion carried.**

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Katie Madsen.



DATE: October 8, 2015

TO HONORABLE MAYOR AND COUNCIL

Pursuant to Utah Code, Section 20A-5-602, at least 15 days before the election date, City Council shall appoint poll workers and alternates for each consolidated voting precinct. Poll workers must be registered voters at least 18 years old, or 17 years old who will be 18 years old by the date of the regular municipal election, and reside within Summit County, Utah.

Respectfully:

Kristin Parker, Deputy City Recorder

City Council Staff Report

Subject: 2015 Election Poll Worker Appointments
Author: Matt Dias
Department: Executive
Date: October 8, 2015
Type of Item: Administrative

Summary Recommendations:

Approve appointment of 2015 Election Poll Workers as recommended for the General Election on Tuesday, November 3, 2015.

Topic/Description:

Pursuant to Utah Code, Section 20A-5-602, at least 15 days before the election date, City Council shall appoint poll workers and alternates for each consolidated voting precinct. Poll workers must be registered voters at least 18 years old, or 17 years old who will be 18 years old by the date of the regular municipal election, and reside within Summit County, Utah. The City Council may not appoint any candidate's parent, sibling, spouse, child, or in-law to serve as a poll worker in the voting precinct where the candidate resides. The persons appointed shall serve as poll workers for each voting precinct, or as an alternate.

Poll workers receive compensation for their services at a rate established by Summit County, which is currently \$15.00 per hour. There are no changes in consolidated voting precincts and the polling locations for Consolidated Voting Precincts 2 and 3 will again be in the Park City High School, Eccles Center lobby.

Poll Worker appointments are recommended as follows:

Consolidated Voting Precinct 1 – Marsac City Hall

Precinct # 1 Deer Valley

Precinct # 2 Old Town S

Precinct # 3 Old Town N

General - Ruth Gezelius, Carol Sletta, Jody Morrison; Kitty Imdahl

Alternate – Gale Pace

Consolidated Voting Precincts 2 and 3 – Park City High School, Eccles Center Lobby

Precinct # 3 Prospector

Precinct # 4 Thaynes Canyon

Precinct # 33 Sidewinder

Precinct # 5 Park Meadows S

Precinct # 6 Quarry Mountain

Precinct # 35 Park Meadows N

General – Rich and Linda Dolan, Claire Marlin, Emily Elliott

Alternate – Gerd Homsen

Pursuant to Utah State Code, §20A-5-602(3), the Election Official shall prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed and this list shall be available in the Executive Department for inspection, examination, and copying during business hours.

Background:

Park City benefits from continued support of citizens who serve as poll workers/election judges for Primary and General Municipal Elections and Park City sincerely appreciates the time and service of these citizens on election days.

Analysis:

The Election Official has verified that each person recommended to serve as a poll worker meets the qualifications outlined in the State code.

Department Review:

This report has been reviewed by the City Attorney and City Manager.

Alternatives:

A. Approve the Request:

Staff recommends Council approve the proposed 2015 Election Poll Workers.

B. Reject One or More Officials and Direct Replacement:

If necessary, staff could seek alternatives. Yet staff strongly recommends the individuals listed given their experience and past community service.

C. Continue the Item:

The appointment must be made no later than 15 days prior to an election.

D. Do Nothing:

Not an option.

Significant Impacts:

In the event poll workers were not appointed, the election would be impacted to such an extent it could not be held.

Consequences of not taking the recommended action:

Poll workers are a necessary component for the conduct of the City's primary and general municipal elections.

Recommendation:

Approve appointment of 2015 Election Poll Workers, as recommended for the Municipal General Election on November 3, 2015.



DATE: October 8, 2015

TO HONORABLE MAYOR AND COUNCIL

The Mayor's Office was contacted by Christine Ott, Director of Media and Public Outreach for [Extra Mile America](#). The idea for Extra Mile Day started in 2009 when Shawn Anderson created the Extra Mile America Tour, a cross country bicycle tour and inspirational outreach event. This year, the mission continues...and builds. With a 100% volunteer staff, Extra Mile America is unwavering in its commitment to remind individuals and organizations that creating positive change is not just a water cooler topic, but it is unselfishly tied to go-the-extra-mile action. We continue to be an organization that casts a bright light on the *"Extra Mile Heroes"* and change-makers who surround us and who continue to give their best.

Respectfully:

Kristin Parker, Deputy City Recorder



City Council Staff Report

Subject: Resolution – Extra Mile Day
Author: Matt Dias
Department: Executive
Date: October 8, 2015
Type of Item: Administrative

Summary Recommendations:

Approve the proposed resolution proclaiming November 1, 2015, as Extra Mile Day in Park City, Utah.

Background:

The Mayor's Office was contacted by Christine Ott, Director of Media and Public Outreach for [Extra Mile America](#). The idea for Extra Mile Day started in 2009 when Shawn Anderson created the Extra Mile America Tour, a cross country bicycle tour and inspirational outreach event. This year, the mission continues...and builds. With a 100% volunteer staff, Extra Mile America is unwavering in its commitment to remind individuals and organizations that creating positive change is not just a water cooler topic, but it is unselfishly tied to go-the-extra-mile action. We continue to be an organization that casts a bright light on the "Extra Mile Heroes" and change-makers who surround us and who continue to give their best.

Extra Mile Day has grown from 23 participating cities in its inaugural year in 2009, to 228 in 2011, to 362 in 2012, to 444 in 2013, and 500 in 2014. This year a goal of 550 cities has been set.

Extra Mile cities can be found at <http://www.ExtraMileAmerica.org>.

Department Review:

Legal and Executive Departments

Alternatives:

A. Approve:

Staff recommends Council approve the proposed resolution in support of Extra Mile Day 2015.

B. Deny:

No material impact.

C. Modify:

Council could request to increase our participation, such as utilizing press releases and social media, above and beyond the resolution.

D. Continue the Item:

No material impact.

E. Do Nothing:

Same as Deny.

Funding Source:

There is no membership fee or other commitments associated with this Resolution.

Recommendation:

Staff recommends Council approve the proposed resolution proclaiming November 1, 2015, as Extra Mile Day in Park City, Utah.

Resolution No. ____-15

RESOLUTION DECLARING NOVEMBER 1, 2015 AS “EXTRA MILE DAY”

WHEREAS, Park City, Utah is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Park City, Utah is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Park City, Utah is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Park City, Utah acknowledges the mission of Extra Mile America to create 400 Extra Mile cities in America and is proud to support **“Extra Mile Day” on November 1, 2015.**

NOW THEREFORE, the Mayor and City Council of Park City, Utah do hereby proclaim November 1, 2015 to be Extra Mile Day. We urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

PASSED AN ADOPTED this ____day of October, 2015

PARK CITY MUNICIPAL

Attest:

Mayor Jack Thomas

City Recorder Approved as

to form:

Mark D. Harrington, City Attorney



DATE: October 8, 2015

TO HONORABLE MAYOR AND COUNCIL

The purpose of this application is to remove the plat notes on the Summit Watch Record of Survey and the associated supplemental record of survey plats that pertain to outdoor dining and other outdoor uses. The plat notes read as follows:

Any outdoor dining use is a conditional use and any other outdoor use of the area for commercial purposes is prohibited unless specifically approved by the Planning Commission.

(Note on Summit Watch Record of Survey and Fourth Supplemental Record of Survey)

Any Outdoor Uses on the Plaza must receive City Approval.

(Note on Third Supplemental Record of Survey and Fourth Supplemental Record of Survey)

The applicant wishes to remove these plat notes as they strictly prohibit, without prior Planning Commission approval, any outdoor uses and events that would otherwise be processed administratively by City staff as allowed by the Zoning District.

On September 23, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Respectfully:

John Boehm, Planner I

City Council Staff Report



Subject: 710-900 Main Street –First Amended, Fourth Supplemental Record of Survey Map for Summit Watch at Park City
Author: John Paul Boehm
Date: October 8th, 2015
Type of Item: Administrative – Amendment to Record of Survey
Project Number: PL-15-02845

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving the First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Executive Summary

The purpose of this application is to remove the plat notes on the Summit Watch Record of Survey and the associated supplemental record of survey plats that pertain to outdoor dining and other outdoor uses. The plat notes read as follows:

Any outdoor dining use is a conditional use and any other outdoor use of the area for commercial purposes is prohibited unless specifically approved by the Planning Commission.

(Note on Summit Watch Record of Survey and Fourth Supplemental Record of Survey)

Any Outdoor Uses on the Plaza must receive City Approval.

(Note on Third Supplemental Record of Survey and Fourth Supplemental Record of Survey)

The applicant wishes to remove these plat notes as they strictly prohibit, without prior Planning Commission approval, any outdoor uses and events that would otherwise be processed administratively by City staff as allowed by the Zoning District.

On September 23, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Topic

Applicant: Summit Watch Condominium Owners Association, Inc.
Location: 710-900 Main Street
Zoning: Historic Recreation Commercial (HRC) as part of the Summit Watch MPD
Adjacent Land Uses: Commercial, Nightly Rental Condominiums
Reason for Review: Plat amendments require Planning Commission review and City Council action

Acronyms in this Report

HRC Historic Recreation Commercial Zoning District
MPD Master Planned Development
CUP Conditional Use Permit
LMC Land Management Code

Purpose

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) Maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) Encourage pedestrian oriented, pedestrian-scale Development,
- (C) Minimize visual impacts of automobiles and parking,
- (D) Preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) Provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the area,
- (F) Provide a moderate Density bed base at the Town Lift,
- (G) Allow for limited retail and Commercial Uses consistent with resort base and the needs of the local community,
- (H) Encourage preservation and rehabilitation of Historic Buildings and resources,
- (I) Maintain and enhance the long-term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On July 6, 2015, the City received a complete application to amend the Summit Watch at Park City Record of Survey plat as well as the Third and Fourth Supplemental Record of Survey plats for the Summit Watch at Park City. The application was amended on September 7th, 2015 to consolidate three separate applications into one for the purpose of clarity of review.

The Planning Commission approved the original Summit Watch at Park City Record of Survey Plat on September 22, 1993. The City Council approved the plat on October 7, 1993 and the plat was recorded with Summit County on February 7, 1994. This Record of Survey plat was required as of part of the Town Lift Phase I – Small scale MPD agreement that was approved by the Planning Commission on April 22, 1992.

The record is unclear as to why the note regarding outdoor uses was added to the plat. The April 22, 1992 Small Scale MPD approval contains a Condition of Approval requiring the creation of a Master Homeowners Association that would be responsible for maintaining the plaza in the project. City staff was to review and approve the related documents. No other mention of the plaza can be found in the meeting minutes.

The meeting minutes for the September 22, 1993 Planning Commission meeting and the October 7, 1993 City Council meeting both indicate two (2) Conditions of Approval, 1) the City Attorney will review and approve the Declaration and Covenants, and 2) the City Engineer will review and approve the plat. It is possible that Declaration and Covenants contain language regarding the use of the plaza but staff was unable to locate the specific language in these documents.

The Planning Commission forwarded a positive recommendation to the City Council for the Third Supplemental Record of Survey Plat on April 24, 1996. The City Council approved the plat on May 16, 1996 and the plat was recorded with Summit County on September 30, 1996. This Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.

The November 23, 1994 Summit Watch Revised Concept Plan – Large Scale MPD approval contains a Condition of Approval stating:

Uses in the project shall be governed by the HCB zone. Any use which is shown as conditional in the HCB zone shall require conditional use approval by the Planning Commission.

The April 24, 1996 Planning Commission recommendation and the May 16, 1996 City Council approval for the Record of Survey plat both contain a Condition of Approval that all of the prior conditions of approval for the Summit Watch plats still apply. The original plat contains the aforementioned note restricting Outdoor Uses to Planning Commission review. The ordinance approving the plat also contains the following Condition of Approval:

Any uses on the plaza will require a separate conditional use permit.

The Planning Commission forwarded a positive recommendation for the Fourth Supplemental Record of Survey Plat on August 13, 1997. The City Council approved the plat on September 25, 1997 and the plat was recorded with Summit County on April

10, 1998. This Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.

The August 13, 1997 Planning Commission recommendation and the September 25, 1997 City Council approval for the Fourth Supplemental Record of Survey plat both contain a Condition of Approval that all of the prior conditions of approval for the Summit Watch plats still apply.

In January of 2015, the applicants were informed that they would not be able to hold outdoor events on the Summit Watch plaza due to the plat note restrictions. Specifically, they would not be able to hold Sundance events on the plaza without Planning Commission approval, even though they had received administrative approval from Special Events in the past.

This item was continued at the September 9th, 2015 Planning Commission Meeting in order to give staff additional time to consolidate the three record of survey amendments into a single record of survey amendment.

Analysis

Staff has analyzed the proposal to remove the plat notes and has found that doing so would make the Summit Watch Record of Survey more consistent with the underlying HRC District requirements. LMC 15-2.6.2, which dictates the Uses in the HRC zone, states that *Restaurant, Outdoor Dining and Outdoor Events and Uses* are Conditional Uses that *require an Administrative or Administrative Conditional Use permit*. Planning staff currently processes requests for these types of Uses through an Administrative Conditional Use process unless the use is associated with a Special Event. In these cases, Special Events processes a separate Administrative permit.

If the plats are amended and the notes are removed, the applicants will be subject to the underlying zone requirements outlined above. They would no longer need to seek Planning Commission approval for Outdoor Uses on the plaza. These Uses would be processed administratively by either Planning staff or Special Events. Staff reviews the same Conditional Use criteria as the Planning Commission to ensure public health, safety and welfare.

There are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district. Adjacent properties in the HRC zone are currently allowed to apply for Outdoor Uses and special events through administrative processes. These events include the Park Silly Sunday Market, the Sundance Film Festival, the United States Ski/Snowboard Association events and several other, smaller events and uses.

Good Cause

Staff finds good cause for this record of survey amendment as it creates a level of consistency with the surrounding uses in the HRC zone. All relevant criteria will continue to be analyzed as part of an Administrative review.

Department Review

This project has gone through interdepartmental review by the Development Review Committee on August 18, 2015. No issues were raised during this meeting.

Notice

On August 26, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on August 20, 2015.

Public Input

On September 14, 2015, staff received public input regarding noise and odors related to special events. Staff informed the concerned neighbor that these issues should be mitigated through the Administrative Conditional Use and special events permitting processes.

Planning Commission Review

On September 23, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the application for the First Amended, Fourth Supplemental Record of Survey Map, Removing Plat Notes Regarding Outdoor Uses for the Summit Watch At Park City, An Expandable Utah Condominium Project, as conditioned or amended, or
- The City Council may deny the plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The applicant will be required to bring all proposed outdoor uses to the Planning Commission for approval.

Recommendation

Staff recommends the City Council hold a public hearing, consider input, and consider approving the First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- First Amended, Fourth Supplemental Record of Survey Map, Removing Plat Notes Regarding Outdoor Uses for the Summit Watch At Park City

Exhibit B- Summit Watch At Park City Record of Survey

Exhibit C- Third Supplemental Record of Survey, Summit Watch At Park City

Exhibit D- Fourth Supplemental Record of Survey, Conversion of Convertible Space to Units Summit Watch at Park City

Exhibit E- Aerial Photo

Exhibit F – January 12, 2015 Email regarding plat restrictions and Sundance

Exhibit G - Public input dated September 18, 2015

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE FIRST AMENDED, FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP, REMOVING PLAT NOTES REGARDING OUTDOOR USES, SUMMIT WATCH AT PARK CITY, AN EXPANDABLE UTAH CONDOMINIUM PROJECT LOCATED AT 710-900 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Summit Watch at Park City, located at 710-900 Main Street, have petitioned the City Council for approval of the First Amendment to the Summit Watch at Park City Record of Survey; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 23, 2015, to receive input on the proposed amended condominium plat;

WHEREAS, on September 23, 2015, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 8, 2015, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed the First Amendment to the Summit Watch at Park City Record of Survey

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended, Fourth Supplemental Record of Survey Map, Removing Plat Notes Regarding Outdoor Uses for the Summit Watch At Park City, An Expandable Utah Condominium Project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 710-900 Main Street within the Historic Recreation Commercial (HRC) District.
2. The Summit Watch at Park City Record of Survey plat was approved by City Council on October 7, 1993 and the plat was recorded with Summit County on February 7,

- 1994.
3. The Summit Watch at Park City Record of Survey plat was required as of part of the Town Lift Phase I – Small scale MPD agreement that was approved by the Planning Commission on April 22, 1992
 4. The Third Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on May 16, 1996 and the plat was recorded with Summit County on September 30, 1996
 5. The Third Supplemental Record of Survey for Summit Watch at Park City plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
 6. The Fourth Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on September 25, 1997 and the plat was recorded with Summit County on April 10, 1998
 7. The Fourth Supplemental Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
 8. The November 23, 1994 Summit Watch Revised Concept Plan – Large Scale MPD approval contains a Condition of Approval stating that all uses in the project shall be governed by the HCB zone.
 9. On July 6, 2015, the applicants submitted an application for a record of survey plat amendment. The application was deemed complete on July 9, 2015. On September 7, 2015, the application was revised to consolidate three separate applications into this one application.
 10. The Record of Survey plat amendment would make the subject property consistent with the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district.
 11. The Record of Survey plat amendment would allow the applicant to apply for administrative permits, without prior Planning Commission approval, for outdoor uses.
 12. Staff could not find any information in prior meeting minutes and reports regarding the specific need for additional regulation beyond the zoning requirements for the Historic Recreation Commercial (HRC) zoning district.
 13. There are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district. Adjacent properties in the HRC zone are currently allowed to apply for Outdoor Uses and special events through administrative processes.
 14. Special events and Outdoor Uses that currently take place in the HRC zone include the Sundance Film Festival, Park City Silly Sunday Market, and U.S. Ski/Snowboard events.
 15. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat 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

condominium plat amendment.

4. Approval of the amended condominium 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:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended 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 condominium 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. All conditions of approval of the original Summit Watch at Park City Record of Survey plat continue to apply.

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

PASSED AND ADOPTED this ___ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Karen Anderson, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

THIS PLAT REMOVES THE FOLLOWING NOTES:

- The following note on page 3 of the Record of Survey Map, SUMMIT WATCH AT PARK CITY, recorded February 7, 1994, as Entry No. 397620 is hereby deleted: "ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION."
- Note 5 on page 3 of the Third Supplemental Record of Survey Map, PHASE 3 & 3A SUMMIT WATCH AT PARK CITY, recorded September 30, 1996, as Entry No. 463972 is hereby deleted "ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL."
- The following note on pages 2 thru 6 of the Fourth Supplemental Record of Survey Map, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY, recorded April 10, 1998, as Entry No. 504091 is hereby deleted: "ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL".

The following note on pages 2 thru 6 of the Fourth Supplemental Record of Survey Map, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY, recorded April 10, 1998, as Entry No. 504091 is hereby deleted: "ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION".

CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Marriott Ownership Resorts, Inc., a Delaware corporation, hereby consents to the recordation of this First Amended Fourth Supplemental Record of Survey Map in accordance with Utah Code Annotated 57-8-13.

Executed this _____ day of _____, 2015.

Marriott Ownership Resorts, Inc.
A Delaware Corporation

By _____
Its _____

ACKNOWLEDGMENT

State of _____)
County of _____) ss.

On this _____ day of _____, 2015, personally appeared before me _____, who, being by me duly sworn, did say that he is the _____ of Marriott Ownership Resorts, Inc., a Delaware corporation, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Corporation, and said _____ duly acknowledged to me that said Corporation executed the same.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, 900 Lower Main Associates, LLC, a Utah limited liability company, is the fee simple owner of the herein described units and consents to the recordation of this First Amended Fourth Supplemental Record of Survey Map in accordance with Utah Code Annotated 57-8-13.

Executed this _____ day of _____, 2015.

900 Lower Main Associates, LLC
A Utah limited liability company

By: KA'I'OHU PARK CITY, LLC,
a Utah limited liability company
Its: Manager

By: KA'I'OHU AMG, INC.,
a Delaware Corporation
Its: Manager

By: _____
Thomas M. Foley, Vice President/Secretary

ACKNOWLEDGMENT

State of _____)
County of _____) ss.

On this _____ day of _____, 2015, personally appeared before me Thomas M. Foley, who, being by me duly sworn, did say that he is the Vice President/Secretary of 900 Lower Main Associates, LLC, a Utah limited liability company, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said corporation, and said Thomas M. Foley duly acknowledged to me that he executed the same on behalf of the corporation with proper authority.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this FIRST AMENDED FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY and that the information contained on this plat is for the purpose of deleting notes on the original recorded plat as approved by the owners.

SURVEYOR'S NARRATIVE

Refer to the FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP, CONVERSION OF CONVERTIBLE SPACE TO UNITS, SUMMIT WATCH AT PARK CITY for all boundary, lot, street and easement data, said plat being recorded April 10, 1998, as Entry No. 504091 in the office of the Summit County Recorder.

LEGAL DESCRIPTIONS

PARCEL 1

The common areas and facilities in Summit Watch at Park City Condominium as more particularly shown and described in the Declaration of Condominium establishing the said condominium, being dated December 23, 1993, and recorded in the office of the County Recorder for Summit County, Utah on February 7, 1994, Entry No. 397621, Book 785, at Pages 302 through 425, as amended by the First Amendment to Declaration of Condominium Summit Watch at Park City, being dated July 13, 1994, and recorded in the same office on July 13, 1994 as Entry No. 409382, Book 820 at Pages 08-16, as amended by the Second Amendment to the Declaration of Condominium Summit Watch at Park City, being dated January 27, 1995, and recorded in the same office on March 8, 1995, Entry No. 0425895, Book 00871, at Pages 350-358, as amended by that Third Amendment to the Declaration of Condominium, dated April 26, 1995, recorded May 3, 1995 as Entry No. 429407, in Book 881, at Page 471. Second Supplemental Record of Survey Map, recorded November 3, 1995, as Entry No. 441830, as amended by that Fourth Amendment to the Declaration of Condominiums, dated October 24, 1995, as recorded November 3, 1995, as Entry No. 441831, in Book 922, at Page 26. Third Supplemental Record of Survey Map, recorded September 30, 1996, as Entry No. 463972, as amended by that Fifth Amendment to the Covenants, Conditions and Restrictions, dated August 6, 1996, as recorded September 30, 1996, as Entry No. 463973, in Book 996, at Page 519, all in the Summit County Recorder's Office.

PARCEL 2

Commercial Units A, B, C, D, E, F, G, H, I, J, and K as shown on the Fourth Supplemental Record of Survey Map, Conversion of Convertible Space to Units in Summit Watch at Park City, together with the appurtenant interest in the common areas as more particularly shown and described in that Record of Survey Map recorded February 7, 1994, as Entry No. 397620 and the Declaration of Condominium establishing said condominium dated December 23, 1993, recorded February 7, 1994, as Entry No. 397621, in Book 785, at Page 302 as amended by the First Amendment to the Declaration of Condominium, dated July 13, 1994, recorded July 13, 1994, as Entry No. 409382, in Book 820, at Page 8. First Supplemental Record of Survey Map, recorded March 8, 1995, as Entry No. 425894, as amended by the Second Amendment to the Declaration of Condominium, dated January 27, 1995, recorded March 8, 1995, as Entry No. 425895, in Book 871, at Page 350, as amended by that Third Amendment to the Declaration of Condominium, dated April 26, 1995, recorded May 3, 1995, as Entry No. 429207, in Book 881, at Page 471. Second Supplemental Record of Survey Map, recorded November 3, 1995, as Entry No. 441830, as amended by that Fourth Amendment to the Declaration of Condominiums, dated October 24, 1995, as recorded November 3, 1995, as Entry No. 441831, in Book 922, at Page 26. Third Supplemental Record of Survey Map, recorded September 30, 1996, as Entry No. 463972, as amended by that Fifth Amendment to the Covenants, Conditions and Restrictions, dated August 6, 1996, as recorded September 30, 1996, as Entry No. 463973, in Book 996, at Page 519, and the Fourth Supplemental Conversion of Convertible Space recorded April 10, 1998 as Entry No. 504091 and Supplemental Declaration, Conversion of Convertible Space recorded April 10, 1998 as Entry No. 504092 in Book 1135 at Page 209.

Together with easements as shown in that certain Easement Deed and Restrictive Covenant dated April 18, 1993, recorded May 27, 1993, as Entry No. 380057, in Book 728, at Page 114, Summit County Recorder's Office.

NOTE

This plat is subject to the Conditions of Approval in Ordinance 15-_____.

FIRST AMENDED FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
REMOVING PLAT NOTES REGARDING OUTDOOR USES
SUMMIT WATCH AT PARK CITY

AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

WAS JOB NO.: 7-5-15 FILE: X:\SnydersAddition\dwg\sr\plat2015\070515-4thSupp.dwg

CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____	
--	---	--

COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR
--

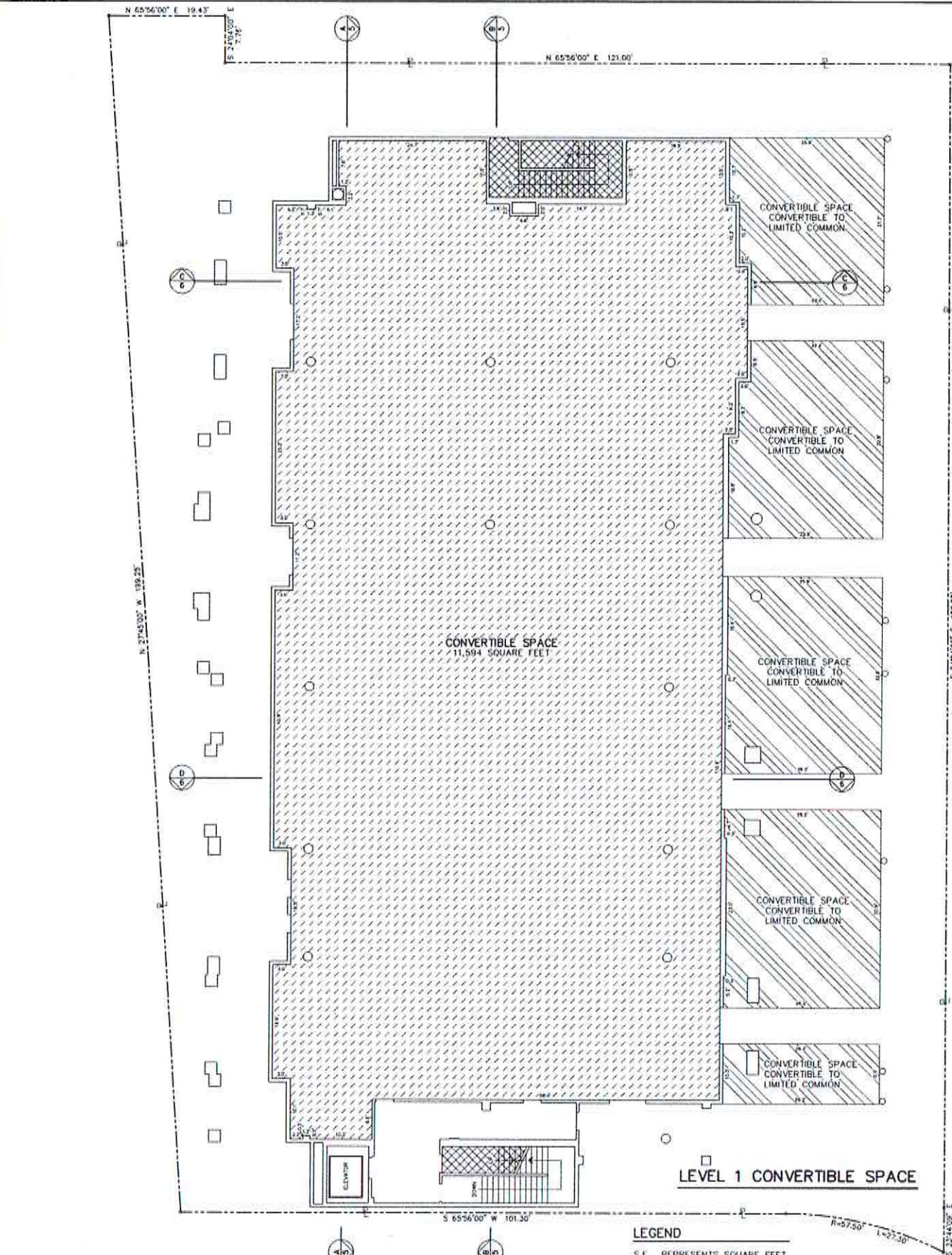
APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY
--

ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER
--

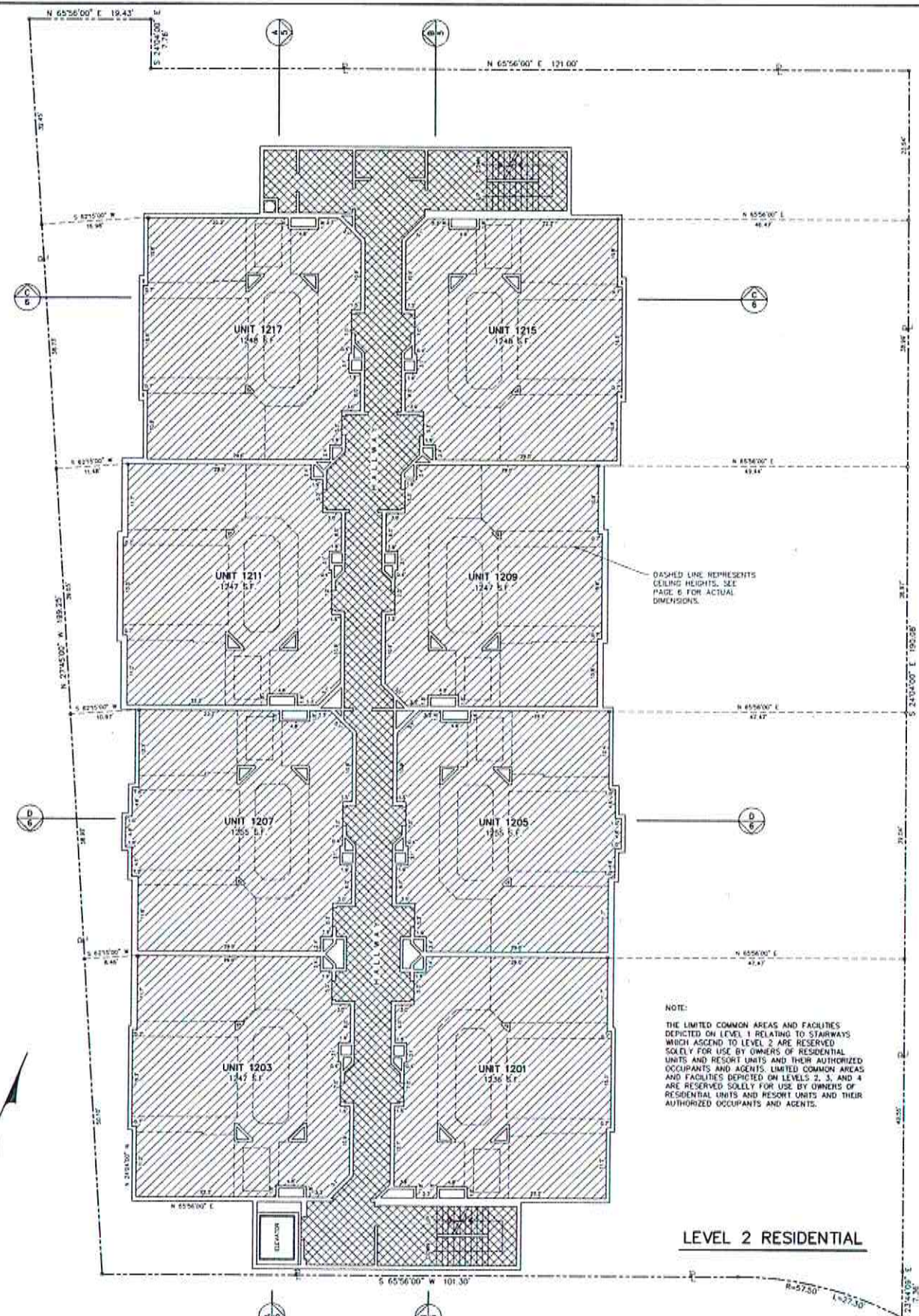
PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



- COMMON AREAS AND FACILITIES
- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- CONVERTIBLE SPACE
- CONVERTIBLE SPACE, CONVERTIBLE TO LIMITED COMMON AREAS AND FACILITIES



RECORD OF SURVEY MAP

SUMMIT WATCH AT PARK CITY

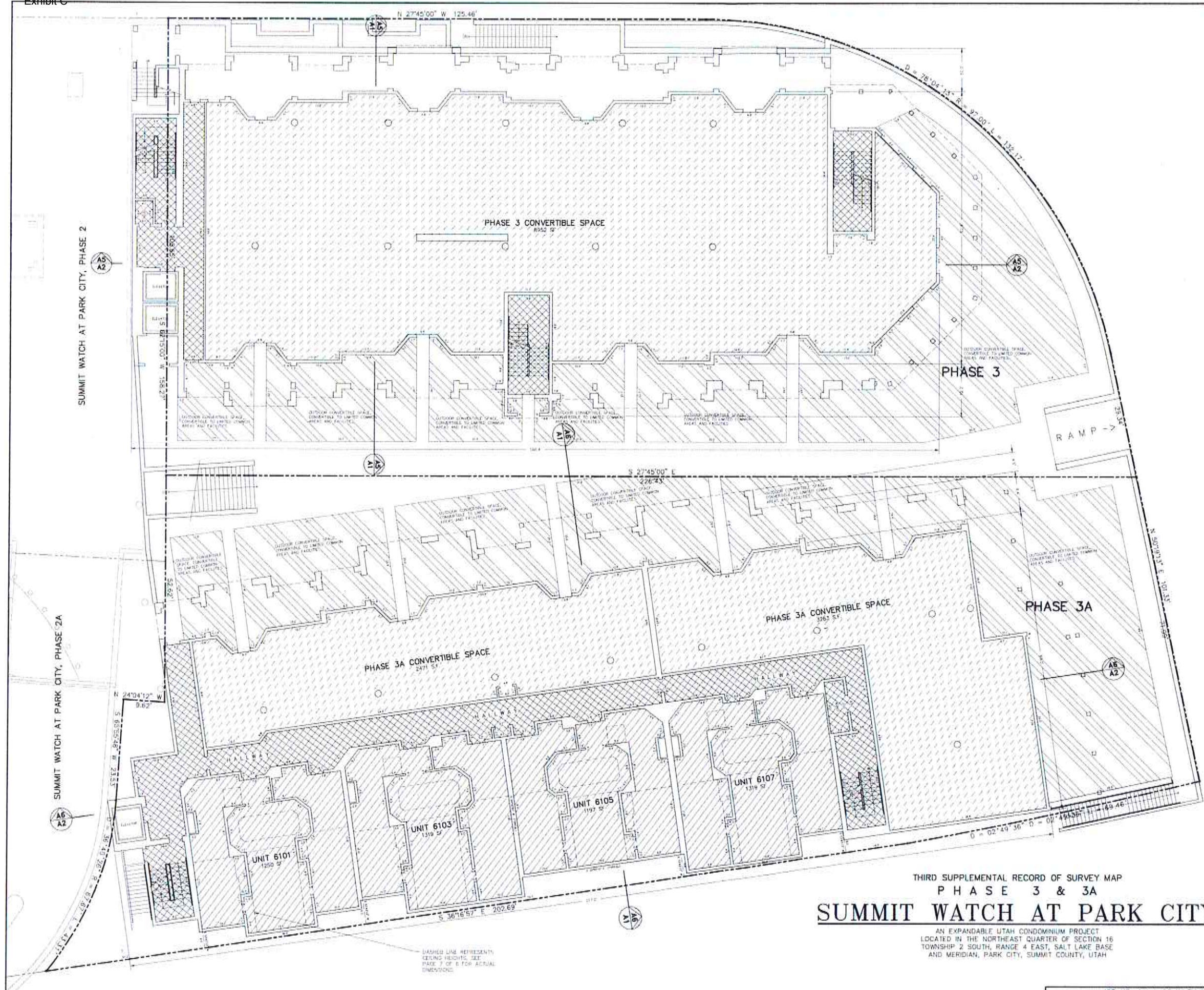
AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

#397620 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF COALITION TITLE Co.
DATE 2-7-99 TIME 15:58 BOOK PAGE

#191.00 FEE

Alan Spizzo RECORDER



NOTES:

- 1) THE LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS WHICH ASCEND TO LEVEL 2 AND ABOVE ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS. LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS.
- 2) LEVEL 1 HALLWAY ALSO PROVIDES EMERGENCY EGRESS FOR CONVERTIBLE SPACE AS REQUIRED BY THE PARK CITY BUILDING CODE.

LEGEND

S.F. REPRESENTS SQUARE FEET.

THE STREET ADDRESS FOR BUILDING "A5" OF SUMMIT WATCH AT PARK CITY IS 800 MAIN STREET.

THE STREET ADDRESS FOR BUILDING "A6" OF SUMMIT WATCH AT PARK CITY IS 800 MAIN STREET.

⊙ INDICATES STREET MONUMENT.

— PROPERTY LINE.

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER JOHNSON SMITH ARCHITECTS, A.L.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL.
6. BENCHMARK: SEE SHEET 1 OF 8 FOR LOCATION AND ELEVATION.

COMMON AREAS AND FACILITIES

PRIVATE OWNERSHIP

LIMITED COMMON AREAS AND FACILITIES (LCE)

CONVERTIBLE SPACE

OUTDOOR CONVERTIBLE SPACE, CONVERTIBLE TO LIMITED COMMON AREAS AND FACILITIES

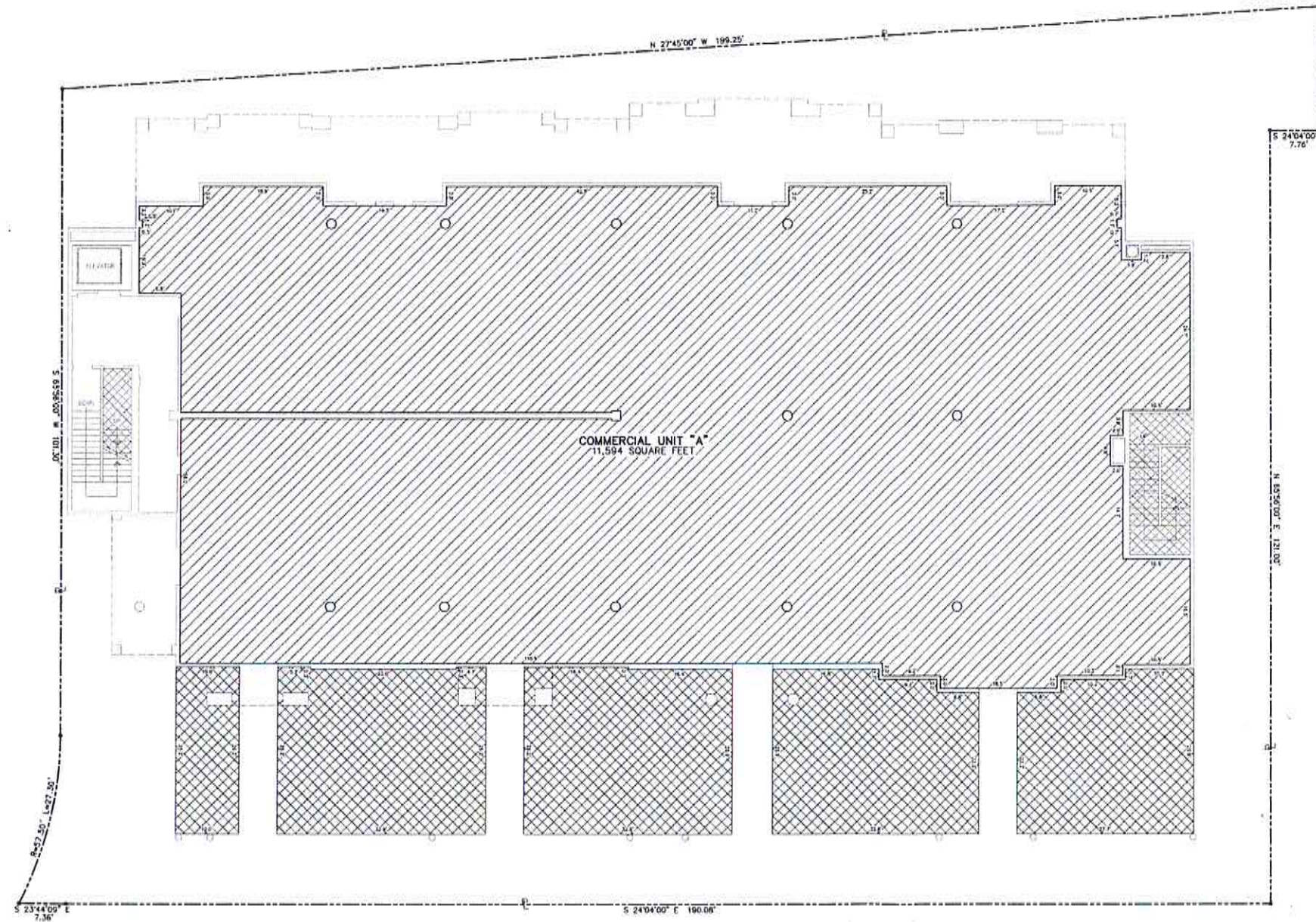
"A5" AND "A6" BUILDINGS

LEVEL ONE COMMERCIAL AND RESIDENTIAL

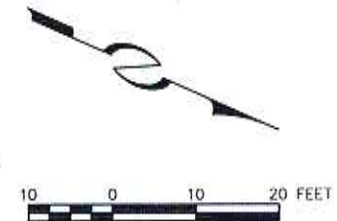
THIRD SUPPLEMENTAL RECORD OF SURVEY MAP
PHASE 3 & 3A
SUMMIT WATCH AT PARK CITY
AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 9-30-96 TIME 13:25 BOOK 1325 PAGE 1325
FEE 2.95 REC'D Adam Spriggs
RECORDER



LEGEND
S.F. REPRESENTS SQUARE FEET.
O INDICATES STREET MONUMENT.
P PROPERTY LINE



COMMON AREAS AND FACILITIES
PRIVATE OWNERSHIP
LIMITED COMMON AREAS AND FACILITIES (LCE)
APPURTENANT TO ADJOINING COMMERCIAL
UNIT "A"

NOTE:
THE LIMITED COMMON AREAS AND FACILITIES
DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS
WHICH ASCEND TO LEVEL 2 ARE RESERVED
SOLELY FOR USE BY OWNERS OF RESIDENTIAL
UNITS AND RESORT UNITS AND THEIR AUTHORIZED
OCCUPANTS AND AGENTS. LIMITED COMMON AREAS
AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4
ARE RESERVED SOLELY FOR USE BY OWNERS OF
RESIDENTIAL UNITS AND RESORT UNITS AND THEIR
AUTHORIZED OCCUPANTS AND AGENTS.

NOTE: ANY OUTDOOR DINING USE IS A CONDITIONAL
USE AND ANY OTHER OUTDOOR USE OF THE AREA
FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS
SPECIFICALLY APPROVED BY THE PLANNING
COMMISSION.

PHASE 1 COMMERCIAL SPACE

NOTES:

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION
OF OWNERSHIP.
4. ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL.
5. VERTICAL CROSS SECTIONS ARE UNCHANGED REFER TO ORIGINAL MAP.

**FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
CONVERSION OF CONVERTIBLE SPACE TO UNITS
SUMMIT WATCH AT PARK CITY**

AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

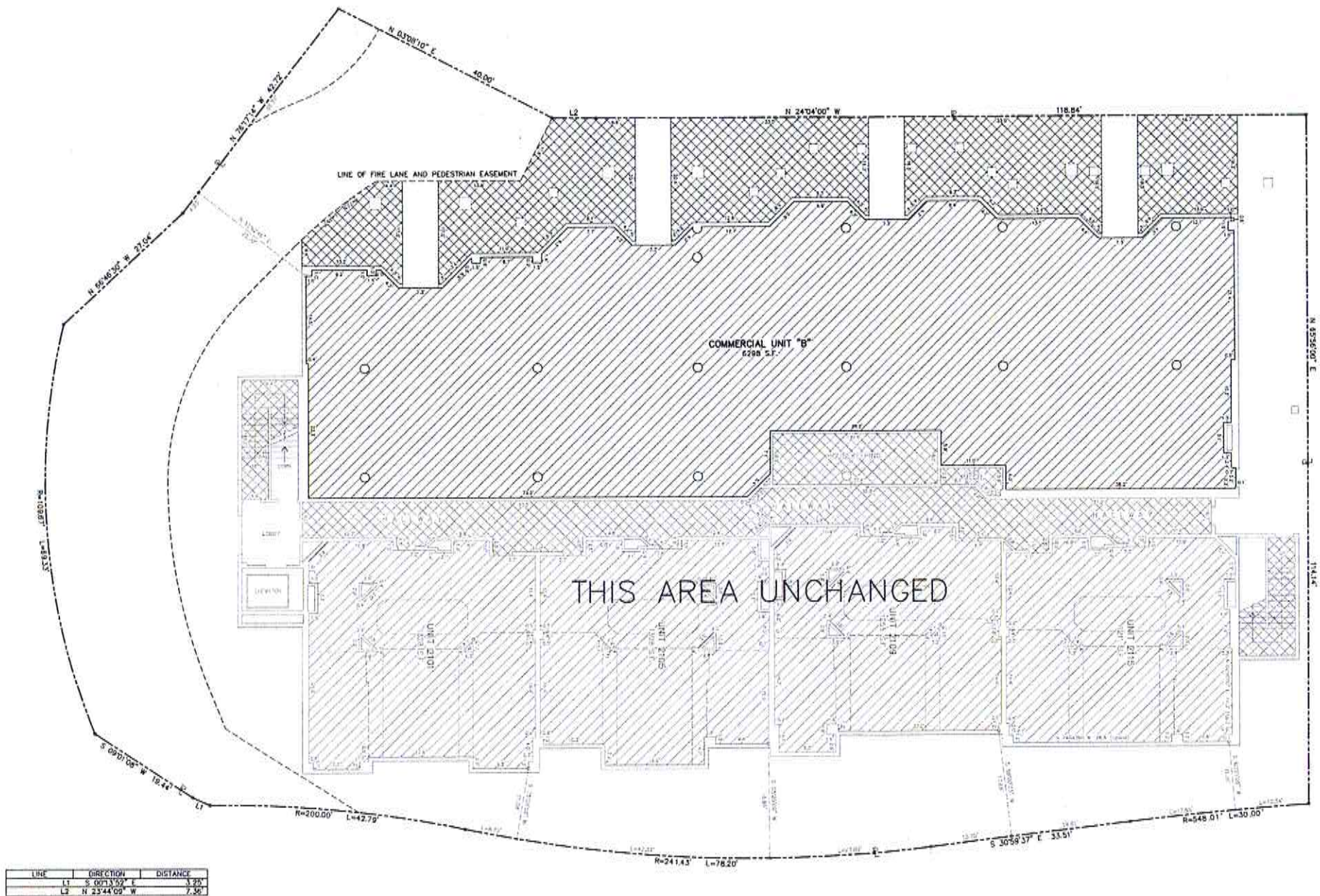
PAGE 2 OF 6

#504091 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 09-10-98 TIME 11:30AM BOOK 7 PAGE ---
7/9/00 Alan D. Spazio
FEE RECORDER

JOB NO. 2-11-96 \TL\SW\PA\P-PH4P2

4th Supplemental
SUMMIT WATCH AT PARK CITY

SHEET
21



- NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER ROBERTS ARCHITECTS, A.I.A.
 2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
 3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
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 6. VERTICAL CROSS SECTIONS ARE UNCHANGED REFER TO ORIGINAL MAP.

PHASE 1A COMMERCIAL SPACE

- NOTES:
- 1) THE LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS WHICH ASCEND TO LEVEL 2 AND ABOVE ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS. LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS.
 - 2) LEVEL 1 HALLWAY ALSO PROVIDES EMERGENCY EGRESS FOR CONVERTIBLE SPACE AS REQUIRED BY THE PARK CITY BUILDING CODE.
 - 3) ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION.

FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
CONVERSION OF CONVERTIBLE SPACE TO UNITS
SUMMIT WATCH AT PARK CITY

AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 3 OF 6

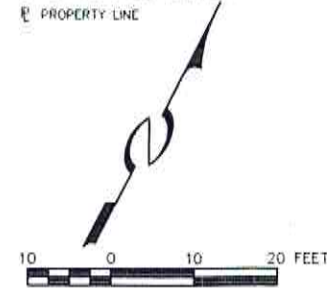
#504091 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF COALITION TITLE
DATE 04-10-97 TIME 11:27 AM BOOK --- PAGE ---
791.00 Alan Spivack
FEE RECORDER

JOB NO. 2-11-96 \TL\SW\PA\P-PH4P3



LEGEND
 S.F. REPRESENTS SQUARE FEET.
 ○ INDICATES STREET MONUMENT.
 — PROPERTY LINE



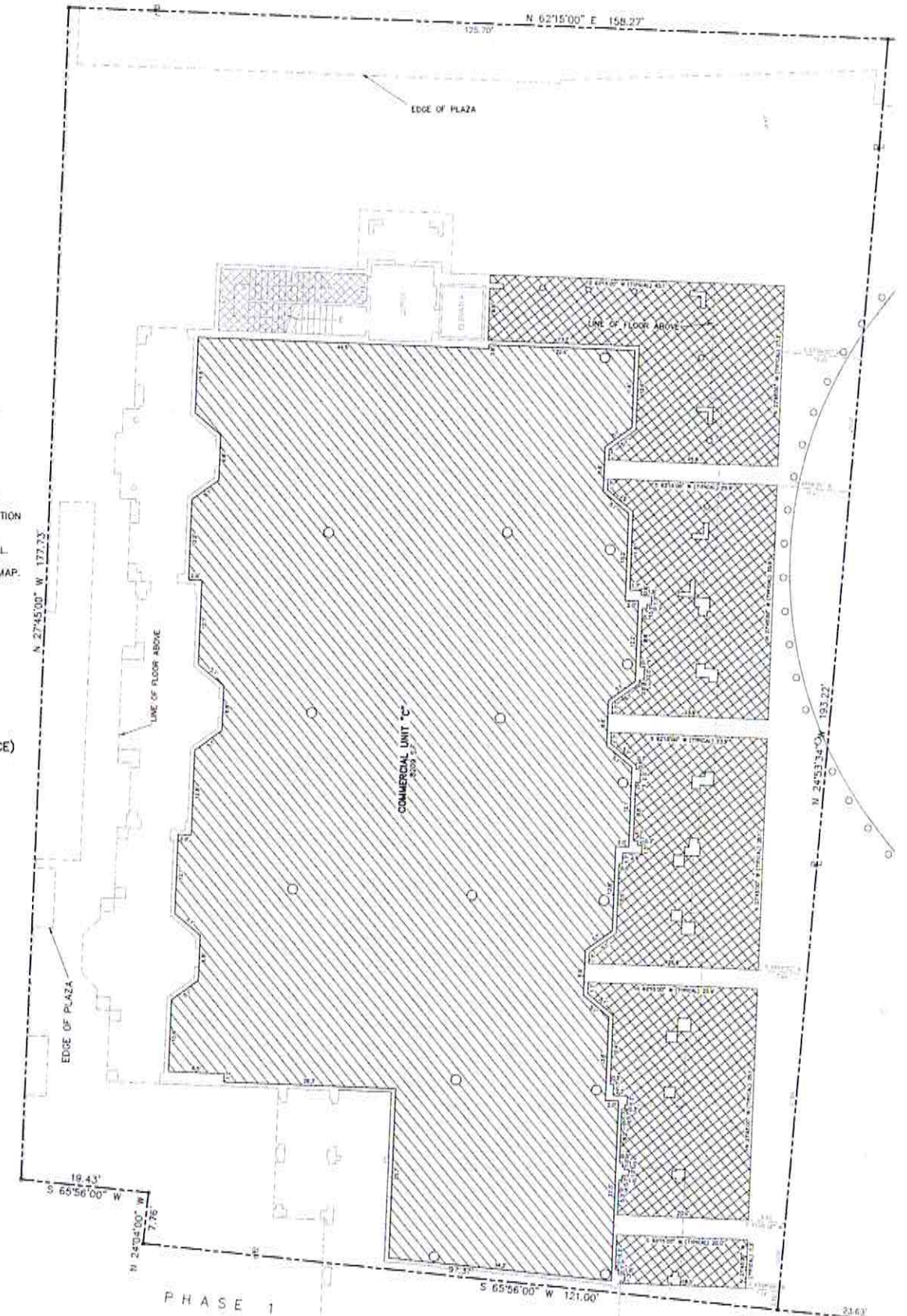
NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER JOHNSON SMITH ARCHITECTS, A.I.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
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5. ANY OUTDOOR USES ON THE PLAZA MUST RECEIVE CITY APPROVAL.
6. VERTICAL CROSS SECTIONS ARE UNCHANGED REFER TO ORIGINAL MAP.

- COMMON AREAS AND FACILITIES
- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES (LCE) APPURTENANT TO ADJOINING COMMERCIAL UNIT "C"

NOTES:

- 1) THE LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVEL 1 RELATING TO STAIRWAYS WHICH ASCEND TO LEVEL 2 AND ABOVE ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS. LIMITED COMMON AREAS AND FACILITIES DEPICTED ON LEVELS 2, 3, AND 4 ARE RESERVED SOLELY FOR USE BY OWNERS OF RESIDENTIAL UNITS AND RESORT UNITS AND THEIR AUTHORIZED OCCUPANTS AND AGENTS.
- 2) LEVEL 1 HALLWAY ALSO PROVIDES EMERGENCY EGRESS FOR CONVERTIBLE SPACE AS REQUIRED BY THE PARK CITY BUILDING CODE.
- 3) THE LIMITED COMMON AREAS AND FACILITIES DESIGNATED "LOBBY AND ACCESSORY USES" ARE APPURTENANT TO THE RESIDENTIAL UNITS AND RESORT UNITS.
- 4) ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION.



FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
 CONVERSION OF CONVERTIBLE SPACE TO UNITS

SUMMIT WATCH AT PARK CITY

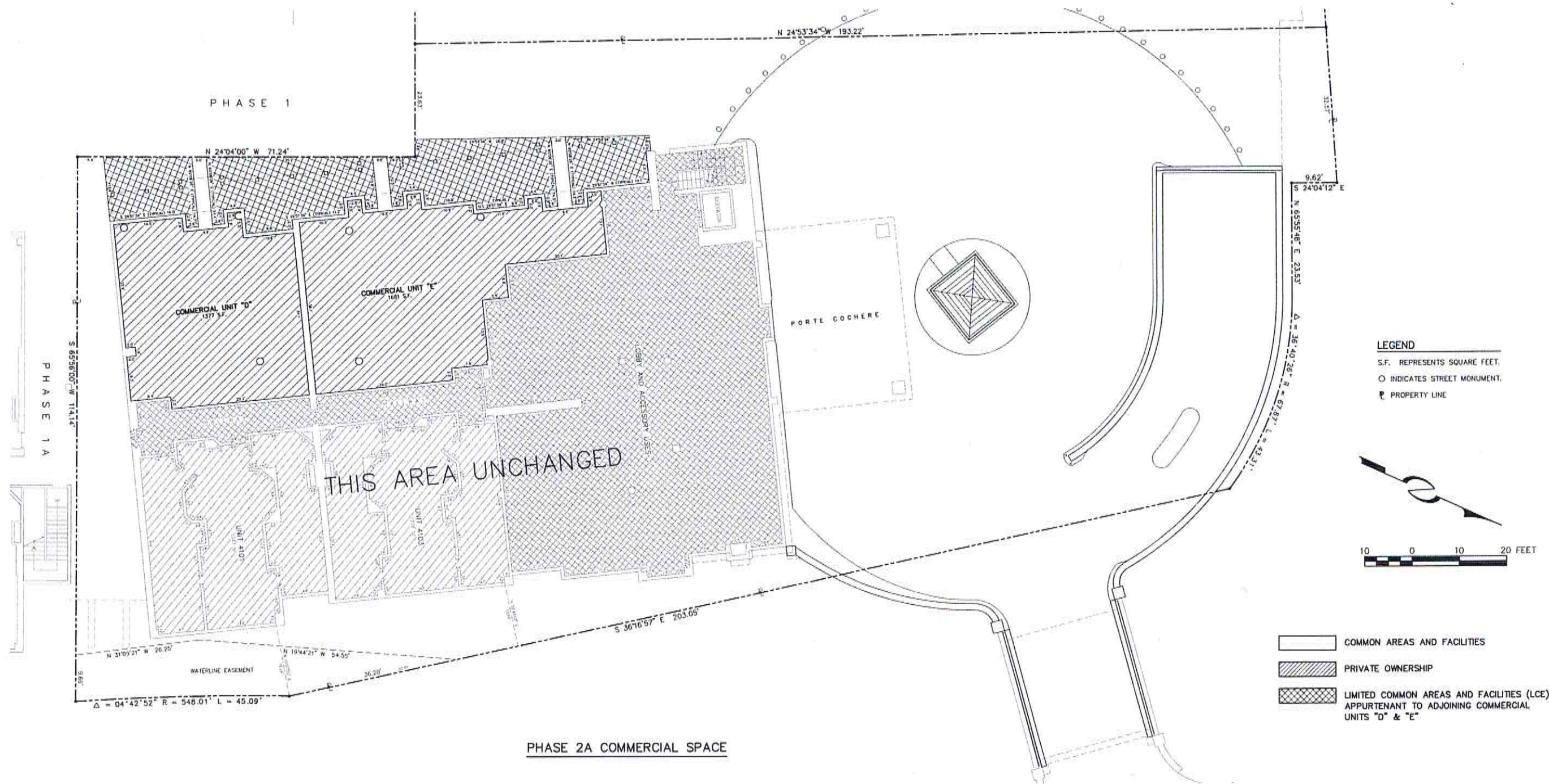
AN EXPANDABLE UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 4 OF 6

± 504091 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF COALITION TITLE
 DATE 04-18-96 TIME 11:21 AM BOOK PAGE
 1912 Alan Davis
 FEE RECORDER

JOB NO. 2-11-96 \FL\SW\F4\P-PH4P4

1st Supplemental
 SUMMIT WATCH AT PARK CITY
 SHEET
 4/6



FOURTH SUPPLEMENTAL RECORD OF SURVEY MAP
CONVERSION OF CONVERTIBLE SPACE TO UNITS
SUMMIT WATCH AT PARK CITY

AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 5 OF 6

504091 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF SEALITION TITLE
DATE 04-10-22 TIME 11:29 AM BOOK --- PAGE ---

191 REC
FEE RECORDER

JOB NO. 2-11-96 \TL\SW\PA\P-PH4P5

4th Supplemental
SUMMIT WATCH AT PARK CITY SHEET 516



 (435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2604 Park City, Utah 84060-2604	STAFF: MARSHALL KING HARRISON HOLLEY DATE: 6/25/15	AERIAL PHOTOGRAPH SUMMIT WATCH AT PARK CITY FOR: SUMMIT WATCH CONDOMINIUM OWNERS ASSOCIATION, INC. JOB NO.: 7-5-15 FILE: X:\Snyder's Addition\dwg\Exhibits\summit watch-aerial.dwg	SHEET 1 OF 1
---	---	---	---

From: Kayla Sintz [mailto:kayla.sintz@parkcity.org]
Sent: Monday, January 12, 2015 11:51 AM
To: Paul Colton <colton@wgdlawfirm.com>
Cc: Shauna Stokes <stokes@parkcity.org>
Subject: RE: Sundance - Summit Watch Courtyard

Paul: Below are the RECORDED plat notes from the Marriott Courtyard. As you can see if severely restricts any activity besides existing outdoor dining. We talked to various groups down there and they are aware they have to modify the plat and re-record prior to moving forward (which is typically a 3-4 month process because it goes to Planning Commission and City Council). So they should be able to get something going for the next year's Sundance.

In speaking to the prior planning director, when this was originally platted, there were concerns from the old portions of Main Street in regards to what activities could occur down in the plaza. Therefore, they severely restricted the plat notes regarding uses. However, since this was some time ago (1998), the City would be in favor of a modification of the plat, as times have changed and it is no longer a difficult commercial lease atmosphere.

Let me know if you need anything further. It's pretty straightforward. Here are the notes:

Standalone NOTE: listed on ALL recorded sheets

ANY OUTDOOR DINING USE IS A CONDITIONAL USE AND ANY OTHER OUTDOOR USE OF THE AREA FOR COMMERCIAL PURPOSES IS PROHIBITED UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION.

Numbered Notes:

4. Any outdoor uses on the plaza must receive city approval.

Since the Master Festival License holder approved by City Council during this timeframe is the Sundance Institute, the City will/cannot approve any other outdoor uses on the patio. As you can see removing these restrictive notes in a plat amendment is necessary. I have a hard copy of the plat you are welcome to come in and get a copy of. Thanks-

Kayla

Kayla Sintz
Planning Manager
435.615.5062





Town Lift HOA
693 Main Street,
Park City, Utah 84060

September 18, 2015

Mr. John Boehm
City Planner
Park City Municiple Corporation
PO Box 1480
Park City, Utah

RE: Applications PL-15-02844, PL-15-02845, and PL-15-02846

Dear John,

Thank you for informing us regarding Application PL-15-02844, PL-15-02845, and PL-15-02846.

It is our understanding that the intent for this proposed action is to streamline Plaza use for Sundance events. As you are aware, the Town Lift HOA represents the adjacent 10 condominium units, and 5 commercial units. We have deep concerns over how the Plaza will be used going forward. Although we support Sundance in general, it is our view that streamlining Use Permits can have negative effects on surrounding properties by losing control of the events itself.

Our concerns are...

1/ If the intent is ONLY to support Sundance events, we feel the use should be specifically stated at this time. The hours of operation? How loud will the event be? (i.e. loud band music), etc. We should know what the event(s) are and understand the effects on residents of Town Lift Condominiums and Town Lift Commercial units.

2/ Usually large events have outdoor toilets. We need to know where you propose to put them. In past events, we have had them put next to our building affecting both residential and commercial units, which we feel, are unacceptable.

3/ We are very concerned about loud concerts during any part of the day. Common sense should limit use during the day and restrict it at night. We are all GREATLY concerned that the Plaza NOT be used for loud band activities during Park Silly Sunday Market. It would certainly have negative effects to residential owners within the vicinity.

We support quality special event use for Main Street such as Tour of Utah, Sundance, and special fundraiser events. Thank you for considering our concerns.

Best Regards,

Richard Anderson (Town Lift HOA President)
Randy Luebke (Town Lift HOA Board Member)
Robert Wilcox (Town Lift HOA Board Member)



DATE: October 8, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant is requesting to amend the existing AGIO 260 First Amended condominium plat to reflect the as-built conditions (Exhibit A). This application is to memorialize what has previously been approved through the Historic District Design Review (HDDR) process and has been built. In March of 2014, a HDDR application was reviewed for minor modifications to Unit B. A building permit was obtained and the unit modification has been completed. A plat amendment is required to update the plat to match the new unit configuration and square footage. The Planning Commission voted unanimously on September 9, 2015 to forward a positive recommendation to the City Council.

Respectfully:

Anya Grahn, Planner II

City Council Staff Report



Subject: AGIO 260 Second Amended
Condominium Plat
Author: Anya Grahn, Planner II
Project Number: PL-15-02860
Date: October 8, 2015
Type of Item: Administrative – Condominium Plat

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the AGIO 260 Second Amended condominium plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Description

Applicant: Scott 5, LLC, owners, as represented by Steve Bruemmer, Elliott Workgroup
Location: 260 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Mixed-use developments consisting of restaurant, retail, hotel, residential, etc.
Reason for Review: Condominium plats require Planning Commission review and City Council action

Executive Summary

The applicant is requesting to amend the existing AGIO 260 First Amended condominium plat to reflect the as-built conditions of amendments made to Unit B (Exhibit A). This application is to memorialize modifications to the project approved through the Historic District Design Review (HDDR) process and has been built. In March of 2014, a HDDR application was reviewed for minor modifications to Unit B. A building permit was obtained and the unit modification has been completed. A plat amendment is required to update the plat to match the new unit configuration and square footage, which was constructed under the 2014 building permit.

The Planning Commission voted unanimously on September 9, 2015 to forward a positive recommendation to the City Council.

List of Acronyms

HDDR – Historic District Design Review
HCB – Historic Commercial Business District
LMC – Land Management Code

Background

On July 17, 2015, the applicant submitted a complete application for the AGIO 260 Second Amended condominium plat. The Planning Department staff approved a HDDR application for this site on April 17, 2014 as described above and the Building

Department issued a building permit on August 12, 2014. The scope of the proposed project was limited to a minor addition to the existing Level 4 residential Unit B. The existing Level 4 consists of the elevator penthouse, bathroom and interior space, as well as an outdoor roof terrace, and sloped roof area above the living space below. The proposed modification included approximately 327 sf of existing outdoor roof terrace and converted it to indoor living space. This addition blends into the existing building envelope and design. The majority of the additional enclosed living space is concealed from street view by the existing slope roof. AGIO 260 First Amended condominium plat included 7,962 sf, or an FAR of 2.2; these modifications increase the total square footage to 8,273 sf, or an FAR of 2.3.

The AGIO 260 First Amended condominium plat was approved by City Council on July 10, 2008 (Ordinance # 08-28) and was recorded at Summit County on November 21, 2008. Two changes to the original plat triggered the necessity of recording a new plat. The structure of the building was slightly changed due to engineering purposes and to accommodate electrical lines. Also, a portion of the basement floor area designated to be common was changed to a convertible area for storage. Under Utah Law, a plat must be amended if the structure is modified and if areas that were private become common and/or limited common and vice versa.

The AGIO 260 condominium plat was approved by City Council on October 4, 2007 (Ordinance # 07-66) and was recorded at Summit County on May 30, 2008. The original 260 Main Street Subdivision was approved by City Council on May 31, 2007 (Ordinance # 07-29) and was recorded at Summit County on July 31, 2007. All conditions of these two plats continue to apply and none of the conditions or plat notes negatively impact the approval of this Second Amended condominium plat.

Analysis

The proposed AGIO 260 Second Amended condominium plat is consistent with the purpose statements of the HCB District and meets all Land Management Code (LMC) requirements. A change in the building square footage was changed by an additional 327 square feet. The footprint of the building will remain the same, the only change to the building was converting outdoor roof terrace to indoor living space, as was approved under the HDDR application. The property is subject to the following criteria:

	Permitted in HCB	Proposed in HDDR and Built
Lot and Site Requirements	Minimum lot size of 1,250 sf. No minimum required setbacks	No changes are proposed to lot or footprint. Lot size is 3,732.27 sf. No changes are proposed, the addition did not change existing setbacks.
Height	45' angling back from the front and rear property lines.	No changes are proposed to increase total height. Meets current code requirements.
Floor Area Ratio	Maximum of 4.0	2.3 FAR exists.

		(FAR increased from 2.2 to 2.3, but still below 4.0)
Parking	Two spaces are required for each residential unit.	No changes are proposed and parking is sufficient to meet the size of each of the two residential units. A total of four spaces are provided in the basement of the building for residential use. The property paid into the 1984 Special Improvement District (SID) which waives the parking requirement of 1.5 FAR for the commercial use.

Good Cause

Planning Staff finds there is good cause for this condominium plat to reflect the as-built conditions that have been approved through the HDDR process and Building permit process and have been constructed.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet on August 26, 2015 in accordance with the requirements in the LMC. Legal notice was also published in the Park Record on August 22, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the AGIO 260 Second Amended condominium plat as conditioned or amended; or
- The City Council may deny the condominium plat amendment and direct staff to make Findings for this decision; or

- The City Council may continue the discussion on the condominium plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed condominium plat amendment would not be recorded the existing AGIO 260 First Amended condominium plat would not reflect the as-built conditions.

Recommendation

Staff recommends the City Council hold a public hearing and approve the AGIO 260 Second Amended condominium plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Vicinity Map/Aerial Photograph/HDDR Images
- Exhibit C – Ordinance # 08-28 AGIO 260 First Amended Condo Plat
- Exhibit D – Ordinance # 07-66 AGIO 260 Condo Plat
- Exhibit E – Ordinance # 07-29 260 Main Street Subdivision
- Exhibit F – Action letter from HDDR approval April 17, 2014

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE AGIO 260 SECOND AMENDED CONDOMINIUM PLAT LOCATED AT 260 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the AGIO 260 Condominiums, located at 260 Main Street, have petitioned the City Council for approval of the AGIO 260 Second Amended condominium plat; a Utah Condominium project; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 9, 2015, to receive input on the proposed amended condominium plat;

WHEREAS, on September 9, 2015, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 8, 2015, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed AGIO 260 Second Amended condominium plat; a Utah Condominium project.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The AGIO 260 Second Amended condominium plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 260 Main Street within the Historic Commercial Business (HCB) District.
2. The AGIO 260 First Amended condominium plat was approved by City Council on July 10, 2008 (Ordinance # 08-28) and was recorded at Summit County on November 21, 2008. The AGIO 260 condominium plat was approved by City Council on October 4, 2007 (Ordinance # 07-66) and was recorded at Summit County on May 30, 2008. The original 260 Main Street Subdivision was approved by City Council on May 31, 2007 (Ordinance # 07-29) and was recorded at Summit County on July 31, 2007.

3. On July 17, 2015, the applicants submitted an application for a condominium plat amendment. The application was deemed complete on July 17, 2015.
4. The total square footage of the exterior roof deck that was converted to interior space is 327 square feet as approved under the HDDR application on April 17, 2014.
5. AGIO 260 First Amended condominium plat included 7,962 sf, or an FAR of 2.2; these modifications increase the total square footage to 8,273 sf, or an FAR of 2.3.
6. The condominium plat amendment does not increase the parking requirements for these units, parking is sufficient to meet the size of each of the two residential units. A total of four spaces are provided in the basement of the building for residential use. The property paid into the 1984 Special Improvement District (SID) which waives the parking requirement of 1.5 FAR for the commercial use.
7. As conditioned, this condominium plat amendment is consistent with the conditions of approval of the AGIO 260 First Amended condominium plat, the AGIO 260 condominium plat, and the original 260 Main Street Subdivision.
8. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the AGIO 260 First Amended condominium plat as approved by City Council on July 10, 2008, the AGIO 260 condominium plat as approved by City Council on October 4, 2007, and the original 260 Main Street Subdivision as approved by City Council on May 31, 2007.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended 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 condominium 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. All conditions of approval of the AGIO 260 and AGIO 260 First Amended condominium plat continue to apply.

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

PASSED AND ADOPTED this ____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Kristin Parker, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

CONDOMINIUM PLAT

AGIO 260 SECOND AMENDED

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

AGIO 260 FIRST AMENDED, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, NO. 859751, DATED: NOVEMBER 21, 2008, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
ALL OF LOT 1 OF 260 MAIN STREET SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (ENTRY NO. 820990, RECORDED JULY 31, 2007).

CONTAINS: 3,814.68 SQUARE FEET (0.087 ACRES)

EXISTING ACCESS EASEMENT

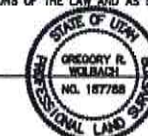
AN EXISTING ACCESS EASEMENT FOR VEHICULAR INGRESS AND EGRESS AS RESERVED IN THE WARRANTY DEED BY AND BETWEEN MRS. FIELDS, INC., AS GRANTOR, AND SCHIFF BREWING COMPANY, AS GRANTEE, AND RECORDED FEBRUARY 23, 1993 AS ENTRY NO. 374478 IN BOOK 710 AT PAGE 817, RECORDS OF SUMMIT COUNTY, UTAH. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH 23°31'00" EAST 8.62 FEET FROM THE NORTHEAST CORNER OF LOT 15, BLOCK 70, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; AND RUNNING THENCE ALONG THE EASTERLY LINE OF SAID BLOCK SOUTH 23°31'00" EAST 8.13 FEET; THENCE SOUTH 68°00'00" WEST 7.68 FEET TO A POINT ON A 15.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS NORTH 21°28'04" WEST; THENCE ALONG THE ARC OF SAID CURVE 18.29 FEET THROUGH A CENTRAL ANGLE OF 62°13'04"; THENCE NORTH 68°00'00" EAST 20.67 FEET TO THE POINT OF BEGINNING.

SURVEYORS CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREIN DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-2-15 OF CHAPTER 2, CONDOMINIUM OWNERSHIP ACT, UTAH CODE WITH TITLE 57, REAL ESTATE.

GREGORY R. WOLBACH



OWNERS DEDICATION AND CONSENT TO RECORD - HOA

KNOW ALL MEN BY THESE PRESENTS THAT 260 AGIO OWNERS ASSOCIATION, INC. (THE "ASSOCIATION"), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST SIXTY-SEVEN PERCENT (67%) OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE PROVISIONS OF ARTICLE 24 OF THE DECLARATION OF CONDOMINIUM FOR AGIO 260, CERTIFIES THAT IT HAS CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY TO BE PREPARED. THE ASSOCIATION, ON BEHALF OF ALL OF THE UNIT OWNERS, DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

BY: _____
(Name of document signatory) (This or Other)
260 AGIO OWNERS ASSOCIATION, INC.
A UTAH NON-PROFIT CORPORATION

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____
(Name of document signatory) (This or Other)
260 AGIO OWNERS ASSOCIATION, INC. A UTAH NON-PROFIT CORPORATION

ON THE _____ DAY OF _____, 2015, PERSONALLY APPEARED BEFORE ME _____
WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME ONLY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE _____ OF 260 AGIO OWNERS ASSOCIATION, INC. A UTAH NON-PROFIT CORPORATION.
(Name of document signatory) (This or Other)
AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID 260 AGIO OWNERS ASSOCIATION, INC. A UTAH NON-PROFIT CORPORATION, BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID _____ ACKNOWLEDGED TO ME THAT SAID 260 AGIO OWNERS ASSOCIATION, INC., EXECUTED THE SAME.
(Name of document signatory) (This or Other)

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

* Signing in a Representative Capacity: An authorized officer, agent, partner, trustee, member or other representative may sign on behalf of their representative business, be it a corporation, partnership, trust, limited liability company or other entity providing they have been given authority to sign in their representative capacity. The notary must require the signer to present satisfactory documentary evidence and administer an oath or affirmation.

OWNERS DEDICATION AND CONSENT TO RECORD - UNIT 202

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE UNITS, COMMON AND LIMITED COMMON AREAS CONTAINED WITHIN THE HEREIN DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "AGIO 260 SECOND AMENDED", CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDATION OF THIS CONDOMINIUM AND CERTIFY THAT THE UNITS ARE AS SHOWN ON THIS AMENDED CONDOMINIUM PLAT.

BY: _____
(Name of document signatory) (This or Other)

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____
(Name of document signatory) (This or Other)
SCOTT'S, LLC A UTAH LIMITED LIABILITY COMPANY

ON THE _____ DAY OF _____, 2015, PERSONALLY APPEARED BEFORE ME _____
WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME ONLY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE _____ OF SCOTT'S, LLC A UTAH LIMITED LIABILITY COMPANY.
(Name of document signatory) (This or Other)
AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID SCOTT'S, LLC A UTAH LIMITED LIABILITY COMPANY, BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID _____ ACKNOWLEDGED TO ME THAT SAID SCOTT'S, LLC A UTAH LIMITED LIABILITY COMPANY, EXECUTED THE SAME.
(Name of document signatory) (This or Other)

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

* Signing in a Representative Capacity: An authorized officer, agent, partner, trustee, member or other representative may sign on behalf of their representative business, be it a corporation, partnership, trust, limited liability company or other entity providing they have been given authority to sign in their representative capacity. The notary must require the signer to present satisfactory documentary evidence and administer an oath or affirmation.

SHEET 1 OF 6
PLAT DATED JULY 8, 2015
DRAWING NUMBER: 2015-001-001-001
© 2015 Survey Engineering, Inc.

SYMBOL LEGEND

- 260** ADDRESS ON MAIN STREET
- FOUND & ACCEPTED REBAR & PLASTIC CAP "C. BRAUN PLS 5152804"
 - FOUND & ACCEPTED 5/8" REBAR (NO CAP)
 - FOUND & ACCEPTED REBAR & PLASTIC CAP "LS 153331"
 - FOUND AND ACCEPTED NAIL W/ BRASS WASHER "LS 5164"
 - △ FOUND AND ACCEPTED NAIL W/ BRASS WASHER "C. BRAUN PLS 5152804"

OVERALL AREAS

PRIVATE AREAS	SF
CONCRETE DRIVE	135
DRIVE LEVEL	2,734
TOTAL - CONCRETE DRIVE	2,734
SECOND LEVEL	1,341
THIRD LEVEL	1,138
FOURTH LEVEL	1,071
TOTAL - UNIT 202	3,550
SECOND LEVEL	1,342
THIRD LEVEL	1,063
FOURTH LEVEL	1,018
TOTAL - UNIT 202	3,423

SHEET INDEX

- SHEET 1 RECORD OF SURVEY
SHEET 2 GARAGE & 1ST LEVEL FLOOR PLANS
SHEET 3 2ND & 3RD LEVEL FLOOR PLAN
SHEET 4 4TH LEVEL FLOOR PLAN
SHEET 5 BUILDING SECTION A-A
SHEET 6 BUILDING SECTION B-B



GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

268 MAIN ST.

2 RESIDENTIAL UNITS
1 CONVERTIBLE SPACE
(SEE SHEETS 2-6 FOR SPACE USAGE)

250 MAIN ST.

NARRATIVE

- THIS PLAT REPRESENTS AN AMENDMENT OF UNIT 202, "AGIO 260 FIRST AMENDED", AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 859751, RECORDED NOVEMBER 21, 2008. THIS AMENDMENT CONVERTS EXISTING LIMITED COMMON ROOF AREA INTO PRIVATE AREA FOR UNIT 202.
- ADDITIONAL UNITS ARE SHOWN HEREON FOR REFERENCE ONLY. FOR INFORMATION ON ANY UNIT OTHER THAN UNIT 202, PLEASE SEE "AGIO 260 FIRST AMENDED", AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 859751.
- THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE 260 AGIO OWNERS ASSOCIATION, INC. (THE "ASSOCIATION") SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.
- COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH IN THIS AMENDMENT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
- BASE OF BEARING: NORTH 23°31'00" WEST - MAIN STREET CENTERLINE. SEE ROAD MONUMENT TIES HEREON.
- LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, COUNTY OF SUMMIT, STATE OF UTAH.
- PROPERTY CORNERS: EXISTING SURVEY MONUMENTS WERE FOUND AND ACCEPTED AT ALL EXTERIOR BOUNDARY CORNERS.
- ALL BEARINGS AND DISTANCES SHOWN ARE THE EQUIVALENT OF RECORD UNLESS NOTED.
- PROJECT BENCHMARK - TOP OF SANITARY SEWER MANHOLE IN MAIN STREET: RM ELEV. = 7112.1' (APPROXIMATE USGS ELEVATION)
- PURSUANT TO THE CONDOMINIUM DECLARATION, THE ASSOCIATION IS RESPONSIBLE FOR MAINTAINING CERTAIN PORTIONS OF THE PROJECT, INCLUDING BUT NOT LIMITED TO THE COMMON AREAS AND FACILITIES AND LIMITED COMMON AREAS AND FACILITIES, AND THE ASSOCIATION SHALL HAVE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE PROPERTY AND PROJECT FOR SUCH MAINTENANCE PURPOSES AS FURTHER DESCRIBED IN THE CONDOMINIUM DECLARATION.
- THE LIMITED COMMON AREAS AND FACILITIES AS SHOWN ON THIS CONDOMINIUM PLAT ARE RESERVED FOR THE USE OF CERTAIN OWNERS TO THE EXCLUSION OF OTHER OWNERS. EACH RESPECTIVE IMPROVEMENT DESIGNATED ON THIS CONDOMINIUM PLAT AS "LIMITED COMMON AREAS AND FACILITIES" IS APPURTENANT TO THE RESPECTIVE UNIT AS DESCRIBED IN THE CONDOMINIUM DECLARATION AND ARE FOR THE USE AND ENJOYMENT OF THE OWNERS OF SUCH UNIT.
- ALL CONDITIONS OF THE 260 MAIN STREET SUBDIVISION SHALL CONTINUE TO APPLY.
- THE CONVERTIBLE SPACE MUST COMPLY WITH THE ALLOWED USE REQUIREMENTS OF THE LAND MANAGEMENT CODE.
- THE FOUR PARKING STALLS IN THE BASEMENT SHALL BE ALLOCATED AND RESTRICTED TO THE RESIDENTIAL UNITS.
- THIS PLAT AMENDMENT IS SUBJECT TO ORDINANCE 15-_____

ROAD MONUMENT
MAIN ST. & 2ND
NOT FOUND

ROAD MONUMENT
MAIN ST. P.I.
FOUND & ACCEPTED

Evergreen Engineering, Inc.

Old Engineering • Land Surveying • Land Planning
1870 Business Drive • Suite 104
P.O. Box 2051 • Park City • Utah • 84080
Phone: (435) 848-4887 • Fax: (435) 848-8219
E-mail: office@evergreen-eng.com



CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION
ON FILE IN THE OFFICE OF THE PARK CITY
ENGINEERING DEPARTMENT ON THIS
DAY OF _____ A.D. 2015.

CITY ENGINEER

SNYDERVILLE BASIN W.R.D.

REVIEWED FOR CONFORMANCE TO
SNYDERVILLE BASIN WATER RECLAMATION
DISTRICT STANDARDS ON THIS
DAY OF _____ AD 2015.

BY:

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY
PLANNING COMMISSION ON THIS
DAY OF _____ A.D. 2015.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS
DAY OF _____ A.D. 2015.

CITY ATTORNEY

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF _____ PARK CITY
CITY COUNCIL THIS _____ DAY OF _____
A.D. 2015 AT WHICH TIME
THIS RECORD OF SURVEY WAS APPROVED.

MAYOR

CITY RECORDER

RECORDED

No. _____
STATE OF _____
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104 • Bismarck, ND 58103
P.O. Box 2581 • Fort Totten, ND 58120 • (701) 344-4607 • Fax: (701) 344-4619
E-mail: evergreen@evergreen-engineering.com

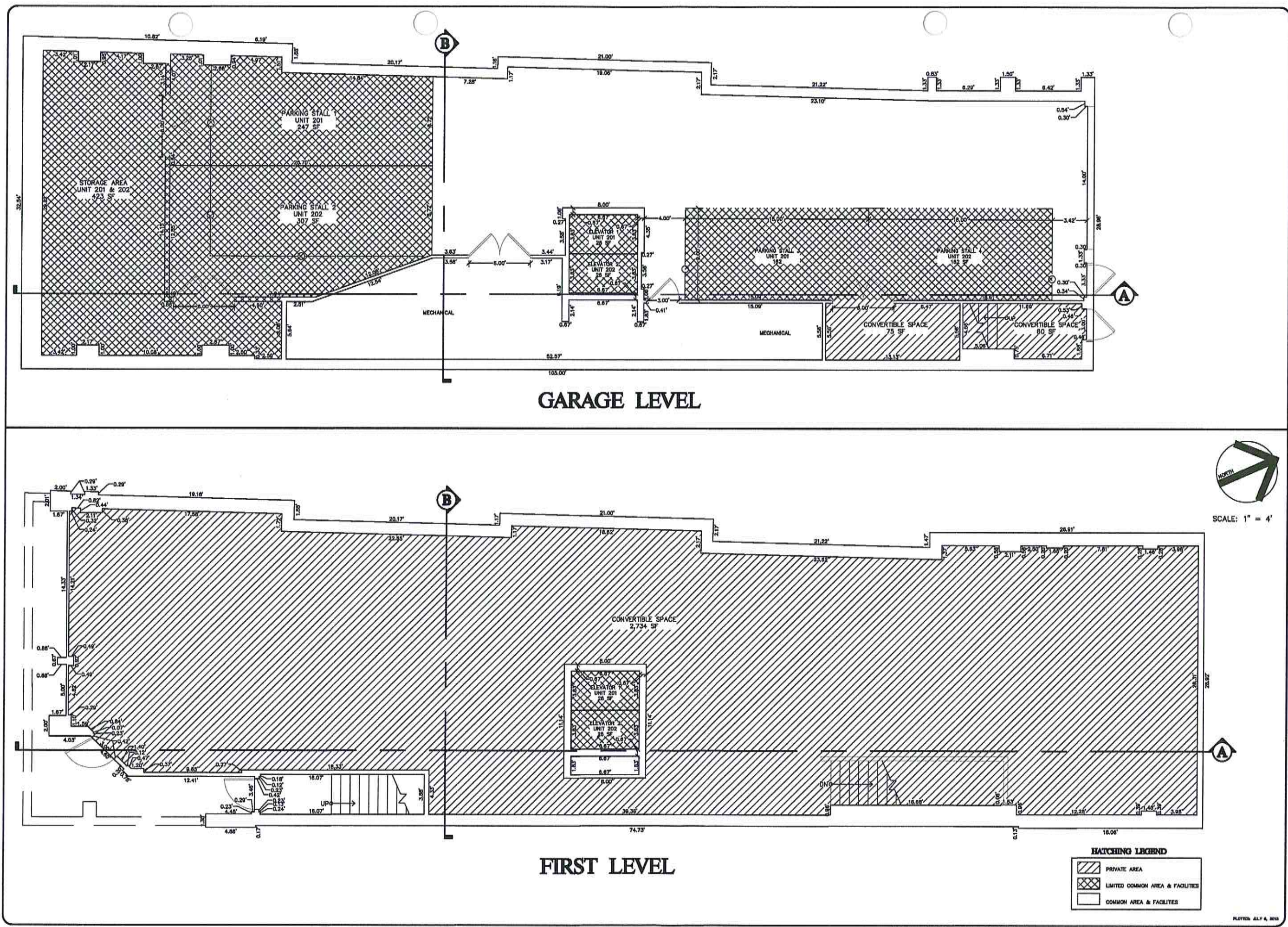
DATE	BY	REVISIONS



DESIGNED BY:
ELLIOTT WORKGROUP
DRAWN BY:
ADM
CHECKED BY:
GRW/ADM

**AGIO 260 SECOND AMENDED
GARAGE LEVEL AND FIRST FLOOR**

DATE: 12/10/13
FILE: AGIO260_2NDAMD-FP
PLOT: JIM SCOTT





Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1870 Bonanza Drive • Suite 100 • #4600
P.O. Box 2881 • Fort City • Utah • 84603
Phone: (435) 948-4607 • Fax: (435) 948-4619
E-mail: info@evergreen-engineering.com

DATE	BY	REVISIONS



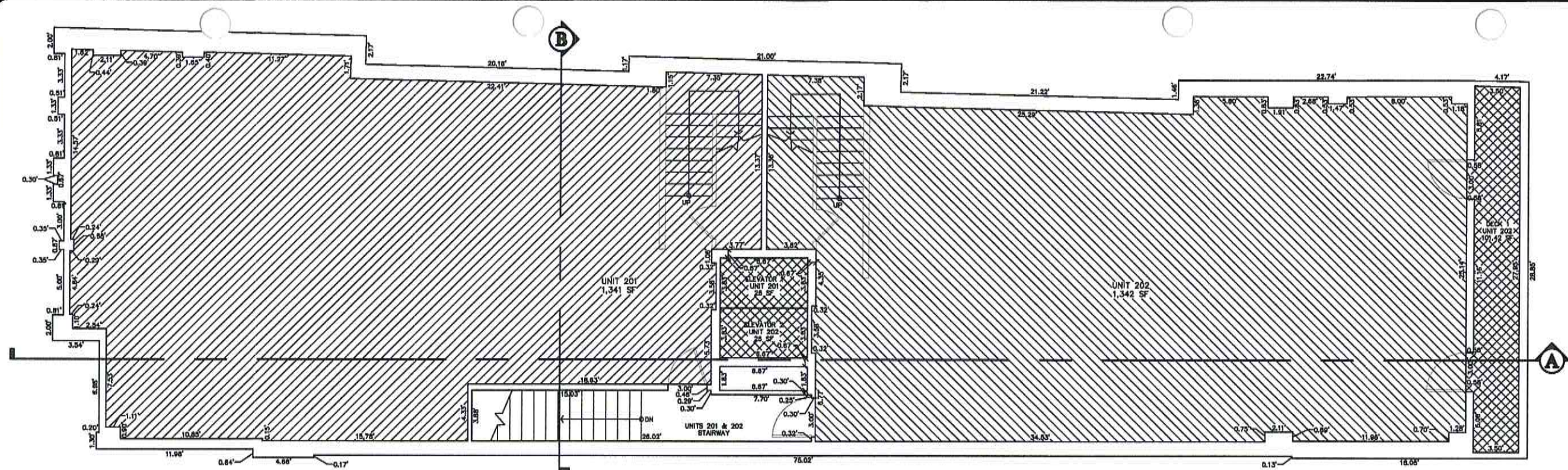
DESIGNED BY:
ELLIOTT WORKGROUP
DRAWN BY:
ADM
CHECKED BY:
GRW/ADM

**AGIO 260 SECOND AMENDED
SECOND AND THIRD FLOORS**

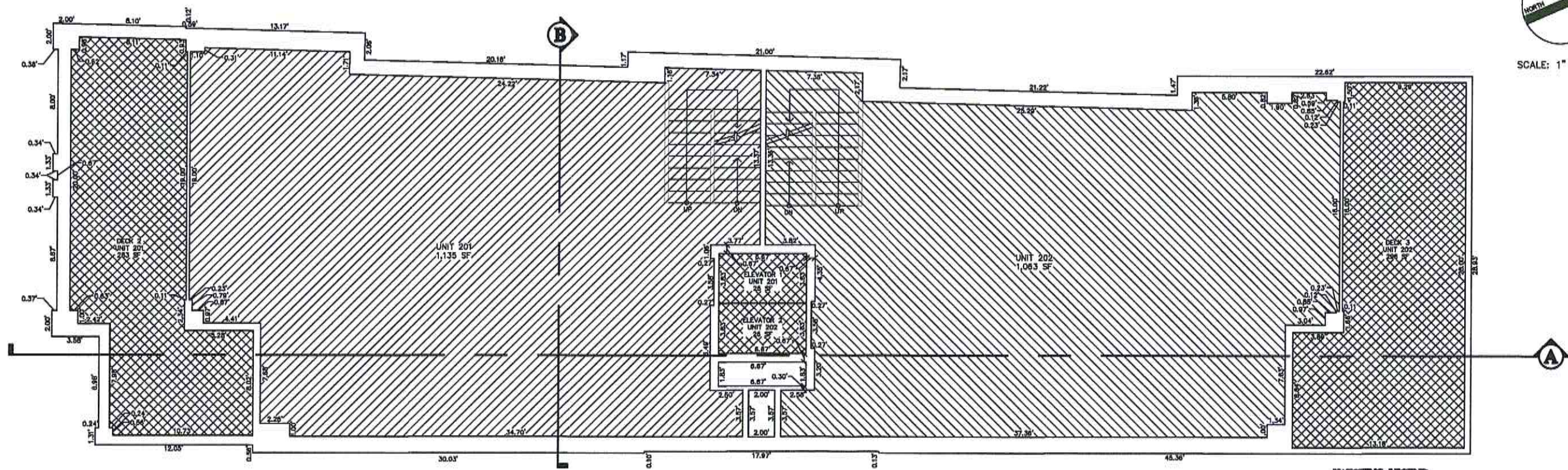
DATE: 07/06/2018
FILE: AGIO02_2NDAMD-FP
JOB NO.: 1526
PLOT: JIM SCOTT



SCALE: 1" = 4'



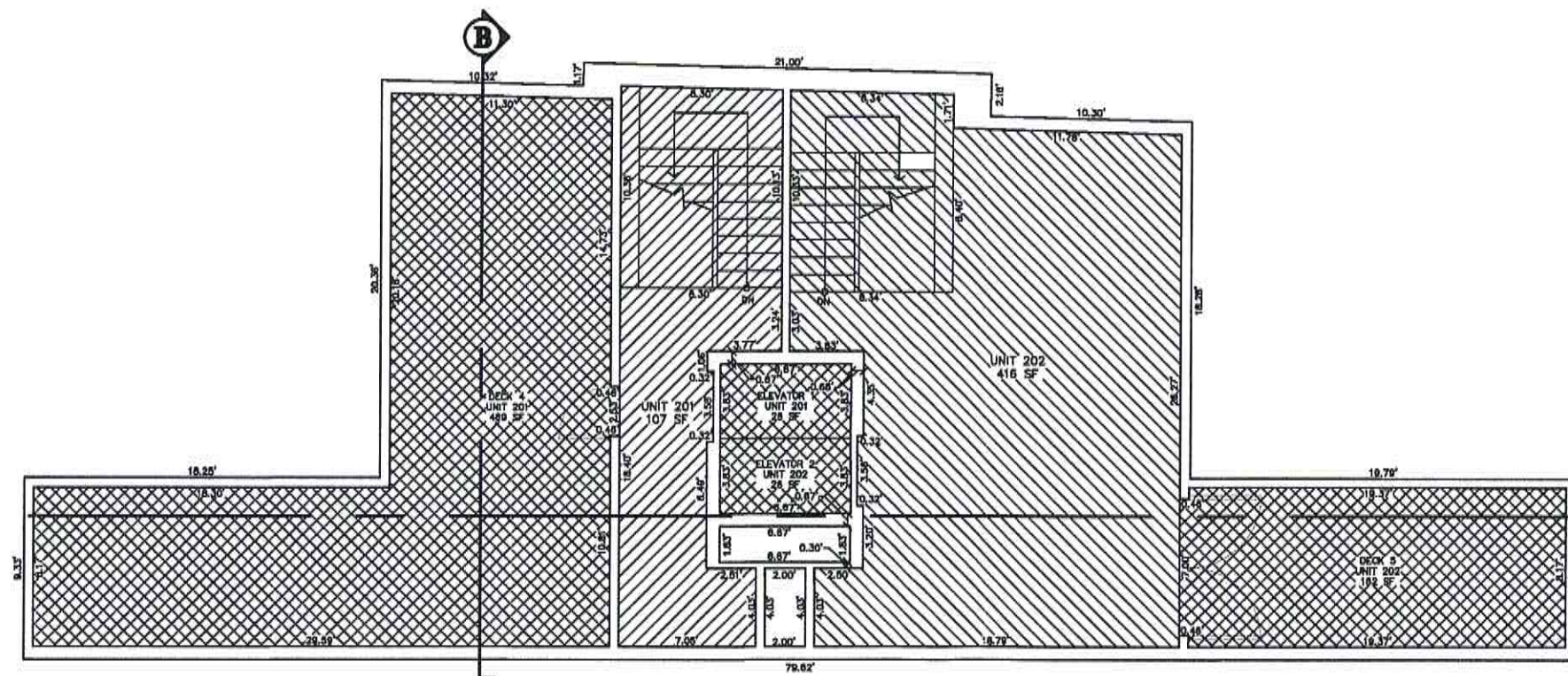
SECOND LEVEL

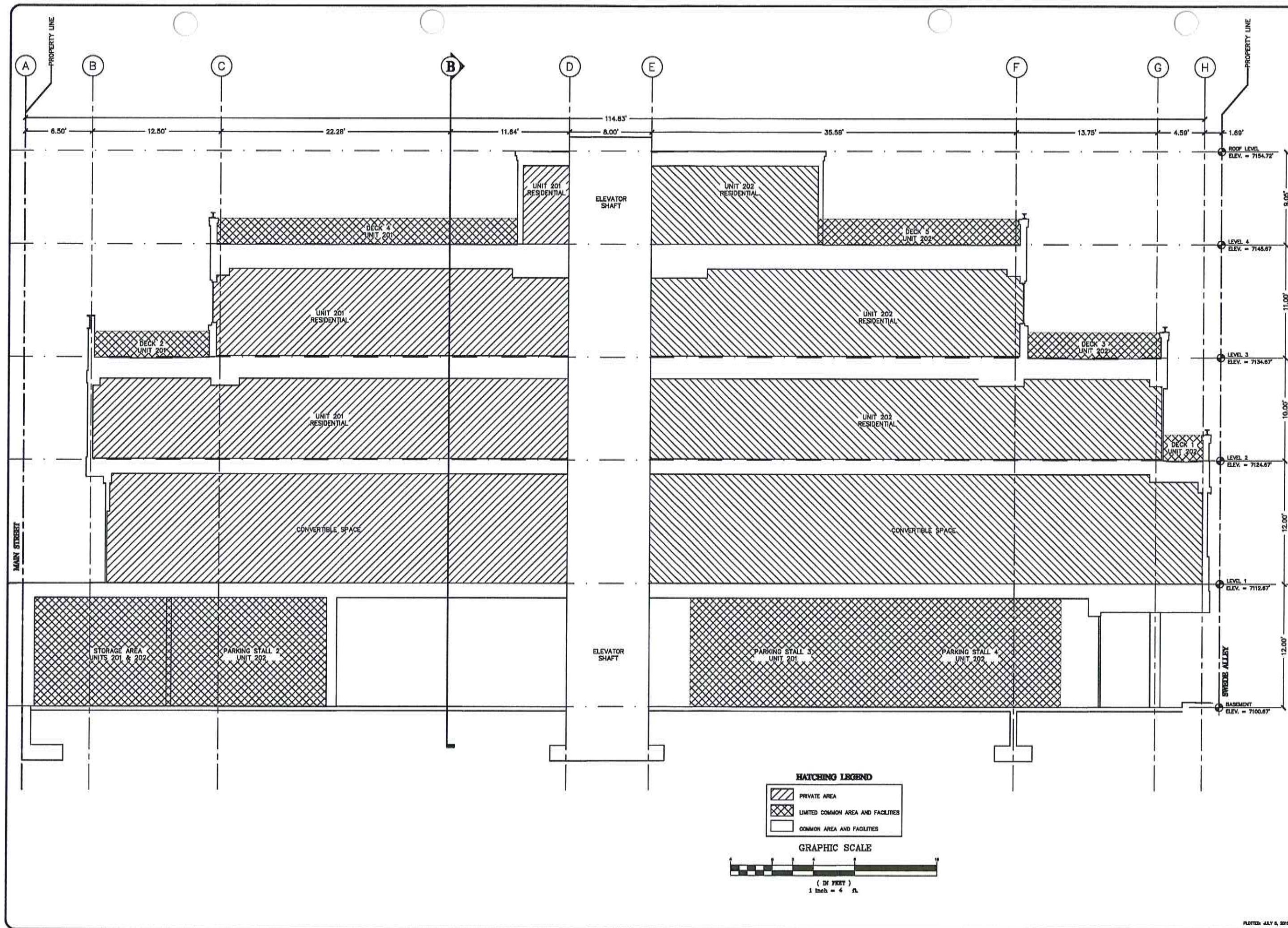


THIRD LEVEL

HATCHING LEGEND

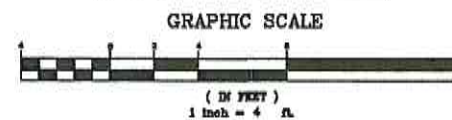
	PRIVATE AREA
	LIMITED COMMON AREA & FACILITIES
	COMMON AREA & FACILITIES





HATCHING LEGEND

	PRIVATE AREA
	LIMITED COMMON AREA AND FACILITIES
	COMMON AREA AND FACILITIES

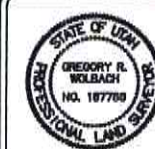


**AGIO 260 SECOND AMENDED
BUILDING SECTION A-A**

JIM SCOTT

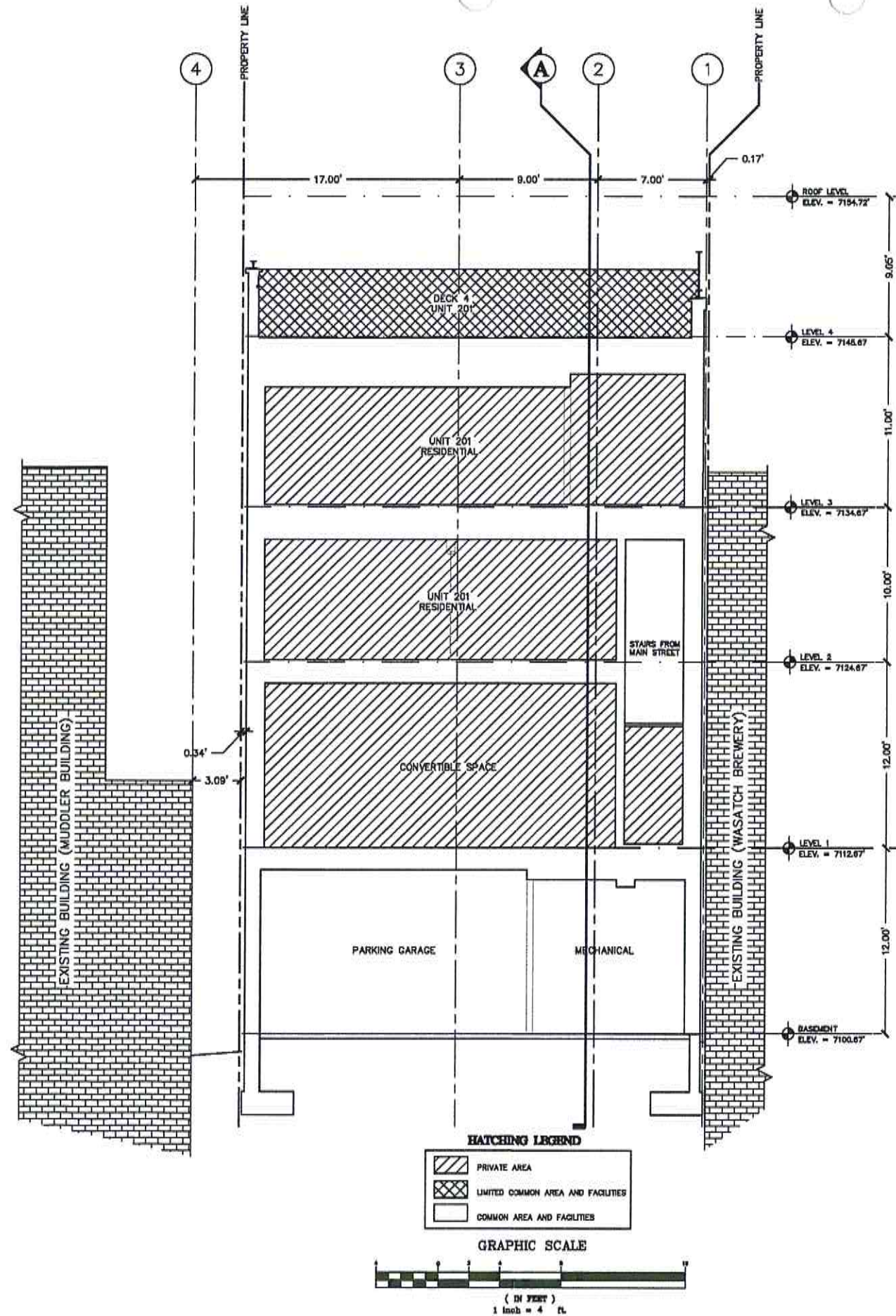
DATE: 7/1/2015
PROJECT: AGIO 260 SECOND AMENDED

DESIGNED BY:
ELLIOTT WORKGROUP
DRAWN BY:
ADM
CHECKED BY:
GRW/ADM



DATE	BY	REVISIONS

Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Land Planning
 10700 S. River Road • Suite 100 • Salt Lake City, UT 84114
 P.O. Box 2888 • Park City, UT 84302 • (435) 948-4028
 E-mail: info@evergreen-eng.com



PLOTTED: JULY 6, 2018

AGIO 260 SECOND AMENDED BUILDING SECTION B-B

DESIGNED BY:
ELLIOTT WORKGROUP
DRAWN BY:
ADM
CHECKED BY:
GRW/ADM

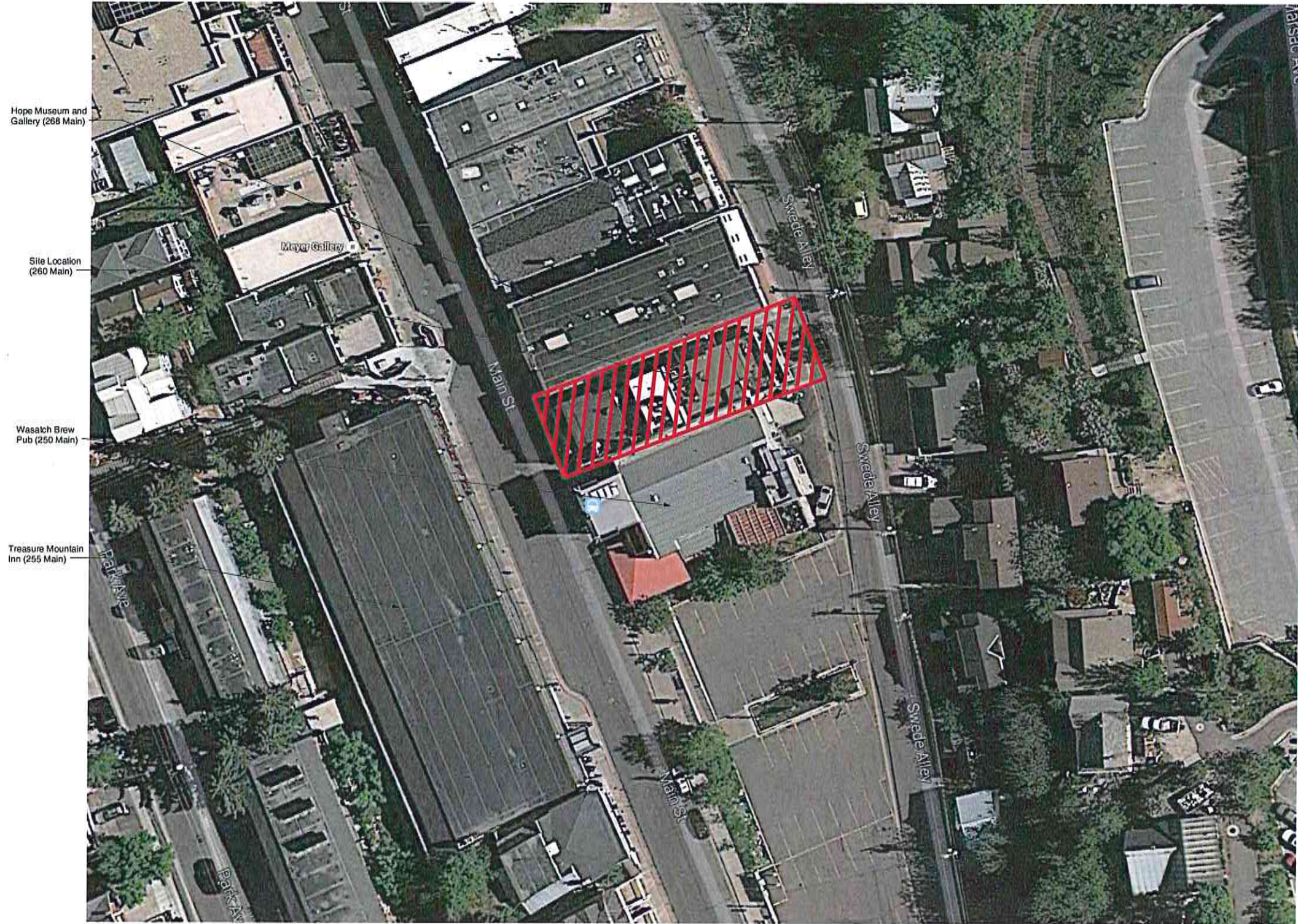


DATE	BY	REVISIONS	COMMENTS

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1970 Research Drive • Suite 100 • Salt Lake City, UT 84108
Phone: (801) 448-4887 • Fax: (801) 548-8218
E-mail: info@evergreen-engineering.com







Scott S, LLC

260 Main Street
Unit B Tenant Improvements
260 Main Street

Aerial View

H-003

elliott
workgroup
architecture
300 E. 10th Street PO Box 3490 Provo UT 84602
435.546.0002 ext. 413-3429 www.elliottworkgroup.com

Historic District Design Review
03.10.2014



West Elevation Panorama Looking Toward Site



West Elevation Panorama Looking From Site



East Elevation Panorama Looking Toward Site



East Elevation Panorama Looking From Site



North Elevation Looking Toward Site



North Elevation Looking Toward Site



South Elevation Looking Toward Site

Historic District Design Review
03.10.2014

elliott
workgroup
architecture
264 Main Street - PO Box 3410 - Park City, Utah 84002
801.466.0037 - 801.466.1825 - www.elliottworkgroup.com

Scott S, LLC
260 Main Street
Unit B Tenant Improvements
260 Main Street

Current Photographs

H-002

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2014

3/10/2014 2:48:11 PM

Ordinance No. 08-28

AN ORDINANCE APPROVING THE FIRST AMENDED AGIO 260 CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 260 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 260 Main Street have petitioned the City Council for approval of the First Amended Agio 260 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 June 25, 2008, to receive input on the First Amended Agio 260 condominium record of survey plat;

WHEREAS, the Planning Commission, on June 25, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Agio 260 condominium record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended Agio 260 condominium record of survey 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 property is located at 260 Main Street, Park City, Utah.
2. 260 Main Street is one lot of record located within portions of Lots 14 and 15 in Block 21 and portions of Lots 14 and 15 in Block 70 of the Park City Survey recorded as the 260 Main Street Subdivision.
3. 260 Main Street is located in the Historic Commercial Business (HCB) district.
4. The lot is 3514 square feet in size.
5. The 3 condominium units vary in size and use. One unit will be utilized as commercial space off of Main Street. Two units are designated as residential units on the second and third floor.
6. Two parking spaces are required for each residential unit. A total of four spaces are provided in the basement of the building.
7. Parking requirements for the Commercial Use has been fulfilled. The property was paid in full to the Main Street Parking Special Improvement District prior to Jan 1, 1984.

8. The new mixed-use building located at 260 Main Street complies with all requirements of the HCB district within the Land Management Code.
9. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium record of survey.
2. The 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 record of survey.
4. Approval of the 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:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey and CCRs 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.
3. All conditions of approval of the 260 Main Street Subdivision shall continue to apply.
4. The proposed convertible space within the building must comply with the allowed use requirements of the Land Management Code.
5. The four parking spaces in the basement shall be allocated and restricted to the residential units.

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

PASSED AND ADOPTED this 10th day of July, 2008.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



CONDOMINIUM PLAT
AGIO 260

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERRICK PARK CITY, SALT COUNTY, UTAH

LONG DESCRIPTION

[illegible]

POSTED ACCESS PAYMENT

[illegible]

POSITIVE

[illegible]

REFERENCES

THE UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535



PARENTS' DEDICATION AND CONSENT TO INJECT

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATIONS
155 WEST 42ND STREET
NEW YORK, N.Y. 10018-2474

ACKNOWLEDGMENT

NAME OF COMPANY _____
 ADDRESS OF COMPANY _____
 CITY _____ STATE _____
 ZIP CODE _____
 PHONE NO. _____
 FAX NO. _____
 E-MAIL ADDRESS _____
 NAME OF CONTACT PERSON _____
 ADDRESS OF CONTACT PERSON _____
 CITY _____ STATE _____
 ZIP CODE _____
 PHONE NO. _____
 FAX NO. _____
 E-MAIL ADDRESS _____

DATE	DESCRIPTION	AMOUNT	BALANCE
1974-1-1	OPENING BALANCE		100.00
1974-1-15	PAYROLL	10.00	90.00
1974-1-30	RENT	20.00	70.00
1974-2-15	SALES	50.00	120.00
1974-2-28	PAYROLL	10.00	110.00
1974-3-15	RENT	20.00	90.00
1974-3-31	CLOSING BALANCE		90.00

SHEET INDEX

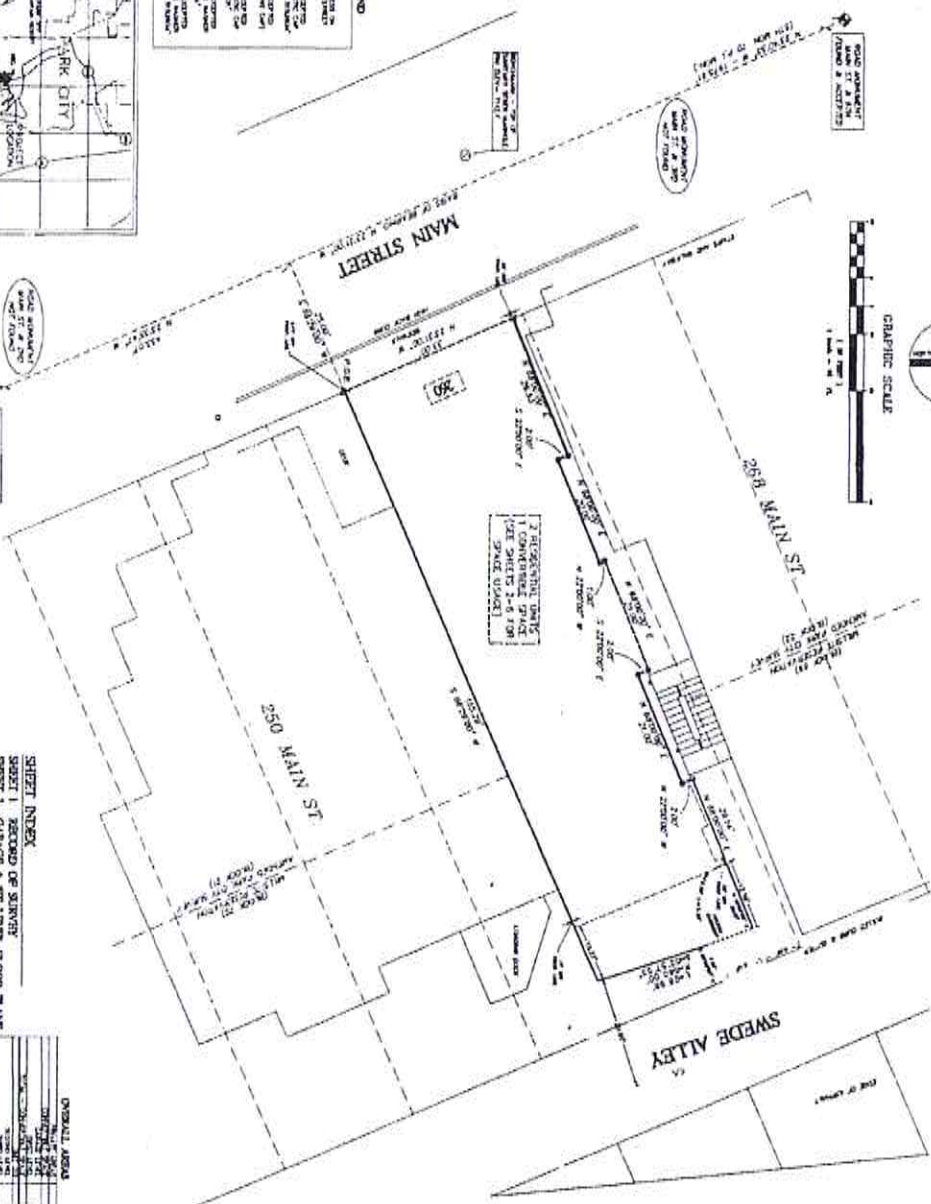
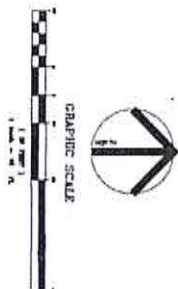
SHEET 1	RECORD OF SURVEY
SHEET 2	GRANGE & 1ST LEVEL FLOOR PLANS
SHEET 3	2ND & 3RD LEVEL FLOOR PLAN
SHEET 4	4TH LEVEL FLOOR PLAN
SHEET 5	BUILDING SECTION A-A
SHEET 6	BUILDING SECTION B-B



STANDARD LINGUARD

250
STANDARD LINGUARD
STANDARD LINGUARD

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Evergreen

Engineering, Inc.
2242 Engineering • Land Surveying • Land Preparation
1625 Haverhill Drive, Suite 104
P.O. Box 2061 • Piquette City, OH • 44653
Phone: 419-449-4497 • Fax: 419-449-4278
E-mail: info@enginc.com

CITY ENGINEER

THIS PLAN IS IN CONFORMANCE WITH REGULATIONS
ON FILE IN THE OFFICE OF THE STATE CITY
CORRECTIONS DEPARTMENT ON FILE
DATE OF _____ A.D. 2000

SNYDERVILLE BASIN W.R.D.

RECEIVED FOR CONFORMANCE TO
NATURAL BATH WATER REGULATION
DISTRICT STANDARDS ON DAYS 25-
OF _____ at 200-_____

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE BOARD OF
PLANNING COMMISSION ON THIS 12TH
DAY OF SEPTEMBER A.D. 2003

APPROVAL AS TO FORM

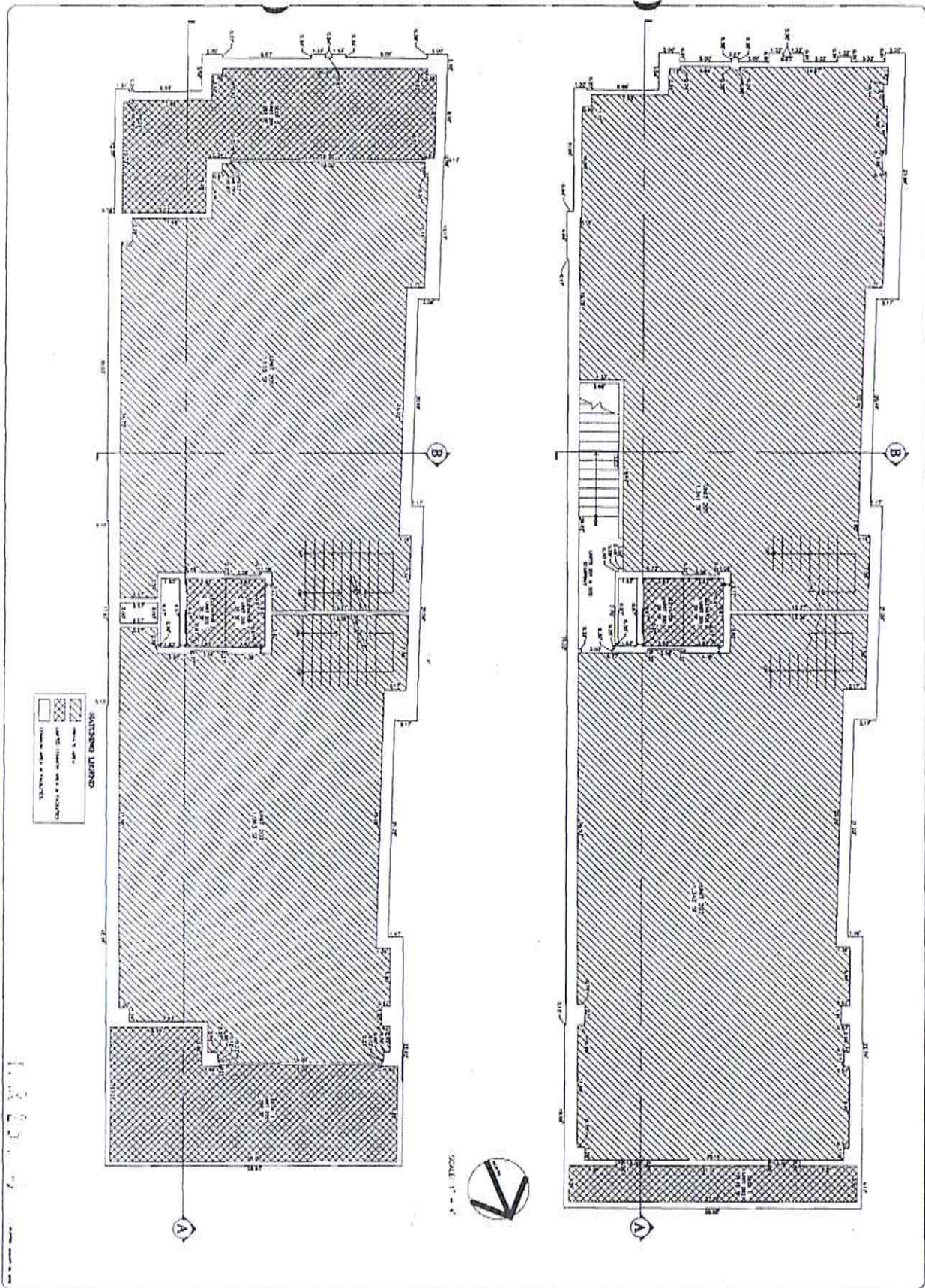
PREPARED AS TO FORM ON 2-6-5
1 OF 47 200

CITY COUNCIL APPROVAL

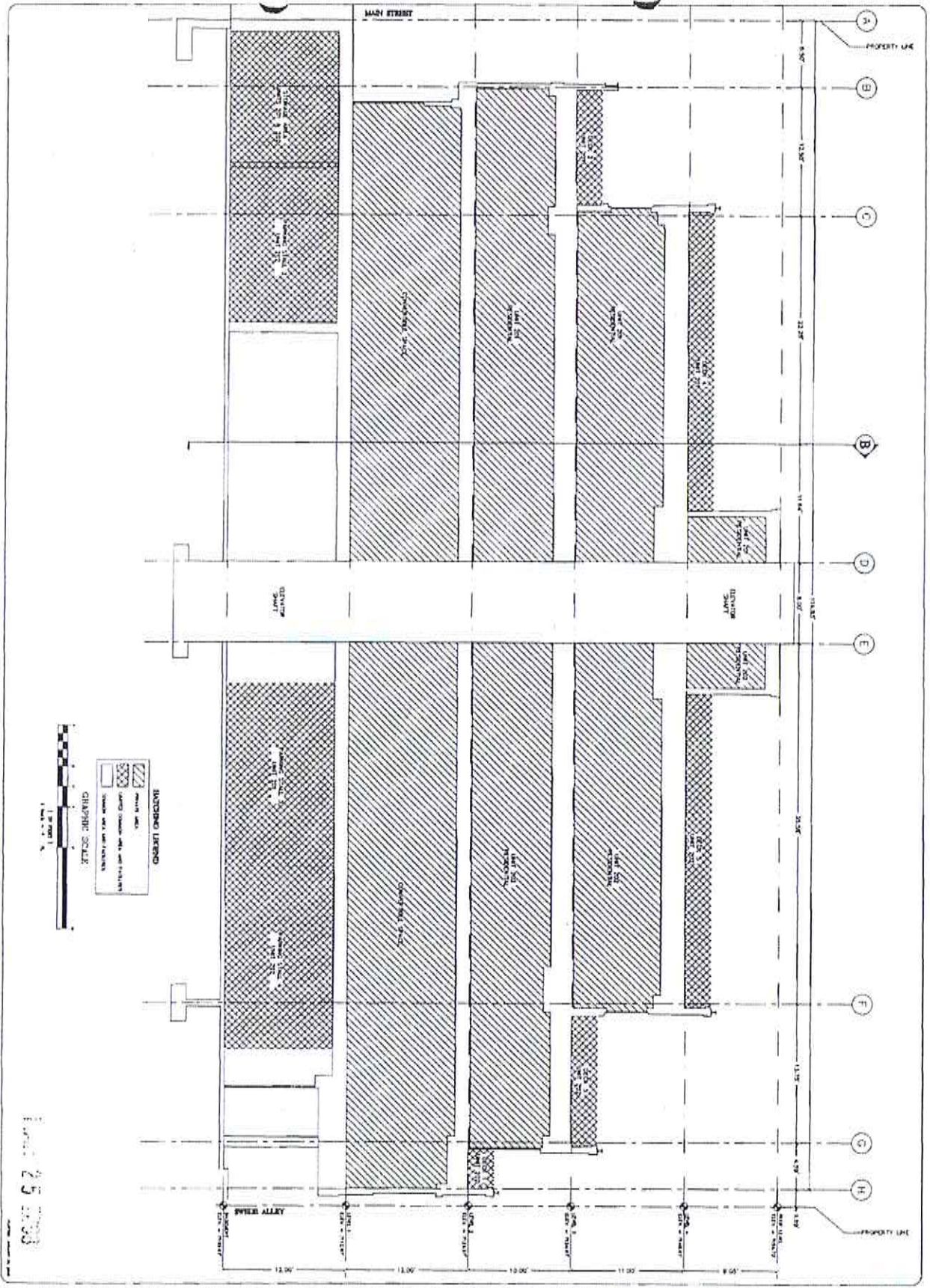
SENT TO THE BOARD OF PAGE CITY
COUNCIL THIS 4TH DAY OF
MAY 2007 AT WHICH TIME
RECORD OF DEED WAS APPROVED.

RECORDED

ON FILE AT THE BUREAU OF



AGIO 260 SECOND AND THIRD FLOORS		DATE: 08/01/00 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature]	REVISIONS <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION										Evergreen Engineering, Inc. 240 Engineering & Land Services • Land Planning 14100 Highway 100, Suite 100 P.O. Box 1000 • Fort Worth, TX 76101 Phone: (817) 444-0001 • Fax: (817) 444-0002 Email: office@evergreen-engineering.com
NO.	DATE	DESCRIPTION														



AGIO 260 BUILDING SECTION A-A		NO. 0027		SECTION/NO.		EVERGREEN ENGINEERING, INC.	
DESIGNED BY: J. L. L. L.		CHECKED BY: J. L. L. L.		DRAWN BY: J. L. L. L.		100 Engineering & Land Planning 100 Riverside Drive, Suite 100 P.O. Box 2001, Fort Worth, TX 76101 Phone: (817) 342-0001 Fax: (817) 342-1010 Email: jll@evergreen-inc.com	

Ordinance No. 07-66

**AN ORDINANCE APPROVING THE AGIO 260 CONDOMINIUM PLAT
LOCATED AT 260 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 260 Main Street have petitioned the City Council for approval of the Agio 260 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 September 12, 2007, to receive input on the Agio 260 condominiums record of survey plat;

WHEREAS, the Planning Commission, on September 12, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Agio 260 condominiums record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Agio 260 condominium record of survey 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 property is located at 260 Main Street, Park City, Utah.
2. 260 Main Street is one lot of record located within portions of Lots 14 and 15 in Block 21 and portions of Lots 14 and 15 in Block 70 of the Park City Survey recorded as the 260 Main Street Subdivision.
3. 260 Main Street is located in the Historic Commercial Business (HCB) district.
4. The lot is 3514 square feet in size.
5. The 3 condominium units vary in size and use. One unit will be utilized as commercial space off of Main Street. Two units are designated as residential units on the second and third floor.
6. Two parking spaces are required for each residential unit. A total of four spaces are provided in the basement of the building.
7. Parking requirements for the Commercial Use has been fulfilled. The property was paid in full to the Main Street Parking Special Improvement District prior to Jan 1, 1984.

8. The new mixed-use building located at 260 Main Street complies with all requirements of the HCB district within the Land Management Code.
9. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium record of survey.
2. The 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 record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

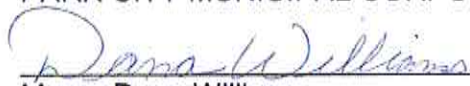
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey and CCRs 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.
3. All conditions of approval of the 260 Main Street Subdivision shall continue to apply.
4. The proposed convertible space within the building must comply with the allowed use requirements of the Land Management Code.
5. The four parking spaces in the basement shall be allocated and restricted to the residential units.

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

PASSED AND ADOPTED this 4th day of October, 2007.

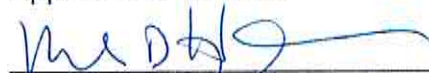
PARK CITY MUNICIPAL CORPORATION


 Mayor Dana Williams

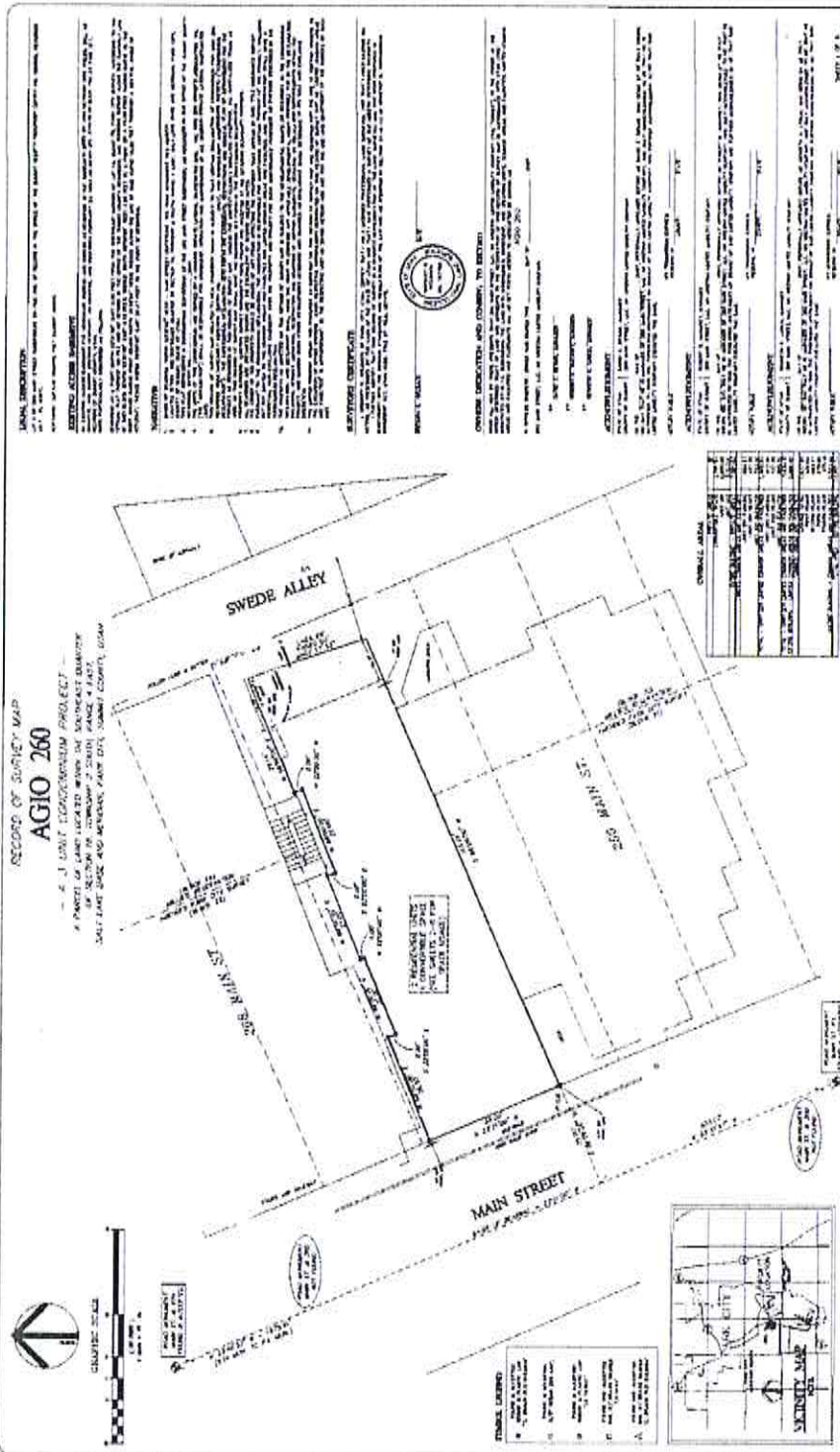
Attest:


 Janet M. Scott, City Recorder

Approved as to form:


 Mark D. Harrington, City Attorney





Evergreen Engineering, Inc.
 1000 N. 1000 W. SUITE 100
 PARK CITY, UTAH 84302
 (435) 226-1234
 www.evergreeneng.com

CITY ENGINEER
 I HEREBY CERTIFY THAT THE ENGINEERING AND SURVEYING
 WORK HAS BEEN DONE IN ACCORDANCE WITH THE UTAH
 PROFESSIONAL ENGINEERING ACT AND THE UTAH
 PROFESSIONAL SURVEYING ACT.
 DATE: 9/4/2007

CITY PLANNING COMMISSION
 I HEREBY CERTIFY THAT THE PLANNING
 COMMISSION HAS REVIEWED THE PLANNING
 REPORT AND APPROVES THE PLANNING
 REPORT.
 DATE: 9/4/2007

CITY COUNCIL APPROVAL
 I HEREBY CERTIFY THAT THE CITY COUNCIL
 HAS REVIEWED THE PLANNING REPORT AND
 APPROVES THE PLANNING REPORT.
 DATE: 9/4/2007

RECEIVED
 SEP 04 2007
 PARK CITY
 PLANNING DEPT

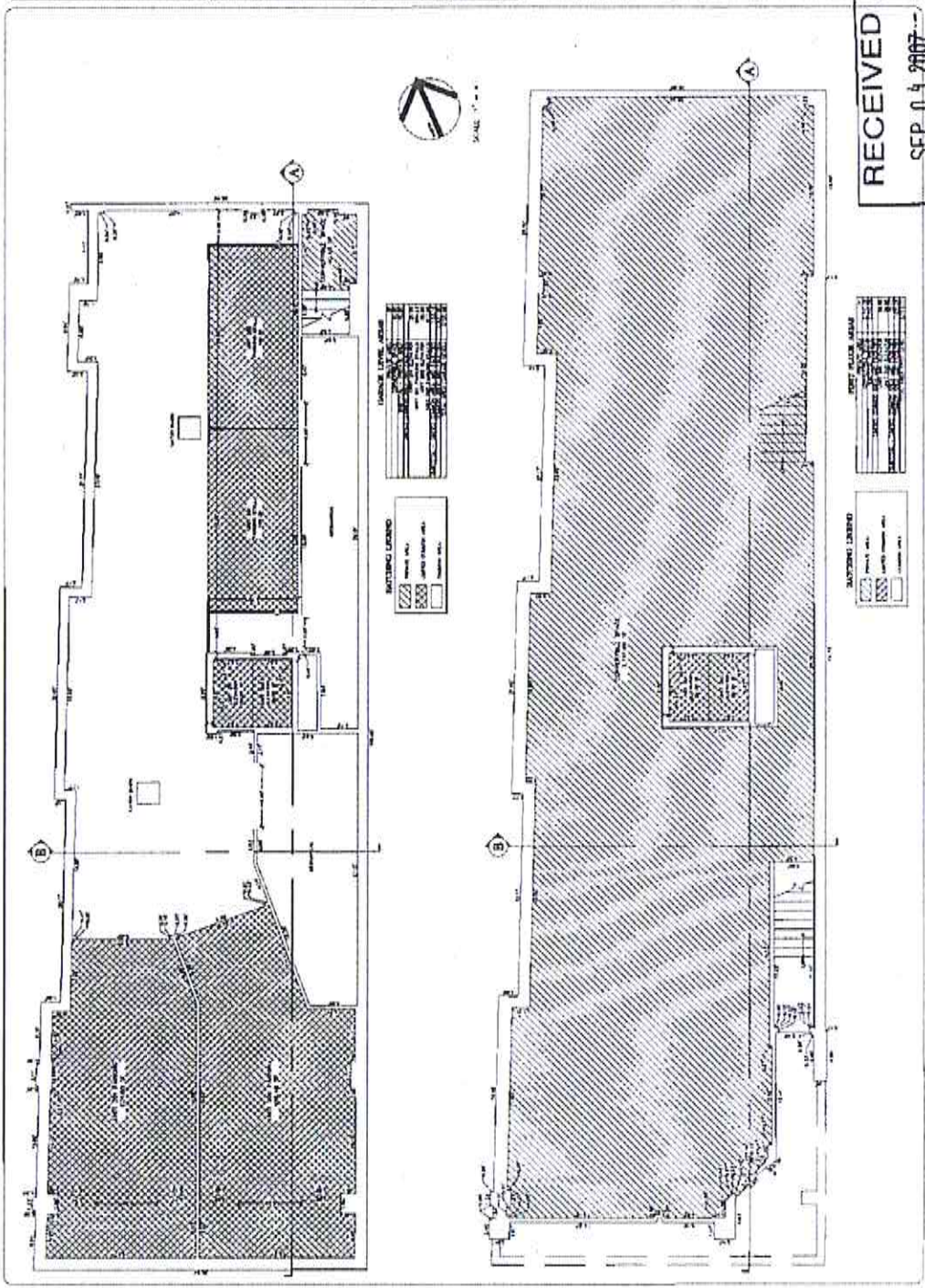


Evergreen Engineering, Inc.
 1000 West 10th Street, Suite 100
 Anchorage, Alaska 99501
 Phone: (907) 562-1234
 Fax: (907) 562-1235
 E-mail: info@evergreeneng.com

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	08/15/07	JS	JS

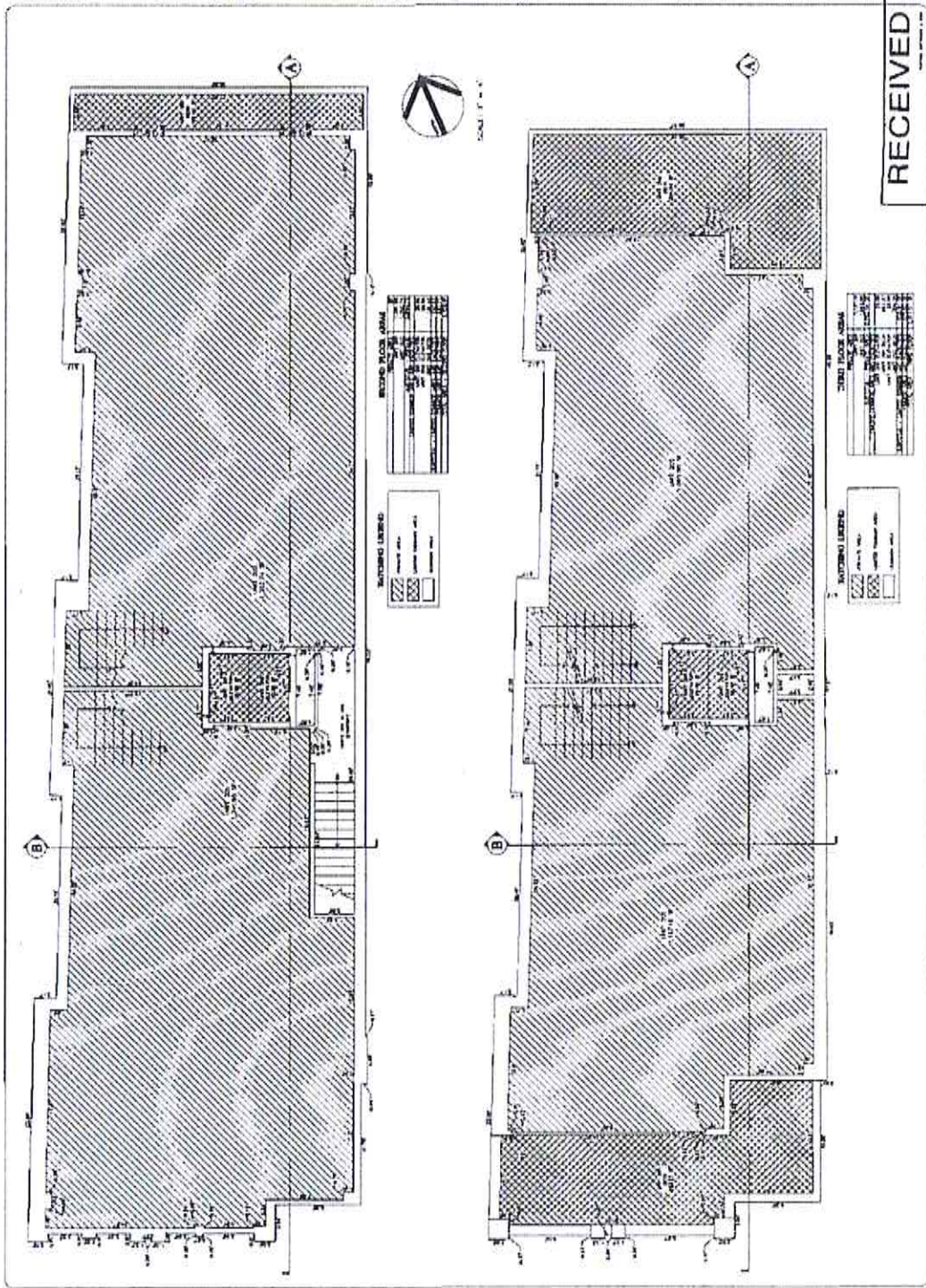
AGIO 260
GARAGE LEVEL AND FIRST FLOOR

DESIGNED BY: J. S. JENSEN
 DRAWN BY: J. S. JENSEN
 CHECKED BY: J. S. JENSEN
 DATE: 08/15/07

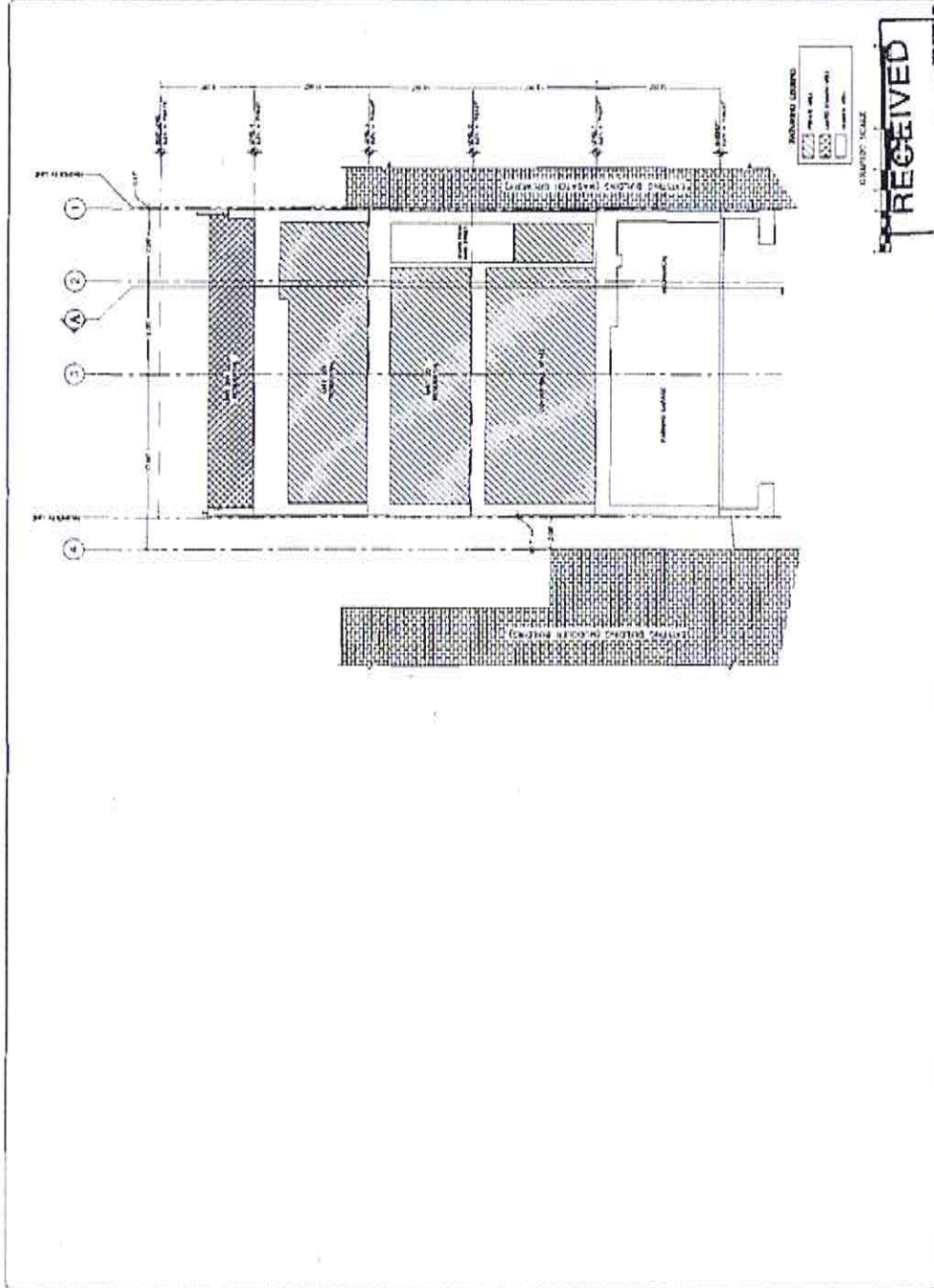


RECEIVED
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 PARK CITY
 PLANNING DEPT.

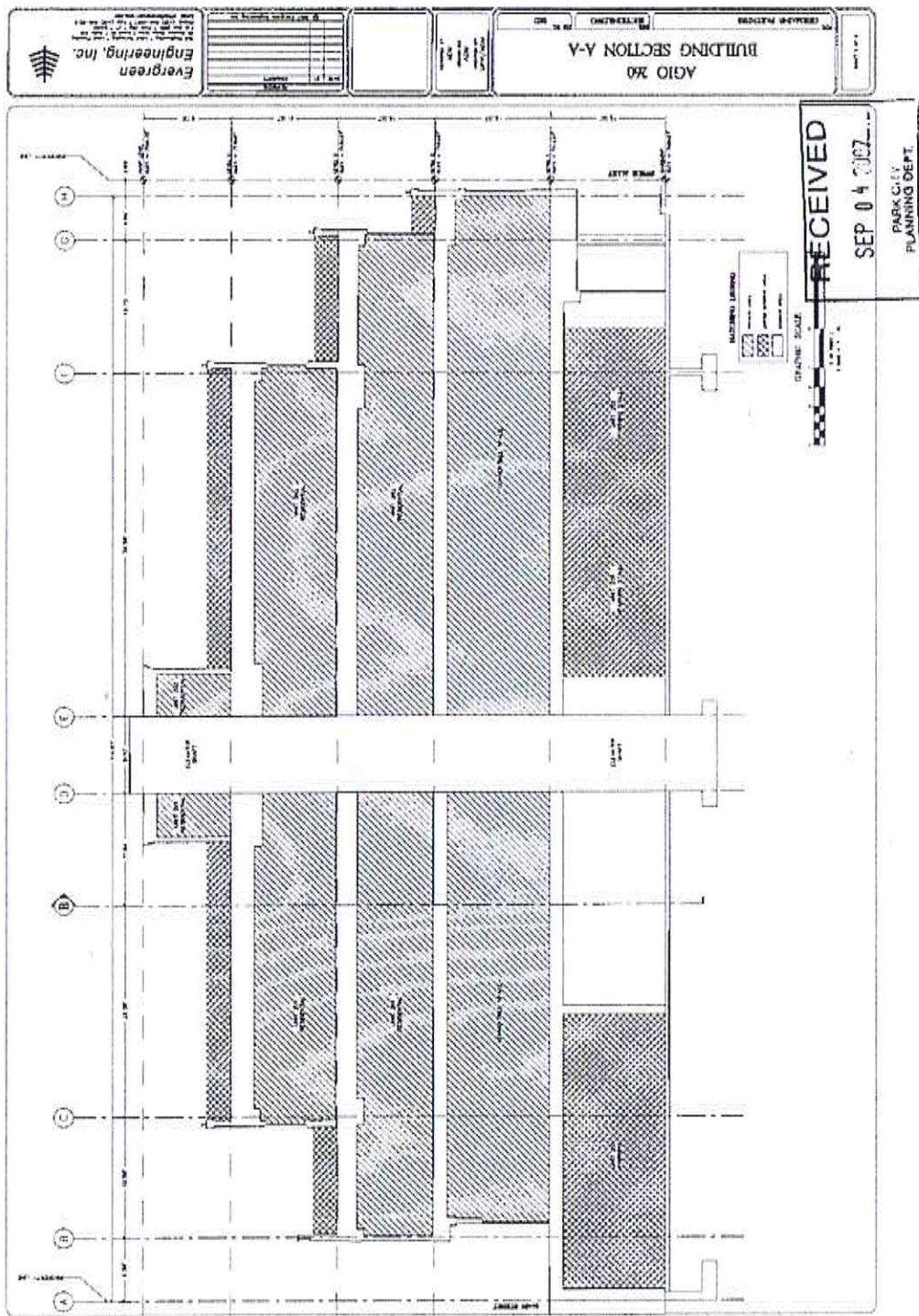
Evergreen Engineering, Inc. 1000 West 10th Avenue, Suite 100 Denver, CO 80202 Tel: 303.733.1111 Fax: 303.733.1112 Email: info@evergreeneng.com		SHEET NO. 100 PROJECT NO. 100 DATE: 10/1/06	FLOOR PLAN AGIO 260 SECOND AND THIRD FLOORS	SCALE: 1" = 10'-0" NORTH
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 Evergreen Engineering, Inc. Professional Engineering Firm 10000 Evergreen Way, Suite 100 Dallas, Texas 75243 Phone: (214) 343-1234 Fax: (214) 343-1235 Email: info@evergreeneng.com	1/4" = 1' - 0" SCALE		1/4" = 1' - 0" SCALE	1/4" = 1' - 0" SCALE	1/4" = 1' - 0" SCALE	1/4" = 1' - 0" SCALE	1/4" = 1' - 0" SCALE	1/4" = 1' - 0" SCALE
	BUILDING SECTION B-B AGIO 260							



RECEIVED
 SEP 04 2007
 PARK CITY
 PLANNING DEPT



Ordinance No. 07-29

AN ORDINANCE APPROVING THE 260 MAIN STREET SUBDIVISION COMBINING PORTIONS OF LOTS 14 AND 15 OF BLOCK 70 AND PORTIONS OF LOTS 14 AND 15 OF BLOCK 21 OF THE PARK CITY SURVEY, PARK CITY, UTAH, INTO ONE LOT OF RECORD.

WHEREAS, the owner of the property known as 260 Main Street, has petitioned the City Council for approval of a plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 9, 2007, to receive input on the 260 Main Street Subdivision.

WHEREAS, the Planning Commission, on May 9, 2007, forwarded a positive recommendation to the City Council; and

WHEREAS, on May 31, 2007 the City Council approve the 260 Main Street Subdivision; and

WHEREAS, it is in the best interest of Park City Utah to approve the 260 Main Street Subdivision.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The 260 Main Street Subdivision as shown in Exhibit B is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 260 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The HCB zone is a commercial business zone characterized by a mix of commercial, residential, recreational and institutional uses that enhance and foster the economic and cultural vitality of the City.
4. The amendment will combine portions of Lots 14 and 15 of Block 70 and portions of Lots 14 and 15 in Block 21 of the Park City Survey into one lot of record.
5. The lot is vacant.
6. Access to the property is from Main Street and Swede Alley.

7. The proposed lot measures approximately 30' x 115.26'.
8. The proposed lot is 3,514 square feet in size.
9. The minimum lot size in the HCB zone is 1,250 square feet.
10. Dedication of a street right-of-way has been offered to the city measuring 20 feet westerly of the centerline of the existing asphalt of Swede Alley.
11. Minimal construction staging area is available along Swede Alley and Main Street.
12. The applicant may measure the maximum building volume and height from the original rear yard property line as it existed prior to the right-of-way dedication. The rear building plane may rise vertically from the new rear property line 31'5" from the average natural grade

Conclusions of Law:

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:

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. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. 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 and the plat will be void.
4. The applicant will record the plat amendment at the County prior to issuance of a building permit.
5. Future building plans must respect the existing easement for vehicular ingress and egress for the neighboring building at 268 Main Street, as recorded.
6. The applicant will submit a flood proofing certificate for new construction prior to issuance of a building permit.
7. The applicant will submit a trash collection and storage plan for new construction prior to issuance of a building permit.
8. Building plans will include a fire sprinkler system that is compliant with the modified 13-D regulations.

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

PASSED AND ADOPTED this 31st day of May 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

MDH
Mark D. Harrington, City Attorney



260 MAIN STREET SUBDIVISION

2004-01-05-0001

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Journal of Management Inquiry

^a The values are means ± SD. ^b The values are means ± SD. ^c The values are means ± SD. ^d The values are means ± SD. ^e The values are means ± SD. ^f The values are means ± SD. ^g The values are means ± SD. ^h The values are means ± SD. ⁱ The values are means ± SD. ^j The values are means ± SD. ^k The values are means ± SD. ^l The values are means ± SD. ^m The values are means ± SD. ⁿ The values are means ± SD. ^o The values are means ± SD. ^p The values are means ± SD. ^q The values are means ± SD. ^r The values are means ± SD. ^s The values are means ± SD. ^t The values are means ± SD. ^u The values are means ± SD. ^v The values are means ± SD. ^w The values are means ± SD. ^x The values are means ± SD. ^y The values are means ± SD. ^z The values are means ± SD.

© 2000 Blackwell Science Ltd *Journal of Internal Medicine* 247: 391–397

the authors are not aware of any other studies that have examined the effects of the use of a single, non-validated, self-report measure of perceived effort on the relationship between perceived effort and the other variables examined in this study.

WILEY

[illegible]

Marginalia: (continued)

WATER UTILIZATION AND TRENDS TO IMPROVE

[illegible]

ACKNOWLEDGMENTS

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

100

11-11-2007

[illegible]

01/10/2008 10:00:00 AM



April 17, 2014

Jim Scott
260 Main Street, Unit B
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 260 Main Street, Unit B
Project Description: Historic District Design Review
Date of Action: April 17, 2014
Project Number: PL-14-02279

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the June 19, 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction in Historic Districts (#1 through 8) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; D. Off-Street Parking Areas, Garages, & Driveways; G. Exterior Lighting; and I. Sustainability. Staff found that as conditioned the proposed addition to the residential unit will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for 260 Main Street. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 260 Main Street.
2. The property is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
3. The property is located in the Historic Commercial Business (HCB) zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Historic District Design Guidelines.
4. The parcel is approximately 3,732.27 square feet in size. The minimum lot size requirement in the HCB district is 1,250 square feet and the maximum Floor Area Ratio (FAR) is 4.0.
5. The proposed addition to the residential unit is 327 square feet, increasing the total FAR to 2.12.

6. The existing developed site is located on Lot 1 of the 260 Main Street Subdivision.
 7. The neighborhood is characterized by historic and non-historic commercial business and residential.
 8. The new addition will comply with all setbacks. Hot tubs must be located within the property lines and not protrude out into the Right-of-Way.
 9. Access to the property is from Swede Alley.
 10. Four (4) off-street parking spaces are provided for the residential units.
 11. The proposed building meets the height limits and height envelopes for the HCB zoning. The building FAR and setbacks also comply with the zoning requirements.
 12. The proposal, as conditioned complies with applicable Universal Design Guidelines for new construction in Historic Districts.
 13. The proposal, as conditioned complies with applicable Specific Design Guidelines for new construction, including A- Site Design, B- Primary Structures, D- Off-Street Parking Areas, Garages, & Driveways; G- Exterior Lighting, and I- Sustainability.
 14. On March 10, 2014, a Historic District Design Review application was submitted to the Planning Department for the above described work.
 15. On March 21, 2014, Staff posted notice of receipt of the HDDR application and sent out notice letters to property owners as required by the Land Management Code. No public comment was provided regarding the addition.
 16. On April 17, 2014, Staff posted notice of final action as required by the Land Management Code. The appeal period runs until 5 pm on April 27, 2014.
-

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Commercial Business (HCB) District (lot size, setbacks, etc.).
3. The proposed work is consistent with Park City General Plan.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on March 10, 2014 and the tenant improvement drawing stamped in on March 12, 2014 and approved on April 17, 2014, as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not

been approved by the Planning and Building Departments may result in a stop work order.

3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by April 17, 2015, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approval all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. Construction waste should be diverted from the landfill and recycled when possible.
8. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded, including any existing lighting that does not currently comply.
9. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
10. All exterior wood siding shall be painted or stained a solid color, and when possible, a low VOC (volatile organic compound) paint and finish shall be used. Provide a weather protective finish to wood surfaces that were not historically painted.
11. All exterior concrete must be textured.
12. All exterior steel trim, panels, and hand rails must be non-reflective.
13. Hot tubs require a building permit and compliance with the zone setbacks.
14. Approval of this HDDR was noticed on April 17, 2014, and any approval is subject to a 10 day appeal period.
15. All standard conditions of approval shall apply (see attached).

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5068, or via e-mail at christy.alexander@parkcity.org.

Sincerely,

A handwritten signature in black ink, reading "Christy Alexander". The signature is fluid and cursive, with the first name "Christy" and last name "Alexander" clearly distinguishable.

Christy J. Alexander, AICP
Planner II

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to

issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.