



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
September 11, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, September 11, 2019.

MEETING CALLED TO ORDER AT 5:30 PM.

I.ROLL CALL

II.MINUTES APPROVAL

- II.A. Consideration to Approve the Planning Commission Meeting Minutes from August 28, 2019.
[PC Minutes -8-28-19.pdf](#)

III.PUBLIC COMMUNICATIONS

IV.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

V.CONTINUATIONS

- V.A. Marsac Mining Claim 61 (approximately 8925 Marsac Avenue) – Zoning Map Amendment
The Applicant is Proposing to Rezone a 1.2-acre Portion of Marsac Mining Claim
(approximately 8925 Marsac Avenue) located within the Flagstaff Annexation Area from
Recreation Open Space to Residential Development. Continued from the August 14, 2019
Planning Commission Meeting. PL-18-04046
A) Public Hearing B) Continued to a date uncertain
[Staff Report](#)
- V.B. 245 Woodside Avenue – Plat Amendment – Proposal to remove an interior Lot line to
create one (1) Lot of record 2,812 square feet in size. PL-19-04209
A) Public Hearing and B) Continuation to October 23, 2019

[Staff Report](#)

VI.CONSENT AGENDA

VII.WORK SESSION

- VII.A. Park City Visioning 2020
[Staff Report](#)

VIII.REGULAR AGENDA

- VIII.A. 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue (Woodside Park Phase II Master Planned Development) Remand. On July 16, 2019, the Board of Adjustment reviewed an Appeal of the May 22, 2019 Planning Commission approval of the Master Planned Development application and remanded the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C). The Planning Commission will review the applicant's updated submittal for compliance with 15-6-5(C) Master Planned Development Requirements - Setbacks.
PL-18-03822
A) Public Hearing B) Possible Action
[Staff Report](#)
[Exhibit 1](#)
- VIII.B. 8782 Marsac Avenue, Nakoma Lot 17 – Amendment to Condominium Plat – Friends of Flagstaff LLC, is Proposing to Adjust Lot Lines of Nakoma Lot 17 to Better Accommodate Construction of a Single Family Dwelling. The Lot is Accessed off of Marsac Ave. And is Subject to The Amended Agreement For Flagstaff Mountain March 2007, which Granted the Developer/Owner a Large Scale MPD, and is Part of the Lot B, Northside Village Subdivision, II. PL-19-04292
A) Public Hearing B) Possible Recommendation for City Council on September 26, 2019
[Staff Report](#)
[Exhibits](#)
- VIII.C. Annexation Policy Plan and Land Management Code Amendments - The Planning Commission will Hold a Public Hearing to Consider Amendments to the Annexation Policy Plan, Codified in the Land Management Code Title 15, Chapter 8, to Modify the Annexation Expansion Area, a Map that Highlights Areas the City May Consider Annexing in the Future, to include (1) the Northeastern Portion of the Round Valley Area, (2) the Southeast Quadrant of the Quinn's Junction Intersection (HWY 40 and SR 248) to the Summit County Border, and (3) Bonanza Flat in Unincorporated Wasatch County. GI-19-00416; PL-19-04300

A) Public Hearing B) Possible Recommendation for City Council on September 12, 2019
[Staff Report](#)
[Exhibit A](#)
[Exhibit B](#)
- VIII.D. 901 Woodside Avenue –Conditional Use Permit – The Applicant is Proposing the Construction of a Private Driveway Within a Platted, Un-Built City Street. Item Continued from August 14, 2019 Planning Commission meeting. PL-19-04152
(A) Public Hearing and (B) Possible Action
[Staff Report](#)
[Exhibit A](#)

[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)

- VIII.E. 839 Woodside Avenue – Conditional Use Permit – The Applicant is Requesting to Locate a Basement Addition Directly Beneath the Landmark Historic Structure that Encroaches into the Side Setback Area. PL-19-04274
A) Public Hearing B) Possible Action
[Staff Report](#)
[Exhibits](#)
- VIII.F. 1271 Lowell Avenue & 1217 Rothwell Road – Plat Amendment – The Applicant is Proposing to Amend the Kings Crown Resubdivision Plat, Affecting Lots 2, 30, and 32. The Proposal Includes Splitting Lot 2 into Two Lots and Allocating a Portion of Lot 32 to Lot 30. PL-19-04305
A) Public Input B) Recommendation to City Council for October 10, 2019
[Staff Report](#)
[Exhibit B - Applicant's Project Description](#)
[Exhibit C - Survey](#)
[Exhibit D - Aerial Photograph](#)
[Exhibit E - Site Photographs](#)
[Exhibit F - Current Plat](#)
[Exhibit G - Amended MPD and CUP Findings of Fact, Conclusions of Law, and Conditions of Approval](#)
[Exhibit H - Amended Housing Mitigation Plan](#)
- VIII.G. 1217 Rothwell Road – Plat Amendment – The Applicant is Proposing to Create a Condominium Plat, Consisting of Seven (7) units, Within the Kings Crown Master Planned Development. PL-19-04240
A) Public Input B) Recommendation to City Council for October 10, 2019
[Staff Report](#)
[Exhibit B - Applicant's Project Description](#)
[Exhibit C - Survey](#)
[Exhibit D - Aerial Photograph](#)
[Exhibit E - Site Photographs](#)
[Exhibit F - Current Recorded Plat \(Kings Crown Resubdivision\)](#)
[Exhibit G - Proposed Kings Crown Resubdivision First Amended](#)
- VIII.H. 1312, 1324 & 1336 Aerie Drive – Plat Amendment – Aerie Holdings LLC, is Proposing to Combine Lots 9 and 10 by Removing the Internal Lot Line, to Demolish the Existing House on Lot 10 and to Construct a New House on the New Combined Lot. Lot 11, Which is Under the Same Ownership, Will Remain Vacant With No Plans For Development At this Time. PL-19-04297

A) Public Hearing B) Possible Recommendation for City Council on September 26, 2019
[Staff Report](#)

IX.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 28, 2019

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm

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

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ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Hall and Van Dine, who were excused.

ADOPTION OF MINUTES

August 14, 2019

Commissioner Kenworthy referred to page 5 of the Minutes under Communications and Disclosures, and changed she to correctly read **he** in the first sentence where he disclosed that he was the landlord to Deer Valley Seasonal Housing.

MOTION: Commissioner Thimm moved to APPROVE the Minutes of August 14, 2019 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the Planning Commission was scheduled to meet on September 11th and September 25^t. He anticipated both agendas to be fairly full.

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

V.A. 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue (Woodside Park Phase II Master Planned Development)
Remand. On July 16, 2019, the Board of Adjustment reviewed an Appeal of the

May 22, 2019 Planning Commission approval of the Master Planned Development application and remanded the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C). The Planning Commission will review the applicant's updated submittal for compliance with 15-6-5(C) Master Planned Development Requirements - Setbacks. (Application PL-18-03822)

Director Erickson stated that this item was the Woodside Park Phase II. The Staff was requesting a continuance to September 11, 2019 to allow additional time to work on some of the details for the setback remand from the Board of Adjustment.

Chair Phillips thought Woodside Park Phase I appeared to be complete and he assumed they would be doing the lottery very soon. Director Erickson replied that the lottery would not take place until they have the Certificates of Occupancy. A few minor items needed to be cleaned up before the COs could be issued. Chair Phillips asked if the Planning Commission do a walk-thru of the project before the units are occupied. He thought it would be a good opportunity for the Commissioners to see how the units turned out. Director Erickson replied that the Staff would make sure to schedule a walk-thru.

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

MOTION: Commissioner Suesser moved to CONTINUE Woodside Park Phase II Master Planned Development to September 11, 2019. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

VIII.A. Annexation Policy Plan and Land Management Code Amendments – The Park City Planning Commission will hold a public meeting to consider amendments to the Annexation Policy Plan and the Annexation Expansion Area, a map that highlights properties the City may consider annexing in the future. The Annexation Policy Plan and Annexation Expansion Area are codified in the Land Management Code Title 15, Chapter 8. The proposed Annexation Expansion Area includes (1) the northeastern portion of the Round Valley area, (2) the southeast quadrant of the Quinn's Junction Intersection at Highway 40 and State Road 248 to the Summit County

border to encompass City-owned Clark Ranch, the Richardson Flat development-restricted area, and private property, and (3) the City-owned Bonanza Flat open space along the City's southern boundary in unincorporated Wasatch County. Members of the public and affected entities are invited to attend, may examine the proposed plan, and provide input. (Application GI-10-00416 and PL-19-04300)

Land Use Policy Analyst, Rebecca Ward reviewed the Annexation Policy Plan and Amendments to the Land Management Code, Title 15, Chapter. She reported that in April 2019 the City Council directed the Staff to work with the Planning Commission to modify the City's Annexation Policy Plan and Annexation Expansion area.

Planner Ward stated that the Policy Plan establishes the framework through which the City considers potential future annexations; and it establishes the criteria that the City would look to when denying or granting an annexation petition. The Annexation Expansion Area is the map that shows the lands the City may consider annexing in the future.

Planner Ward reported that in 1993 Park City adopted its first Annexation Policy Plan. In 2003 the City adopted and codified the Annexation Policy Plan in the LMC. She presented a slide showing the existing annexation expansion area identified in yellow. She stated that since 2014 the General Plan has considered modifying the Annexation Expansion Area so the City could consider protecting gateways to the City, to preserve open space, to continue the planning partnership that the City has with Summit County in the Quinn's Junction area, and to bring City-owned property into the City jurisdiction.

Planner Ward stated that since the first annexation expansion area was adopted in 2003, the City has acquired property in the Round Valley area. In 2008 a 363-acre parcel was acquired. In 2014 the City purchased the 344-acre parcel to the east of the boundary to Clark Ranch property. In 2016 the City voted in favor of a \$25 million bond to purchase the 1350-acre Bonanza Flat open space property to the south of the City boundary in unincorporated Wasatch County. Planner Ward stated that although the City does not own the Richardson Flat property, there are 580-acres of development restricted property in the southeast quadrant of the Quinn's Junction Intersection at Highway 40 and SR248. Park City is the beneficiary of that development restriction.

Planner Ward remarked that in the context of some events in neighboring communities, Hideout adopted their annexation expansion on August 22, 2019. Park City had requested that Hideout remove Clark Ranch from their annexation expansion area, which they did. They also removed approximately 160 acres of Operable Unit 1 in the Richardson Flat tailings site. However, Park City is the beneficiary of approximately

420 acres of the development restricted property that was still included in the Plan. Planner Ward explained that when the Town Council adopted this plan they indicated that when the final expansion area is published it will show the boundary line and where they have gone into Summit County. She reviewed the map to show that it is near Park City property and Highway 40 can be seen along the west; as well as SR248. She indicated the Clark Ranch property and the Wasatch County boundary line, which is where the Hideout Annexation Expansion Area and the Park City Expansion Area may overlap.

Planner Ward stated that on July 2nd, the Military Installation Development Authority adopted their Project Area 3. It was the area shown in green at the base of their project area, which comes up to Park City's southern boundary.

Planner Ward reported that the City Council had asked the Staff to work with the Planning Commission to consider a modified annexation expansion area in order to provide consistent services and management to the City-owned properties, preserve open space, develop affordable housing, and to avoid overlaps with other annexation expansion areas. For the Round Valley area, she indicated the 363-acre City-owned parcel on the right shown in green. She noted that the proposed annexation expansion area also goes north to include approximately 75 acres of private property. A Mountain Regional Water Special Service District tank sits on a quarter acre in that area. In the Quinn's Junction area is the Clarks Ranch Property shown in green. The red color indicated 580-acres of development restricted Richardson Flat property. The yellow identified 575 acres of privately owned property.

Planner Ward reported that Park City has been collaborating with Summit County since 2002 to develop the Quinn's Junction Joint Planning Commissioner Principles up to the Summit County border. The City and County together have established principles of how this City area would be developed in the future. Planner Ward stated that within Bonanza Flat is the 1350 acres which will be under a conservation easement.

Planner Ward noted that prior to this meeting, Heinrich Deter, the Open Space and Trails Manager, received an email from the Girl Scouts of Utah Chief Executive Officer. The Girl Scouts have approximately 250 acres to the south of the Bonanza Flat City-owned property that is deed-restricted open space. They have requested that the Planning Commission consider potentially expanding the expansion area to include the Girl Scout property in the event they would want to petition the City for annexation in the future. Planner Ward stated that because Bonanza Flat is located in Wasatch County, if the City decides to petition to annex this property into the City boundary in the future, the City would have to work with Wasatch County and receive approval from the

Wasatch County Council. They would first need to pass a resolution to allow the City to take the next step and annex into the City boundary.

Chair Phillips indicated a square at the bottom left-hand corner of the map that was excluded and appeared to be landlocked. Director Erickson replied that it was a mine claim. He pointed to two smaller pieces that were privately owned. The City will have conversations with those landowners on bringing them into the boundary or leaving them out. Director Erickson explained that the boundary currently established was designed to only take in City-owned lands and not consider additional annexations. He indicated the Girl Scout land, and noted that if the private owners also wanted to come in before the City Council approves the Annexation Policy Plan, it would be considered.

Planner Ward summarized that the proposed annexation expansion area was shown in green, and included the three areas that were discussed. As part of the process, State law requires the City to send notice to affected entities. On August 12, 2019 the draft Policy Plan and proposed changes were mailed to affected entities, which included Summit and Wasatch Counties, the School Districts, Local District, Special Service Districts, and Municipalities within one-half mile, including Hideout. A public meeting must be held and the affected entities have an opportunity to provide their input on the proposed plan within 10 days from the public meeting, in this case through September 9th, and submit written input for the Planning Commission's consideration. A public hearing will also be scheduled with the Planning Commission. The Planning Commission will make modifications and forward a recommendation to the City Council for a final public hearing.

Commissioner Kenworthy asked if the 250 acres of Girl Scout property was in Wasatch County. Planner Ward answered yes. Commissioner Kenworthy understood that Wasatch County would need to give permission, in addition to the Girl Scout application. Director Erickson explained that if the Girl Scout property was in the Policy Plan and at some point they decided to annex, the City would need consent from Wasatch County before the annexation could occur.

Commissioner Thimm asked if the Planning Staff had a position on adding the Girl Scout land to the Policy. Director Erickson replied that at this point they were leaning toward the positive, but it still needed to be discussed. In terms of the management of Bonanza Flat, if the City chooses to annex Bonanza Flat and go through the process, the City Police would respond in that area. Director Erickson understood from the Police Chief that City response times are quicker than trying to get the Sheriff up there because the Sheriff comes from Heber. However, additional services would be complicated because there is a different water shed on that side of the hill. It is Provo River Water and Park City Water comes from Weber Basin Water. Director Erickson

stated that if the Commissioners were interested, at another time on they could go through the Development Agreement and how it was resolved when Bonanza Flat was proposed for development.

Commissioner Thimm asked what action the Planning Commission was being asked to take this evening. Director Erickson replied that the Staff was asking for a public hearing to give the affected entities the opportunity to come before the Planning Commission for a public hearing before they forward a recommendation to the City Council. Director Erickson stated that the Staff would have a response on the Girl Scout land by September 11th, Planner Ward will update any new information, as well as providing information from the affected entities. Director Erickson noted that during the last couple of Annexation Hearings they heard comments from water companies, school districts, and the County Commissioners, and others. They have also tried to brief all the normal affected entities during their development review meetings.

Planner Ward noted that the Outreach to the affected entities were outlined in the Staff report.

Commissioner Suesser asked if the Staff had met with MIDA. Planner Ward replied that they had not met with anyone from MIDA. Commissioner Suesser asked if MIDA had made any comments or statements. Director Erickson answered no.

Chair Phillips opened the public hearing.

Mary Bransford Reader stated that she was one of the private landowners within this Annexation Policy Agreement. Her property abuts to Guardsman Road and she would have access from Guardsman. Currently, she accesses her property through the normal channels going into Bonanza Flat. Ms. Reader was unsure whether she was considered one of the affected entities as a private homeowner, but she had not received the notice on August 13th regarding the annexation. However, Heinrich Deter had called her sister to let her know about the Annexation Policy discussion.

Ms. Reader wanted to know how she would benefit as a private landowner if this Annexation Policy is approved.

Commissioner Suesser clarified that Ms. Reader's parcel would be included in the Annexation Expansion Area. Director Erickson replied that it would be included in the Expansion Area and it is identified as a private parcel.

Chair Phillips closed the public hearing.

Chair Phillips noted that the annexation boundary was expanded a few years ago. Director Erickson stated that in 2017 the City discussed expanding the expansion area from the annexation of the Clark Ranch and the Round Valley areas. Chair Phillips could not recall whether the boundary was actually expanded or just discussed. Director Erickson remarked that the conversation was about which land uses would happen; as well as a conversation about the General Plan regarding open space and housing. The boundary expansion was put on the back burner due to Treasure Hill. Chair Phillips clarified that the currently proposed boundary expansion included additional areas to what was proposed in 2017. Director Erickson answered yes.

Commissioner Suesser asked Planner Ward to put up the image of the proposed annexation expansion area.

Chair Phillips asked if the Bonanza Flats area was discussed in 2017. Director Erickson answered no. He noted that the Planning Staff and others in the Community Development Team thought it would make the discussion more complex because it was in Wasatch County. Chair Phillips recalled that the Planning Commission discussed the idea of Bonanza Flats but it was not presented by the Staff. Director Erickson remarked that the intention was to expedite getting Clark Ranch and Round Valley into the City boundaries without the complications of Bonanza Flat. However, adding Bonanza Flats in the Annexation Policy now was the right thing to do.

Chair Phillips asked the Staff to respond to the question Ms. Reader asked during the public hearing. He pointed out the other private properties and asked if those property owners were aware of this annexation expansion boundary.

Margaret Plane, Special Counsel, stated that Affected Entity is a defined term in the State Code and it does not include private property owners. She explained that currently they were only talking about an Annexation Policy Plan; not an actual annexation. The discussion is about a plan that allows consideration of an annexation in the future. Ms. Plane noted that the definition of an Affected Entity includes Counties, Local Districts, the School Districts, and Municipalities whose boundaries are within one-half mile of the area proposed in the plan. Ms. Plane stated that Park City did not attempt to notify the public property owners that may be included in the proposal because it is not required by Statute; and because of the confusion it might generate.

Chair Phillips asked if the private property owners would be notified if the City established this new boundary and a property was actually being considered for annexation. Planner Ward replied that under that scenario the private property owners would be notified.

Director Erickson explained that MIDA was not notified because it is not a defined affected entity. MIDA is a public entity controlled by a Board and by the State Legislature. City Attorney Harrington reported that MIDA came to the City Council retreat and gave a comprehensive update of their efforts. At that time, they were informed of what the City was doing with the Annexation Policy; even though it was not an official notice. Mr. Harrington stated that there was an open channel of communication between MIDA and the City.

Director Erickson referred to the question raised by Ms. Reader and suggested that she asked the same question asked at the City Council level. In terms of services, if Ms. Reader's property was to be annexed, the police protection would be extended. The City was still considering how fire protection would be extended. The City Council needed to provide guidance on other services.

Commissioner Suesser asked about water service. Director Erickson did not have an answer on water. City Attorney Harrington thought they were getting ahead of the actual question Ms. Reader had raised about a benefit to her. He explained that this action would allow a private property owner to submit their own petition for annexation or to be included in another annexation petition that meets State Code and the local ordinance standards to be considered for annexation in the future. If a property is not included in the boundary area, they cannot be considered on either their own petition or included in another petition for annexation. That was the sole purpose of this Annexation Policy. Mr. Harrington stated that decisions regarding services would be determined when an eventual annexation petition is considered and granted.

Commissioner Sletten stated that the first time he saw the Hideout expansion he did not understand the complexity of throwing out a net. Like Ms. Reader, he would be concerned if he was a private landowner and heard that his land was included in a potential annexation boundary without understanding the background. Commissioner Sletten asked if it was possible to include the individual private landowners in the noticing process. Mr. Harrington pointed out that courtesy efforts were extended to certain individuals, but he was unsure to what extent without looking talking to Mr. Deter.

Commissioner Kenworthy clarified that if this Annexation Policy is approved, Ms. Reader would have the option to petition for annexation if she wished. Mr. Harrington replied that she would have the ability to file her own petition provided it complies with the statutory requirements. He explained that being in the annexation boundary does not mean the property owner must be annexed. For example, Ms. Reader would remain in unincorporated Wasatch County until she is affirmatively annexed through a proper petition by someone else or herself. Commissioner Suesser asked if Ms.

Reader would have the ability to exclude her property from an annexation petition. Mr. Harrington stated that he could not answer that question without knowing the scope of the petition and the percentages of ownership. The rules are specified in the State Statute and would be analyzed at the time of the petition. Mr. Harrington stated that the City was willing to meet with any of the property owners if they have additional questions on what this action would mean for them.

Chair Phillips informed the public that they could contact the Planning Department or the Legal Department if they have additional questions. The public would also have another opportunity to make comment during the public hearing on September 11th.

Chair Phillips thought the proposed annexation boundary was logical. He commended the Staff on a great report and for providing the Commissioners with the necessary information to help them understand what was being proposed.

MOTION: Commissioner Kenworthy moved to set the public hearing for the Annexation Policy Plan and Land Management Code amendments for September 11, 2019 on the Annexation Policy. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

VIII.B. Land Management Code (LMC) Amendments - Regarding Historic Preservation in 15-11 including amendments to the following sections: 15-11-2(C) Terms and Qualifications of Members; 15-11-8(A) Staff Assistance; and 15-11-12.5 Historic Preservation Board Review for Material Deconstruction. All references to Utah Heritage Foundation will be updated to reflect their new organizational name of Preservation Utah. The Historic Preservation Board Review process for Material Deconstruction will be updated as directed by City Council.
(Application PL-19-04232)

Planner Caitlyn Barhorst stated that these LMC amendments were in two parts and required two separate motions.

Planner Barhorst reported that following the August 21st HPB meeting, the Staff decided relook at Section 15-11-12.5, the Review for Material Deconstruction. It was Part 2 of the proposed amendments and the Staff requested that the Planning Commission Continue that portion to a date uncertain.

Planner Barhorst stated that Part 1 of the proposed amendment was to change Utah Heritage Foundation to Preservation Utah, which is the current name of the organization. The name change would occur in sections 15-11.2 and 15-11.8.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to Forward a POSITIVE recommendation to the City Council concerning Land Management Amendments for Chapter 15-11-2(c) and 15-11-8(a). Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Thimm moved to CONTINUE Land Management Code amendments for Chapter 15-11-12.5, Historic Preservation Board Review for Material Deconstruction, to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

VIII.C. Twisted Branch Road - Subdivision – East of Montage and Empire Lodge. The Applicants, REDUS Park City LLC and Park City Municipal Corporation, are proposing to create three lots of record for 1) an Existing City Water Tank; 2) a private on-mountain restaurant; and 3) and an existing City water pump station. The plat also creates six non-development parcels for Deer Valley to be used for access, utilities, ski runs, public trails and trailheads, bridges, snowmaking, etc., and open space. The property is subject to the Amended Flagstaff Development Agreement and Technical Reports. No changes to SR 224 are proposed.
(Application PL-17-03664)

Planner Hannah Tyler distributed copies of two emails with public comment that were received after the Staff report was prepared.

Planner Alexandra Ananth introduced Doug Ogilvy, who was representing REDUS this evening.

Planner Ananth reviewed the request for a subdivision plat approval of the Twisted Branch subdivision, which is a gated private road that would be owned by REDUS and creates three platted lots of record. Lot 1 is the City water tank and some additional land; Lot 2 is a proposed on-mountain private restaurant that was approved under Exception 2.6 of the Development Agreement; Lot 3 is a City-owned water pump station. The plat also creates six non-development open space parcels, records some easements, and maintains the status quo in terms of ownership, use and maintenance of both Twisted Branch Road and SR224. It neither allocates or assigns residential or new commercial development to any of these lots or parcels.

Planner Ananth reported that the proposed plat does not preclude Twisted Branch Road from becoming a public road in the future, subject to the necessary approvals and agreements. The Staff recommended a condition of approval and a plat note stating that fact.

Planner Ananth stated that the three main issues with Twisted Branch Road were 1) the Lot 2 grading and height of the future restaurant; 2) access to Twisted Branch Road; 3) historic preservation and open space.

Planner Ananth stated that the proposal for Lot 2 is a private on-mountain restaurant with no parking. It would be ski access only. The restaurant is allowed per the Development Agreement. A conditional use permit was previously approved in February 2008 for a similar private on-mountain restaurant. The applicant was granted an extension of the CUP; however, it was never acted upon and the CUP expired. Planner Ananth noted that the Lot 2 site is below the grade of the adjacent ski run. The applicant was proposing to fill the lot to match the adjacent ski run in order to accommodate the ski in/ski out access. The applicant was proposing to measure the height from the grade after the acceptance of fill. However, the height would still need to meet the LMC requirement, which is 28' from the future grade after fill. Planner Ananth stated that a CUP application would be required prior to issuance of any building permits for Lot 2.

Chair Phillips asked for an estimate of the amount of fill. Mr. Ogilvy replied that a grading permit was approved by Staff for 20' feet of fill under the restaurant pad, which would bring it up to a contour going from the top of Bandana, tying into natural grade on the west end of Lot 2. They were requesting that that be considered the natural grade and measure the 28' from that grade. Mr. Ogilvy believed that language was included indicating that it is the lower of 28' from assumed natural grade or finished grade.

Commissioner Suesser asked if it was a private restaurant. Planner Ananth answered yes.

Planner Ananth reported that Section 2.8.2 of the amended Agreement allowed for the construction of the private road in Flagstaff Mountain, and it allows for all season access throughout the year. The goals of the limited access road were to preserve the existing limited winter time public access to Park City from Wasatch County and continuing the seasonal closure of SR224. According to Exhibit 9 of the 14 exhibits, the road was to be built to serve development Pod D, which is the Red Cloud Subdivision. Planner Ananth noted that Twisted Branch Road dead-ends in the Red Cloud Subdivision at the top of Empire Pass. There are access controlled gates at both ends of the road.

Planner Ananth stated that to date, Park City Municipal Corporation has not received any indication that UDOT plans to abandon State Road 224 as a seasonal right-of-way; and not obligation is created to convert the private road to a public right-of-way. The proposed Twisted Branch Subdivision does not change the current use, access or ownership of either SR224 or Twisted Branch Road. The Staff recommended a condition of approval to that effect.

Commissioner Phillips asked if the condition of approval was already in the Staff report or whether it would be an additional condition. Planner Ananth replied that it was already included in the conditions of approval as Condition 11u.

Planner Ananth commented on preservation and open space. She stated that while there are no historic sites located on the subject property itself, over the courses of the past year the City has worked to complete a Memorandum of Agreement specifying that the Empire Pass Master Owners Association is the party responsible for compliance with Technical Report 5 regarding historic preservation; and Technical Report 6 regarding open space. The MOA specifies that the Empire Pass Master Owners Association would contribute \$20,000 annually for the next ten years, with a ten-year extension for historic preservation activities. The MOA sets forth a plan to address maintenance needs of certain historic mining sites for achieving substantial compliance with the Technical Reports. The fee would be placed in the maintenance fund and distributed after a review by the Empire Pass Master Owners Association and the City. All expenditures need to be approved by the City. Planner Ananth stated that the execution of the MOA is a condition prior to the recording of the Twisted Branch Subdivision or other REDUS plats.

Planner Ananth noted that the City had also secured a commitment from the Empire Master Owners Association to the Park City Museum for reimbursement of costs associated with the stabilization of the Little Bell Mine Ore Bin. REDUS and Storied Development also agreed to make a one-time payment of \$40,000 each to stabilize the

roof structure of the Judge Mining and Smelting Company office. Technical Reports 5 and 6 would be updated to reflect the current ownership; and mine operations would be completed by the Empire Pass Master Owners Association and the City. Planner Ananth reported that the City was currently in discussions with Deer Valley regarding additional contributions to this fund.

Director Erickson explained that the Empire Pass Master Owners Association contracted with the City's consultant to complete a third party analysis of all the mine sites in order to determine completion. Once the City signs the agreement, there will be a six-month period to complete that review. The report will come back to the Planning Commission to update Technical Reports 5 and 6.

Commissioner Suesser asked if REDUS and Storied Development were part of the Master Owners Association. Director Erickson answered yes. Mr. Ogilvy stated that they were the joint master declarants for Empire Pass. He noted that the consultants were on-site the day before looking inside and outside of the Judge Mining and Smelting building. The consultants were all over Empire Pass reviewing the 21 sites.

Commissioner Sletten referred to the ten-year extension of funds and asked for the trigger. Director Erickson thought it would be determined by the analysis of what work needed to be done. If everything is done, then it would be on-going maintenance. Director Erickson clarified that the Planning Commission needs to define the term "done". He explained that Empire Pass would be managed the same way as the sites on Park City Mountain Resort. There is a list of seven priorities and the City goes through that list every year with the Resort to determine the priorities for spending money that year.

Commissioner Kenworthy asked if there is a deadline for the inspection report to be completed. Director Erickson replied that the inspection reports were due in approximately six weeks. The Agreement has six months to be reviewed by the Planning Commission. Chair Phillips noted that it would be into next Spring.

Planner Ananth stated that the Staff finds that the proposed Twisted Branch Subdivision Plat complies with the development regulations and density as identified in the Development Agreement and the LMC. The private road was constructed and gated per the Agreement, and the subdivision does not change how the road is accessed, maintained or used.

The Staff recommended that the Planning Commission conduct a public hearing, review the application and the draft findings of fact and conditions of approval, and forward a positive recommendation to the City Council.

Mr. Ogilvy noted that the applicant has been working on this application with the Staff for two years. The trigger is the need to create a buildable lot for the restaurant. He pointed out that the 2008 CUP was contingent on recordation of a plat for that lot, which is why the CUP expired. They originally came in with a plat that extended up to Red Cloud; however, that triggered significant discussions about private road versus public road. Mr. Ogilvy stated that the objective of this plat is create a buildable lot for the High Creek Restaurant. This plat does not change future discussions about the ownership of Twisted Branch Road; but at this time they are obligated under the Development Agreement to keep the road private.

Mr. Ogilvy reiterated that the historical consultant was doing all the field work for the historical review and report. He noted that the Master Declarants and the Master Association had negotiated the Memorandum of Agreement with the Staff. The MOA creates a significant funding source for addressing a limited number of structures at Empire Pass. Mr. Ogilvy stated that unlike Park City Mountain Resort, which has dozens of historic mining structures, within Empire Pass there is only the Daly Head Frame, the Judge Mining Building, the explosives bunker, the Little Bell Ore Bin, and water tanks on the City-owned parcel. It was not nearly the magnitude of the situation at PCMR. Mr. Ogilvy remarked that other mining buildings in Empire Canyon are not within the Development Agreement or on land owned or controlled by the Declarant.

Mr. Ogilvy clarified that the goal was to create a platted lot for the restaurant and to leave the other issues for discussion down the road. He emphasized that they were actively moving forward with the historic preservation.

City Attorney Harrington referred to the phrase "continue these discussions down the road". He wanted it clear that it was what the applicant was asking as indicated on the final page of the Staff report. Mr. Harrington pointed out that the initial Staff report had an exact condition of approval regarding dedication for the right-of-way, not requiring dedication at a date certain or at this time, but preserving it moving forward. However, that was unacceptable to the applicant and they were still negotiating whether that could take a different form or timing. Mr. Harrington stated that at this point they have not been able to reach agreement on that matter. Those issues were germane to the concerns Mark Fischer had outlined in his email to the Staff. Mr. Harrington remarked that the applicant asserts that those issues were more appropriately directed before City Council in the context of amendments or clarifications to the Development Agreement; or interpretation of the Development Agreement. Those were reflected in the submittal directly responding directly to Mark Fischer. Mr. Harrington pointed out that the City does not agree with all of Mr. Ogilvy's characterizations; nor do they agree with all of Mr. Fischer's characterizations. For that reason, REDUS requested to

address those issues before the City Council. Mr. Harrington stated that the Planning Commission had three options with regards to the road. They could agree that those matters are more appropriate before the City Council or determine that the matters are appropriate for the Planning Commission; they could direct the applicant to go before the City Council to resolve the issues, and then come back for a recommendation from the Planning Commission incorporating that resolution into the application; or they could request additional information and continue the matter.

City Attorney Harrington anticipated significant public comment on historic preservation and he preferred to address that issue after the public hearing.

Commissioner Suesser asked for further explanation on the road issue and the debate regarding the access, the realignment and use of SR224, and potentially dedicating the road to the public at some point. She did not believe the analysis in the Staff report was clear.

Planner Ananth explained that Twisted Branch Road was allowed under the Development Agreement. The Development Agreement is fairly clear that Twisted Branch is to be a private road but it does not preclude it from being a public road at some point in the future if UDOT decided to give up SR224. Planner Ananth clarified that the developer would like to keep it a private road for now with seasonal access. She noted that UDOT policy on SR224 is to allow seasonal access only. The applicant was not proposing any changes. City Attorney Harrington stated that under that interpretation the only way the road becomes public in the future is through condemnation by UDOT.

Commissioner Suesser understood it was a private road going dead-end into a private community. She wanted to know what right-of-way issue Mr. Harrington had mentioned. Mr. Harrington stated that the nuance of the language is slightly different in terms of what the Development Agreement did or did not contemplate. The applicant and the City have agreed to disagree on that issue. He believed the original intent was to facilitate an abandonment of the original alignment of SR224 in favor of Twisted Branch Road. However, that was contingent on a number of other things occurring mostly under the control of the State. Those things did not occur and it was beyond the City's control. Mr. Harrington stated that because they did not occur, the Development Agreement does address Twisted Branch as a private road with conditions. Now that they know this is the result going forward, the City was attempting to clarify to make sure there was no still no avenue for future misunderstandings moving forward. That is the discussion the applicant prefers to have with the City Council. Mr. Harrington thought it was anticipated that the road would be owned by a third party at this point, which was the genesis of further discussions. He noted that the applicant and the City

were not able to reach agreement on those terms and the applicant has the right under State law to require their application to move forward.

Commissioner Sletten noted that Mark Fischer's August 20th email references various letters that he had provided to the Planning and Legal Departments. Director Erickson stated that all the letter received were on the record and most likely in the Minutes of previous meetings. He would need to review the Minutes of those meetings to find them. Planner Ananth noted that some of the significant letters were also attached to the Staff report. She believed Mr. Fischer was referring to Exhibit T, the Brighton Estates encroachment permit to allow a small portion of SR224 from the .9-mile marker to the Wasatch County Line.

Mr. Ogilvy stated that in his letters Mr. Fischer made comments that there were historical agreements between parties to do certain things. Mr. Ogilvy noted that they were only letters written by Mark Fischer and people in Brighton Estates. There are no two-way agreements. The letters are what Brighton Estates believed went on. The historical record is that the 1999 Flagstaff Development Agreement; and as amended in 2007, are very clear that Twisted Branch Road shall remain a private road. Within the Technical Reports, specific sections talk about how Twisted Branch Road would be maintained as private. Mr. Ogilvy stated that the 2007 amended Development Agreement is the most recent document related to Flagstaff is very clear that the road was supposed to be maintained as a private road. He emphasized that the plat as presented did not preclude the City Council, REDUS, and UDOT from having future discussions about the road. However, at this point the road must be kept private in order to be compliant with the Development Agreement. Mr. Ogilvy stated that dedicating a portion of the road to the Master Association and leaving the balance of the road under ownership of the Master Developer further complicates future discussions. He felt it was better to maintain the ownership of the road with REDUS.

Mr. Ogilvy explained that Exhibit T was an agreement whereby members of the Brighton Estates HOA is allowed to plow and use SR224 in the winter for an annual fee. Planner Ananth stated that Exhibit T was the only agreement she was able to find in her research. In her response to Mr. Fischer's initial letter, she made it very clear that she had not found any two-party agreements.

Director Erickson noted that page 182 of the Staff report contained the Minutes from the June 13, 2018 meeting where Mark Fischer made his presentation. His email reiterated some of the points he made during that meeting.

Commissioner Suesser asked the Staff to elaborate on the real tension about the road between Brighton Estates and Mark Fischer; as well as some of the negotiations

between the City and the applicant. Planner Ananth thought the tension was due to Mark Fischer and the Brighton Estates believing they should have access through Twisted Branch Road gates to access the Brighton Estates property and Pine Canyon as it picks up in Wasatch County. Currently they have access under a tunnel near the bypass around SR224.

Mr. Ogilvy stated that per the 1999 Development Agreement and the language in the 2007 Amendment, SR224 was to be used for snowmobile access to Wasatch County in the winter months. It was a point of contention for Park City during the 1999 approvals because it would increase traffic through the Historic District and Marsac Avenue. Mr. Ogilvy remarked that a Condition of the original Development Agreement was that the road would remain private. From the perspective of REDUS, the previous successors spent millions of dollars spending the road network and the Master Owners Association spends approximately \$2 million per year maintaining the road from the Bob Wheaton connection to the top of the mountain. Mr. Ogilvy stated that their neighbors in Wasatch County believe they should be granted the right to use a private road at no cost.

Commissioner Kenworthy noted that Mark Fischer stated in his letter that his attorney had spoken with the REDUS attorney, and that REDUS will go along with whatever direction is given by Park City Municipal Corp. He asked if Mr. Fischer was correct.

Wade Budge, legal counsel representing REDUS, stated that he had spoken with Mr. Fischer's attorney, Eric Lee, on a number of occasions. He told Mr. Lee that REDUS would not get ahead of the City and they would take into account what the City says on this item. However, currently the Development Agreement requires the road to remain private. Mr. Budge noted that a number of people already have access up this road; and Park City has negotiated and obtained access for certain purposes as part of the Bonanza Flat transaction. He emphasized that REDUS will not open up the road to a set of owners that the Development Agreement clearly states should not have that access. Mr. Budge stated that as they proceed with certain development applications, they have been reminded of the importance of not taking actions to facilitate wintertime access into Wasatch County.

Mr. Ogilvy stated that an example would be the Red Cloud plat. When originally platted, Twisted Branch Road terminated ten feet before the County line. At the request of Park City, United Park revised the plat for Red Cloud to terminate the road approximately 150 feet from the County line because the City was concerned that the 10-foot gap was too short.

Commissioner Sletten stated that if the Planning Commission were to approve this application, he wanted to know what plans have been made by REDUS and the Master Owners Association to begin discussions with the City Council with respect to the issues Mark Fischer raised in his letter. Mr. Budge replied that there was nothing specific at this time. They have done a number of transactions with the City and they always look for opportunities to work together, but at this point they have not identified a set of terms or parameters for discussion. Mr. Budge clarified that they were dealing with a plat that deals with a portion of this road. They were not trying to have the entire road included within the plat or address all the items. He explained that whatever decision is made on this request would not foreclose any future action.

Mr. Ogilvy stated that the most advanced dialogue with the City relates to the possibility of running bus service up Twisted Branch Road; but the City had not yet come back with a concrete request or proposal. Mr. Budge clarified that it would be an arrangement whereby snow access would be given into Bonanza Flat. It would not be vehicular access all the way into the County, but it would get people closer to the maintained cross-country and other trails.

Commissioner Suesser asked if the Planning Commission could be provided with a copy of the Development Agreement to help them understand the terms that were agreed to with respect to access over this road. Planner Ananth noted that the Development Agreement was linked to the Staff report as Exhibit C. The Commissioners should be able to click on the link in the Background Section of the Staff report to access the Development Agreement.

Commissioner Sletten noted that Section 2.8.2 did not say that the conversion to a public road needed to be done by UDOT. He understood from a previous comment that only UDOT could mandate the change. City Attorney Harrington replied that the City has no jurisdiction or control over SR224 because it is a State Road. Mr. Harrington emphasized that the City Council at the time and the original applicant negotiated in conjunction with the State and Wasatch County. There were a number of discussions with the owners and some objected and some agreed. The question of who is "they" is still undefined. The HOAs have their own issues in terms of organizations and who represents whom. They do not speak for one another. Mr. Harrington explained that the City's resolution was to preserve existing historic legal access. The City's position remains the same today, that the original agreement did nothing more than leave the control of SR224 in the hands of the State. By closing the road, the access rights were actually increased by a process that would have occurred whether the State or the City had taken control and acceptance of dedication of Twisted Branch Road. In either event, conditions were in place that preserved the status quo with some enhanced rights for snowmobile access. Mr. Harrington clarified that it was

the intent at the time; however, those things did not occur and instead UDOT chose to expand snowmobile rights on existing SR224 by giving keys to gated access and working out encroachment permits. Mr. Harrington remarked that the historic access that was in place of the time of the original development agreement has also been changed; but that was not within the City's control. The City can control whether or not to approve this road consistent with the terms and restrictions that are already in place.

Commissioner Sletten thought the last sentence of 2.8.2 was ambiguous. It only says that the private road can be converted to a public road. It does not specify by UDOT or that SR224 would need to be abandoned. Mr. Harrington replied that it was the only eventuality that could exist at this point under State law.

Chair Phillips opened the public hearing.

Sandra Morrison, with the Park City Museum, assumed the Planning Commission had read the email she had sent on Monday. She intended to follow up on two main issues in her letter. The first was the Judge Mining and Smelting Building. She handed out copies of the building as it exists today.

Ms. Morrison stated that under the Flagstaff Development Agreement the developer is required to restore the Judge Mining Building. According to the agreement that was supposed to happen starting in 2001. That obligation is still in effect today; however, it was apparent from her handout that the building was not restored. Ms. Morrison stated that the promise to fully restore the judge building was fabulous. The building deserves the attention and their mining history is what makes Park City unique. The Judge building is a significant and beautiful historic building. It is an important part of Park City history and heritage and it is constantly explored by hikers, bikers, cross-country skiers and others. Ms. Morrison pointed out that the City was tragically losing this treasure to neglect. Currently the area is vandalized and blighted with garbage, graffiti, broken windows, and there is a rusty old trailer on site. Ms. Morrison suggested that the uses in the rusty trailer could be moved into the restored Judge building allowing the trailer to be removed. Ms. Morrison noted that the Judge building is directly next to the adjacent City Water Source, the Judge tunnel, and she suggested that the Water Department could use the restored building as an office building. Ms. Morrison believed there were a number of opportunities for the Judge building if it was restored. If the historic building is occupied by a tenant the site would be maintained and the graffiti and garbage would be eliminated. Ms. Morrison thought that should be the goal and how Park City would want to celebrate their mining history.

Ms. Morrison stated that instead of the revised obligation of putting a roof on the building as outlined in the MOA, the restoration of the Judge building should be a

condition of approval on this application. It was agreed to in 2001 and the applicant should be obligated to restore it. Ms. Morrison wanted to know who made the decision that the residents of this town deserve less than what was agreed to in the Flagstaff Development Agreement. Ms. Morrison reported that a structural engineer estimated the restoration cost to be approximately \$350,000. REDUS could seek to share this cost with the other Empire Pass developers if necessary, but the City should require this developer to do the work. They are planning to build a restaurant so they already have contractors and subcontractors who could work on the Judge building as well. Ms. Morrison thought it was important for the condition of approval to have a completion date. She suggested December 2020. Other option would be to withhold the occupancy permit for the restaurant until the restoration of the Judge building is completed. Ms. Morrison emphasized that this obligation was currently in effect in the Flagstaff Development Agreement and the applicant was looking to diminish their obligation.

Ms. Morrison stated that the second issue was the Memorandum of Agreement. She noted that Finding of Fact #43 states that the Memorandum of Understanding will achieve substantial compliance with historic preservation, preservation or maintenance requirements of Technical Reports #5 and #6 of the Flagstaff Development Agreement". Ms. Morrison thought that Technical Reports #5 and #6 were being replaced with the Memorandum of Agreement; not updated.

Ms. Morrison commented on the discussion about an updated preservation plan. She thought it was a good idea because 20 years of deferred maintenance is not what they are seeing today. Ms. Morrison stated that currently, the obligation under the Flagstaff Development Agreement is the obligation to maintain 21 sites as identified in Technical Report #6. Section 7 in the proposed MOA states, "The party shall execute an updated historic preservation plan identifying outstanding requirements on the sites". The sites were listed on Exhibit A of the MOA. Ms. Morrison pointed out that Exhibit A only had four sites listed, and only three sites were actually historic structures. She wanted to know why the City would allow an updated historic preservation plan that only address three historic sites when Technical Report #6 identified 21 sites.

Ms. Morrison stated that another problem with the update preservation plan and how it was addressed in the MOA was the lack of a description of what this plan would be and whether there would be a timeline requiring completion of these efforts. She noted that Vail spent a considerable funds creating a historic preservation plan for PCMR, and she thanked the Planning Commission for requiring Vail to do it. However, there were no timelines for completion and now they were three years into the five-year preservation plan for Park City Mountain Resort, and so far the Jupiter Ore Bin is the only structure that has been completed.

Ms. Morrison apologized for her frustration over this agreement. They have been discussing the MOA since January and nothing has actually changed. She noted that some provisions were supposed to occur this summer. Ms. Morrison stated that the time left to stabilize these last remaining mine structures was very limited. One of the historic buildings at PCMR had already collapsed and it was not on the list of priorities. Ms. Morrison urged the applicant and the City to get these sites done as quickly as possible. Ms. Morrison remarked that the unchanged MOA that was presented this evening was presented as the final version to be forwarded to the City Council. Therefore, none of the public input given over the last eight months has been included. She believed the MOA was a huge opportunity to stabilize many, if not all, of the last remaining mining structures; and she thought it was probably their last opportunity to get it done. Ms. Morrison encouraged everyone to make this opportunity a reality.

Ms. Morrison stated that the Flagstaff Development Agreement established a one-percent real estate fee so the Open Space Transit Management Fee. The fee was established to pay for maintenance of the historic mine sites. The MOA recognizes that fact and outlines using a portion of these funds for maintenance. Ms. Morrison pointed out that finding funds for these site has always been a hurdle. The Park City Museum, through the Friends of Ski Mountain Mining History, have achieved a few successes through a "bake sale" approach. However, that process is slow and the funds are very limited. In the last three years they completed three projects; the Ore Bin at Jupiter, the Little Bell Ore Bin, and the Counterweight Building. She noted that they were still waiting to be reimbursed for the Little Bell Ore Bin so those funds were not available to spend this summer.

Ms. Morrison noted that the MOA proposes both a limit on the funds to be spent and a ten-year time period. She stated that the Development Agreement required the Master Owners Association to maintain the historic mine sites in perpetuity with no limit on the amount of funds that could be spent on these outstanding cultural resources. Ms. Morrison remarked that the intent of the agreement and the express provisions were "to preserve the historic mine sites and buildings in perpetuity". She thought the 10-year time limit was a strange clause. People maintain their homes every year and no one expects that in ten years they will no longer need to perform any maintenance.

Ms. Morrison stated that according to Matt Diaz, the Assistant City Manager, the City had collected \$9.3 million of the OSTM fees; and \$6.8 million has been spent. That means \$2.5 million remains to be spent. Ms. Morrison urged the Planning Commission to include in their recommendation to the City Council that a large portion of the remaining \$2.5 million be spent immediately on maintaining and saving these last remaining historic mine structures. Ms. Morrison remarked that the only limiting factors

on the maintenance work that should appear on this MOA is the Planning Staff time and resources to get these projects approved. She requested making that change to the MOA as well.

Ms. Morrison commented on Preservation Easements. She noted that the MOA makes no mention of dedicating preservation easements. The City needs those easements and the Flagstaff Annexation Agreement said that preservation easements would be given. She stated that earlier this year the Museum received an award for their maintenance efforts at the Alliance Mine and for removing the graffiti last summer. The graffiti was back, and in meetings with the Police Department they were told that the police could not monitor the site because it is not City-owned. Ms. Morrison stated that if the City held the preservation easements for the Alliance Mine, the police could monitor and protect the site. She suggested adding the preservation easements to the revised MOA and include a deadline for execution, such as December 31, 2019.

Ms. Morrison reiterated that Exhibit A in the MOA only identifies 3 sites instead of the 21 sites identified in the Development Agreement. She thought the most significant omission was the Daly West Headframe. There are numerous references in the Development Agreement specifically identifying the Daly West. She read from Section 2.9.3, "The headframe at the Daly West is historically significant". Ms. Morrison pointed out that 20 years ago everyone agreed to keep the Daly West Headframe. There were four headframes in Park City and today only three are standing. Ms. Morrison remarked that the cost to fix and re-stand the Daly West was around \$250,000. She thought the Daly West definitely needed to be identified in the MOA and specified as a priority.

Ms. Morrison summarized her conclusion. The developer is required under the Flagstaff Development Agreement to restore the Judge Mining and Smelting Building in its entirety; and a specified date of completion should be met before this application is approved. Ms. Morrison remarked that the Memorandum of Understanding should be revised to include all the points she made this evening, and include all the mine sites identified in Technical Reports #5 and #6. Ms. Morrison reiterated that there is money in the OSTM Fund and the Master Owners Association receives the other half of this fee. In the past 20 years, half of the \$18 million that was collected went to the Master Owners Association. She pointed out that the OSTM Fund is collected in perpetuity and there is no ending date for the 1% real estate transfer fee. Therefore, the MOA should not limit the funding or the time period that the Master Owners Association is required to meet their obligation to maintain all the historic mine sites that were identified in Technical Reports #5 and #6 of the Flagstaff Development Agreement.

Ms. Morrison requested that the Planning Commission make the most of this opportunity and save the town's mining history now. Many people spent an incredible amount of time crafting the Flagstaff Development Agreement so all the historic mine sites would be stabilized, preserved and maintained not only for the current residents, but for their children and grandchildren. This is the opportunity to see that vision become reality. Ms. Morrison requested that the Planning Commission postpone approval of this subdivision plat until the Memorandum of Agreement can be thoroughly reviewed and improved. She urged them not to approve this first draft of the MOA by default this evening.

Commissioner Suesser noted that REDUS and Storied Development were each making a one-time payment of \$40,000 to stabilize the roof of the Judge Mining Building. She asked Ms. Morrison if that was an adequate amount for the necessary work.

Ms. Morrison answered no. She stated that the current obligation under the Flagstaff Annexation Agreement, which is still in effect today, requires the applicant to restore the building to full restoration. Ms. Morrison pointed out that it was supposed to occur in 2001. For 18 years they have been living with blight and vandalism and it was only getting worse. She outlined a number of uses and opportunities for the Judge Mining and Smelter Building if it were restored. Ms. Morrison questioned whether the building could support a new roof after being abandoned and neglected for 18 years. She asked if anyone had looked into whether or not the building could possibly collapse under a new roof. She stated that for \$350,000 the City could have a fabulous historic building that the residents and the tourists love. They need to take the necessary steps to celebrate their history because that is what makes Park City different.

Commissioner Suesser noted that Ms. Morrison indicated that Matt Diaz had referenced a certain amount of funds that were remaining. In looking at the Flagstaff agreement the developer's obligation, she assumed there was money to restore the Daly West headframe and other restoration projects. Ms. Morrison reiterated that the City has \$2.5 million to spend. She was unsure how much the Master Owners Association had, but \$9.3 million in OSTM funds has been collected over the last 20 years and the money keeps coming in. Every time real estate sells at Flagstaff the City gets 50% and the Master Owners Association gets 50%. As the price of real estate increases, the amount in the fund increases. Commissioner Suesser wanted to know why there was money available in the fund but none of it was being spent on the restoration projects. Ms. Morrison did not understand why the money was not being used.

Sally Elliott stated that she has been doing this for 33 years. She did not do much to get the Flagstaff Annexation Development Agreement approved, but she stood behind the people who worked very hard on it. They were a dedicated group and everyone

believed that when they got the agreement that they would finally get some help with preservation and restoration of these structures. Ms. Elliott urged the Commissioners not to delete the intention of that Agreement by letting the MOA go through with only \$40,000. She raises the money and \$40,000 is a small amount in terms of the amount of work that needs to be done. They need a full commitment from the Planning Commission to preserve these structure because they are important.

Paige Anderson, with the Park City Museum, stated that based on the comments this evening, the Flagstaff Development Agreement has a lot of obligations in it, especially with respect to Preservation. Park City is well-known as a mining town and it is a vibrant part of their history. They should abrogate those rights. What she heard tonight from REDUS is that they have been working two years on this agreement. Ms. Anderson stated that the Flagstaff Development Agreement has been in place for much longer than two years, and the developer has not been working at all on the obligations under that Development Agreement for the preservation of the historic buildings. She remarked that it was more than just the three buildings referenced in the MOA. There are at least 21 sites and while there have been different owners and subdivisions over time, the obligations stand. If the Planning Commission approves the plat tonight they would be abrogating those rights and telling the community that historic preservation does not make a difference. Ms. Anderson stated that the kick-the-can approach that REDUS was requesting would not help preservation. She noted that Mr. Ogilvy and his attorney wanted to abide by the provisions about not allowing non-owners onto the road. Ms. Anderson thought they should also abide by the provisions in the rest of the Agreement that they have been aware of for the past 20+ years. She stated that if the Planning Commission approves this application, they would be giving up the rights of the public to preserve these structures. She requested that the Planning Commission address it right now and not kick the can down the road.

Sanford Melville, a full-time Park City resident, agreed with the previous speakers. He fully agreed with the comments in Sandra Morrison's letter. Mr. Sanford stated that in reading the Staff report, the Memorandum of Agreement, and the Technical Reports, he believed it came down to a contract issue. The developers of Empire Pass, under their agreement with Park City as detailed in the Flagstaff Annexation Development Agreement, have the right to develop millions of dollars of property in exchange for certain obligations; one of which was to comply with the historic preservation plan. Mr. Melville stated that those obligations have never been satisfied. The current applicant gets the rights from the Flagstaff Agreement, but they also get the obligations that go with it. It is simple contract law. Mr. Sanford remarked that the applicant is a sophisticated developer who employs highly-skilled attorneys, and they certainly should have been aware of the obligation for historic preservation. Mr. Sanford questioned why they were rewriting and substantially diluting the original historic preservation

obligations detailed in the Flagstaff Agreement. He could see no public benefit for doing so. Mr. Sanford requested that the Planning Commission postpone approval of this current subdivision and plat amendment application until the Memorandum of Agreement could be fully reviewed and made consistent with the controlling Development Agreement.

Ann Bransford remarked that several in the room were here 30 years ago discussing the Flagstaff Annexation Agreement. She and her sisters were there 30 years ago because they were landowners in the Summit County area. Ms. Bransford stated that as someone who has served on the School Board for 40 years, she has great appreciation for the decisions at hand. She agreed with Mr. Sanford and requested that the Planning Commission postpone their decision this evening. She also asked the Commissioners to go down Twisted Branch Road because she was there on the seasonal Guardsman Pass Road several times in the last few weeks. Ms. Bransford stated that risk management always played into the decisions when they were talking about children and safety. It is a death trap and an accident waiting to happen. When she reached the top of the old road, she was surprised to see what appeared to be construction of guard houses going off the intersection of Twisted Branch and Red Cloud Road. Ms. Bransford asked if the Planning Commission was aware of the plan for a private entrance at the top. If they are concerned about security, she did not understand why the existing gated Twisted Branch needed to remain open. There will be a gate at the bottom, a \$17 million road, and then another gate. There are 30 lots and only one or two are primary residents. Ms. Bransford intended to start a petition for UDOT to abandon the existing road because it is not safe in the summer. If the City intends to annex Bonanza Flat, she was concerned how people could drive up there safely. Ms. Bransford urged the Planning Commission to address the Annexation Agreement as it pertains to that road and access to the top. It is not about Brighton Estates or others. It is about risk management and safety of the community. Ms. Bransford stated that if the Planning Commission does not address it and a serious accident occurs, it will be on them because they might have prevented it by making it a year-round road.

Hope Melville, a Park City resident, agreed with all the comments in terms of historic preservation and not downgrading the obligations of the agreement with the new MOA. Ms. Melville noted that the Judge Mining and Smelting building is a beautiful building and it is iconic. It is one of the few remaining mining sites and it can be restored easily and reused. She noted that the picture Ms. Morrison had provided showed that the building in the historic picture from the 1920s is the same building they see today. It is fun to see that building, except for the vandalism and the neglect. Ms. Melville pointed out that the building is adjacent to the Judge tunnel and the maintenance people store their equipment in the trailer on the site. If this building is restored, they could store

their equipment in the building and the City could lease it from the owner. Ms. Melville emphasized that this is an important building and a small restoration project that could actually be done. It was one of the few examples left of Park City's historic heritage. She encouraged the Planning Commission to enforce the agreements already in place to get this building restored so it can be usable.

Sanford Bromley stated that he has been a Park City resident for two years. Mr. Bromley reminded the Planning Commission that they have taken action on a similar circumstance in the past. When Park City Mountain Resort wanted to add the Quick Silver gondola, the Planning Commission took a stand and basically said they could have the gondola if they supported the historic mining situation. Mr. Bromley thought that action was relevant to this request as well.

Chair Phillips closed the public hearing.

Mr. Ogilvy appreciated the passion from Sandra Morrison and the others who made comments. He also shares the enthusiasm for Park City's mining heritage. However, they were also trying to navigate within the obligations that are correctly assessed to the developer. Mr. Ogilvy noted that Ms. Morrison made reference that Exhibit 6 of the Technical report outlines 21 historic sites, and the MOA references a lesser number. He explained that of the 21 sites listed in Exhibit 6, four are on properties that are not signatory to the Flagstaff Development Agreement and there is no jurisdiction over those sites. The majority of the sites within the list of 21 are historic mine dumps and those are not historic structures. Mr. Ogilvy stated that in reading the recommendations in Exhibit 6, the obligations are reclamation, revegetation, and interpretative signage. He reported that much of the interpretative signage is in place. The Historical Society worked with United Park years ago in creating a number of stainless steel signs. Not all the signs are in place and the consultants will be reviewing the outstanding signage obligations.

Mr. Ogilvy stated that one of the actual physical structures referenced in the list of 21 sites is the White Pine Mine, which is a collection of logs. The recommendation ten years ago was to leave it alone and only put in interpretative signage. There was no recommendation for reclamation or restoration of the logs remaining from a log structure. Mr. Ogilvy remarked that an explosives bunker on the neighboring property is not signatory to the development agreement. Mr. Ogilvy stated that the recommendation from Exhibit 6 was interpretative signage and that signage is in place. He noted that the explosive bunker needs a little more restoration, but it is not on land signatory to the development agreement. When the owner of that land comes before the Planning Commission, they will have an opportunity to discuss what appropriate historic preservation should be done on the explosives bunker.

Mr. Ogilvy referred to a provision in the Development Agreement stating that historic preservation does not apply to operational structures. At the time the Development Agreement was entered into, JSSD was operating the Daly headframe that was in place as a route for the miners to get in and out of the mine in an evacuation. Unfortunately, JSSD did not maintain the headframe and it collapsed. Mr. Ogilvy noted that JSSD acquired title to that property from United Park subject to the Development Agreement. The provisions of the Development Agreement state that the obligations run with the lands. Mr. Ogilvy clarified that the obligation to restore the headframe runs with the land back to JSSD and not to the Master Owners Association, because it was an operational structure at the time. Mr. Ogilvy agreed that from a community perspective, the Daly West headframe should be a high priority for historic preservation; but following the chain of contract, it is not an obligation of the Master Developer or the Master Owners Association. Mr. Ogilvy noted that some stabilization work was done on the Little Bell Ore Bin ten years ago, and the Historical Society did much more work last year. He stated that the Master Owners Association was ready and willing to reimburse the Historical Society for that work.

Mr. Ogilvy stated that the Judge Mining and Smelting Building is on land owned by the Park City Mines. He doubted whether anyone has been in the trailer in the last 15 years. If the Water Department was using it to store tools that was a separate issue. Mr. Ogilvy noted that he was inside the Judge Mining and Smelting Building yesterday with the consultants. It is an aged building and contrary to prior statements, work was done in 2005-2007 to stabilize the building. It was cleaned up at the time, all the windows were boarded up, and shoring was put in place in one section of the roof that was weakened. The section that had shoring withstood the record winters. The adjacent sections of roof that were not shored up did collapse. Mr. Ogilvy reported that in discussions with the City, the owner of the building has been very clear that even though the original report indicated restoration of the building with an anticipated use of being an HOA Office, the building is one mile from the nearest road that is plowed in the winter. The building was probably designed for a snow load of 50 pounds per square foot. To bring the building to the point where it could be occupied would require a complete reconstruction of the building. The concrete walls have shifted 12 inches from one side to the other. The building can be stabilized to keep it from further deterioration; but if they were to make the building habitable the only historic part left would be the façade. All other components of the building would be new.

Mr. Ogilvy reiterated that the consultants were hired to review what needed to be done in terms of historic preservation. They were also working with the Staff to create flexibility. Mr. Ogilvy stated that the proposed MOA creates a funding source of \$60,000 immediately to the Historical Society as reimbursement; \$80,000 immediately

towards the Judge building; and \$400,000 over the next 10 years. A mechanism is in place for the Master Owners Association to meet with the City Staff every year to review and set the highest priorities for spending money in that year.

Mr. Ogilvy was interested in moving forward to address the historic projects, but there were better uses of funds for historic preservation than trying to make a building habitable that is one mile from the nearest plowed road and one mile from the nearest fire hydrant. However, the owner of the building has represented that they were willing to do the necessary repairs to stabilize the building.

Mr. Ogilvy addressed the question regarding preservation easements. He emphasized that the Master Declarant does not own any land with historical structures; and therefore, they are not in a position to grant the easements. In addition, there are no historic structures on the Twisted Branch Road alignment. Mr. Ogilvy stated that a year ago the historic preservation issues was raised and they met with the City Staff and negotiated the Memorandum of Agreement. The applicant would like to execute the MOA and move forward so funds could be released. They were working with the consultant to review the 21 sites and the necessary work involved. However, he did not believe a single site on the list was on land owned by the Declarant or the Master Association. Mr. Ogilvy noted that the Master Owners Association has specified obligations for preservation of historical structures that are not ongoing operations. That precluded the headframe and land that was not subject to the Development Agreement. For that reason, the list in the MOA was shorter than the 21 sites outlined in the Development Agreement. Mr. Ogilvy explained that a mechanism within the agreement states that if the City Staff and the Master Association believe spending funds on something outside of the three identified structures is the highest best use of funds, and they would have the ability to release the funds for that use.

Chair Phillips stated that every time REDUS comes back the discussions are repetitive while they wait for the MOA. He noted that this keeps occurring because the same individuals make comments that steer the Planning Commission in this direction. Chair Phillips was unsure of the timeframe for completing the MOA and the Technical Reports, but he thought it was in everyone's best interest to do everything possible to reach the point of being able to review the MOA.

City Attorney Harrington remarked that Director Erickson could address the stabilization and the Staff interpretation of the Technical Report. Mr. Harrington would address the issues related to the contract and Development Agreement. He noted that the Development Agreement incorporates a subsequent approval from 1989 to 2007, as amended, for the actual contract that was referenced in the Development Agreement. He explained that there is an additional option of the Planning Commission accepting

technical reports in the first phase of development in 2001. That document controls the historic preservation actions. Mr. Harrington stated that the document is very specific on some items, but not specific on other items. The Planning Commission has a history of prior approvals that made reference to those documents in all the phases that previously came the Planning Commission. Mr. Harrington remarked that when they analyze contract or enforcement rights, it is in the context of that history. It is why the City Staff felt comfortable recommending a path similar to the success with Park City Mountain Resort.

City Attorney Harrington clarified that there was not an unspent fund for historic preservation within the City. He noted that Section 3.2 of the original Development Agreement, as amended in 2007, references an Open Space and Transit Management Fund. The public creatively argues that because the word "preservation" is part of a sentence, that it included historic preservation. The Staff did not believe that was true. It is a qualifier to open space preservation and it has been interpreted that way since the beginning. Half of the funds have been spent for open space and the other half for transportation on the City's side. The City can only spend funds on assets that it owns. The City did not accept obligations in the Technical Reports that would authorize the City to fund expenditures in 2001. Mr. Harrington completely disagreed with the idea that there was a direct correlation between that Fund and the City's lack of expenditure. However, the public has the right to argue whether the Staff sufficiently and successfully implemented portions of the Technical Report. If they feel the Staff did not, they can ask the City Council to reconsider how to appropriate that fund either from the amended agreement or the Staff recommended compromise, which represents the agreement in the Staff report. These issues would be appropriate before the City Council. He explained that the issues would be kicked to the City Council; not kicked down the road, because the Development Agreement and expenditure modifications are the Council's jurisdiction.

City Attorney Harrington did not anticipate changing the Agreement, which the applicant negotiated in good faith as an alternative to enforcement against a different party. He gave the same explanation during the Storied Development subdivision, and he stands by that explanation. However, the public raised concerns about public policy considerations for further investment by the City, and as they perceive it, as a lack of attention to historic preservation. It is an appropriate City Council issue and he would be comfortable with that argument as long as it was constructed as a change. The decision would be up to the City Council. Mr. Harrington thought the fund balance was on the transit side. He believed the open space money had been spent for funding contracts with Summit Lands Conservancy, open space maintenance, weed abatements, and other things related to open space. Mr. Harrington emphasized that the City was not holding funds that could be used for historic preservation.

Mr. Harrington recalled that the prior Staff report contained the Staff analysis on some of the distinctions between open space, historic properties, non-open space historic properties, and properties within the Development Agreement and outside the Development Agreement. He recognized that it was confusing. If the Planning Commission wanted to have further public hearings and a work session they had the prerogative to do so. However, time was of the essence and they were anxious to take the Agreement to the City Council. The timeline has been affected by many things beyond both the applicant and the City's control. Everyone anticipated having the Agreement to the City Council earlier in order to spend the funds this summer. For that reason, the Staff recommendation was for the Planning Commission to forward the plat to the City Council this evening; notwithstanding the issues being raised by other parties.

Commissioner Suesser was unclear on whether or not the City thinks the developer is in compliance with the Flagstaff Development Agreement, and whether an approval is appropriate. She understood the recommendation was to approve this application; however, the City Attorney talked about a policy decision as the reason for kicking it to the City Council to make an allocation for historic preservation funds. Commissioner Suesser asked if the developer was in compliance with the Development Agreement.

City Attorney Harrington believed the proposed Findings recommend compliance. The Planning Staff made findings with each phase as it applied to the project before them. Mr. Harrington did not want to state on the record whether or not he thought the prior developer was in compliance with the first phase of development, because that may preclude additional efforts of other parties. He did agree with the statements that historic properties in question are not within the project boundary before them; nor owned or under the control of the applicant.

City Harrington explained that REDUS was not here in the pro-active developer posture. They were ahead of the City in enforcement and they were trying to foreclose and recover assets lost due to their own situation. Being successful in enforcement on a company already in a default ownership posture does not achieve anything quickly. For that reason, they were going with the process where owners can contact other owners for permission rather than the City getting involved on a 2001 Technical Report that has been referenced five or six times in prior approvals. They will change that approach if the City Council directs differently, but until then, based on the Staff's recommendation, they were working towards prioritization and stabilization and using additional resources in the short term first.

Commissioner Sletten asked if the Development Agreement and other exhibits survived the bankruptcy. He wanted to know if they were still enforceable and whether this developer was as responsible as the previous developer. Mr. Harrington believed they were responsible and that was written into a condition of approval.

Commissioner Suesser wanted to know when the Staff expected to complete the MOA. Mr. Harrington stated that this MOA was complete as submitted by the EPMOA. It is the submittal the applicant would like the City Council to evaluate and take action on. The City Council is the body that will consider the issues raised by the Historic Society in terms of additional funding. The applicant was asked to sign the document to show good faith. Any modifications would be directed by the City Council. Mr. Harrington clarified that this document came out of negotiations from the Storied plat process. Additional modifications had not been approved by the City Council.

City Attorney Harrington stated that the fund was precariously established and it was being modified. It was constructed in a way to get around City budgetary restrictions on assets. He noted that it was similar to what was offered to the open space group; which was not successful in getting Board approval. That factored into the degree of the portion that was being redirected for historic preservation. He thought it was important for the Commissioners to understand the full context.

Commissioner Kenworthy did not want to slow down private ownership from developing their property. However, he wanted to see the Development Agreement with regards to historic preservation move forward. There was an Agreement signed by the original partners and there was intention; however, over the past 20 years nothing has been done. Commissioner Kenworthy remarked that everyone understands that this differentiates Park City from other cities, and they all understand that historic preservation is a huge economic driver. They now have a situation where they are working together and he was pleased that the MOA was finally before them; but he thought it was premature. Director Erickson earlier stated that the inspection report would probably take six weeks to complete. Commissioner Kenworthy did not believe they should be addressing the matter this evening if the report on all the sites would be completed in six weeks. He preferred to wait to see the inspection report on all these properties and to have more time to understand what the applicant was actually responsible for in terms of historic preservation. He heard Mr. Ogilvy mention seven sites as the Master Owners Association. He listed the Judge building, Little Bell Ore Bin, the water tanks, and the explosive buildings, but he was now hearing those sites were not under their responsibility.

Mr. Ogilvy stated that he was wearing two hats this evening. In addition to representing REDUS, he was also the President of the Master Owners Association. Under the MOA

that was negotiated with the City Staff, the Master Owners Association was committing funds for historical preservation of structures upon lands subject to the Development Agreement. They were responsible for very few sites because the majority of the 21 sites are mine dumps that have been reclaimed and revegetated. The other obligation was interpretive signage. Mr. Ogilvy remarked that the majority of interpretive signage was up but there were still a few sites without signage. Under the MOA, the Master Owners Association will complete the interpretive signage as required. He noted that a number of sites owned by third parties still require vegetation, but that is beyond their control. Mr. Ogilvy stated that Exhibit 5 to the Technical Reports assigns responsibility for open space differently than historical structures. He remarked that the Master Association is responsible for historical structures. Open space falls under Deer Valley's responsibility.

Mr. Ogilvy clarified that the Master Association commissioned the study to see where they were on the 21 sites. Four sites are not signatory to the development agreement. Of the remaining 17 sites, the obligation is either revegetation, stabilization, and signage.

Mr. Ogilvy referred to the comments that nothing has been done. He noted that United Parks spent millions of dollars doing reclamation. The entire Montage is built on the Daly West Mine Site and millions of dollars were spent to clean up the site and moving soils to Richardson Flat. He was not representing United Park City Mines, but as the former Declarant they did move forward in the earlier days. Mr. Ogilvy anticipated that the consultant's report will show that very few sites fall under the jurisdiction of the Master Association or the Master Developer. Under the terms of the Development Agreement, the headframe is not a Master Association responsibility because it was an ongoing operation, owned and operated by JSSD. He did not believe the Master Association should be responsible for doing what JSSD failed to do. Mr. Ogilvy pointed out under the MOA they have the opportunity to contribute funds towards the headframe, even though it is not their responsibility.

Commissioner Kenworthy understood that the Master Owners Association was agreeing to the Memorandum of Agreement, but they were not responsible for much of anything. Mr. Ogilvy stated that under the terms of the MOA, they are responsible for meeting with the City every year to decide how the money should be spent and address the highest priorities. He noted that REDUS and Storied Development were initially contributing \$80,000 to start the process. Commissioner Kenworthy wanted to know which hat that was under. Mr. Ogilvy explained that under this MOA, the Master Association was accepting responsibility for maintaining structures on lands that are subject to the Development Agreement and are not operational structures. They were also willing to work with the City to allocate those funds as best as possible.

Mr. Budge clarified that REDUS was not responsible for anything because they do not own any land on which a historic structure is located. He stated that United Park is still around and they still own land under a number of these structures. United Park is also a party to the Development Agreement. If an outstanding obligation is not being fulfilled, United Park is still a responsible entity. Mr. Budge remarked that there are many outstanding obligations with respect to United Park, and there are a lot of problems. He believed there was a community benefit to start moving this in the right direction, which is why REDUS has offered to put in money to move the matter forward. Mr. Budge emphasized that they do not own the land underneath the Judge building; and other property owners own the land underneath the other sites that were mentioned.

Commissioner Suesser asked if one of the terms of the Development Agreement is that you need to own the land underneath in order to be responsible for the historic structure. She thought all the owners had a joint responsibility to restore the sites regardless of who owns the property.

Mr. Budge read from 8.1 of the Development Agreement, "All successors and interests shall succeed only to those benefits and burdens of this agreement which pertain to the portion of the project to which the successor holds title." That is the agreement that governs. Mr. Budge stated that REDUS was not blind to the fact that they can help contribute, which is why they are willing to do so. However, it was unfair to hold up their application because other parties were not fulfilling their obligations. In addition, they would be punishing someone who has suffered economic harm as a result of other matters with those parties unrelated to this application. Mr. Budge stated that case law does not allow the Planning Commission to condition approval of a development application on third party consent or a third party performing some other action. When they present the subdivision plat, they are presenting an application that covers land that REDUS owns or that the City owns, which are the two parties who would be signing the plat before them this evening. Mr. Budge emphasized that REDUS has no outstanding obligations with respect to any portions of the land, particularly regarding the subdivision. He encouraged the Planning Commission to focus on that fact rather than trying to attach different obligations to this application. Mr. Budge noted that REDUS also recognized that they can play a role in supporting the Master Association to help fix this problem.

Commissioner Suesser noted that REDUS has taken some responsibility in their willingness to contribute \$40,000 to stabilize the roof of the Judge building. She would like to see consensus between the applicant and the Historic Preservation Society on a reasonable restoration of that building. If the building cannot be used in the future, at

least it will be restored to its historic significance and stabilized. Planner Suesser stated that some were talking about restoration and others were talking about stabilization. She would like consensus on what is reasonable. Commissioner Suesser also suggested a larger contribution from REDUS since they were taking some responsibility for that specific building. She thought they could possibly move the conversation forward if they had some consensus on the Judge building.

Mr. Budge apologized if he was not clear. He emphasized that REDUS has no responsibility at all to the Judge building. They have never owned it and it is not part of their collateral. He noted that the Master Association is willing to do some of the work, but if more is being required or considered, then the land owner needs to be part of this process as the responsible party. Mr. Budge reiterated that this application should not be held up for that reason.

Commissioner Suesser agreed with Chair Phillips that they continue to have the same conversations and nothing changes or gets done.

Commissioner Thimm stated that when they started the conversation the City Attorney said they had three choices. They could agree to kick the can down the road; they could say that the issues should be addressed by the Planning Commission before going to the City Council; or they could request additional information. Commissioner Thimm thought the issues should remain before the Planning Commission, and he also thought they needed additional information. In looking through his notes from previous meetings, they talked about the MOA at the first meeting. He could not find it in his notes, but he did not recall that the MOA would override Technical Reports #5 and #6. He thought the MOA would be supplemental and an update.

Director Erickson stated that Commission Thimm was correct. The MOA would not override Technical Reports 35 and #6. The MOA establishes a funding source for the City Council to consider. That was the purpose of having a third party consultant in the field making an independent determination on whether the sites were completed.

Commissioner Thimm stated that with regard to the inspection and the accompanying report, he noted that the Planning Commission previously asked for the status on each of the sites; what is needed, if anything, to continue the obligations of the original agreement; the cost to reach that point; a schedule to achieve the work; and who is responsible. Commissioner Thimm appreciated the passion for historic preservation and the passion expressed by Mr. Budge that REDUS is not responsible for anything. As part of this discussion, he would like to see something that shows who is responsible. Commissioner Thimm pointed out that based on the current schedule they

should have the report in six weeks. He believed that would be the proper time for the Planning Commission to actually consider this application.

Chair Phillips suggested that the Planning Commission should have a work session on the restoration of these sites once they receive the report.

Commissioner Thimm noted that more than one entity has communicated to the Planning Commission the safety hazards related to the State road. He asked whether the City has any jurisdiction to address their concerns. City Attorney Mark Harrington stated that the City offered to accept jurisdiction of transfer subject to the existing historic access remaining. That condition is embedded in the current Development Agreement; and the City Council revisited that issue with Wasatch County. Mr. Harrington had no other direction beyond what exists in the Development Agreement.

Mr. Ogilvy understood the comments about waiting for the report; and he thought it was appropriate to have more information from the consultant before moving forward on historic preservation. When they were negotiating the MOA with the City Staff last winter there was ten feet of snow on the ground and the ability to assess the Judge building was limited. Mr. Ogilvy stated that both REDUS and the Master Association remain committed to moving forward on the historic preservation matter, and it should not hold up the approval of the plat application. He was willing to make it a condition that historic preservation must be executed to the satisfaction of the City Council before the plat can be recorded.

Commissioner Sletten remarked that it would move the responsibility from the Planning Commission to the City Council. He agreed with Commissioner Thimm that the Planning Commission should keep that jurisdiction for now. Planner Kenworthy concurred.

Director Erickson recalled that with the original Storied application with Talisker, the Historic Preservation Staff brought forward three or four technical documents that they had researched in addition to Technical Report #5 and the current historic preservation plan. That packet of documents was also delivered to the City Council. That information currently exists. Director Erickson clarified that the study being done now by the applicant was requested by the City so there would be an independent review. He was told that the study would take approximately six weeks. The timing and control of the study was on the applicant. At that point, the Staff could bring the study cold to the Planning Commission, or the Staff could take the time to vet the study and the conclusions before providing it to the Planning Commission.

Chair Phillips believed there were policy components that fall to the City Council and the Planning Commission needed to decide how to handle the matter.

Commissioner Sletten appreciated the urgency to move forward with winter getting close, but he thought the Commissioners would be doing a disservice to the community if they did not wait for the study. Commissioner Suesser agreed. She pointed out that timing was in the applicant's control and this item should be continued until the study is completed.

Commissioner Thimm noted that the report will take six weeks and then additional time is needed for the Staff to complete their review of the study. He thought it was important for the Staff to review the study before bringing it to the Planning Commission. It could go beyond six weeks to a date uncertain.

MOTION: Commissioner Thimm moved to CONTINUE the Twisted Branch Subdivision Plat to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 8:25 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: Lot 61 of the Marsac Mining Claim
Author: Rebecca Ward
Application: PL-18-04046
Date: September 11, 2019
Type of Item: Legislative – Zoning Map Amendment

PLANNING DEPARTMENT

Summary Recommendation

Staff recommends that the Planning Commission open the public hearing and continue this item to a date uncertain. Neither staff nor the applicant will make a presentation before the Planning Commission.

Description

Applicant: LEC Properties, LLC
Location: Approximately 8925 Marsac Avenue
Existing Zoning: Recreation Open Space and Residential Development within a Master Planned Development
Adjacent Land Uses: Single-family and multi-unit residential
Reason for Review: Zoning Map Amendments require a Planning Commission recommendation and City Council review and action

The proposed Zoning Map Amendment was scheduled for Planning Commission review on August 14, 2019. The Applicant requested to continue the item to September 11, 2019. The Applicant has now requested to continue the item to a date uncertain.

On August 14, 2019, John Woltjen, a One Empire Pass owner, addressed the Planning Commission and voiced concerns regarding the continuation of the matter to a date uncertain and requested that the date be moved to a date when an owner representing One Empire Pass could speak on the matter. Mr. Woltjen also asked (1) why the applicant was requesting the change in the ROS designation and (2) what is planned for the trail Empire Link that runs through the property. Staff will address these questions in a subsequent staff report.

On August 29, 2019, staff mailed a courtesy notice to Mr. Woltjen to inform him that the applicant has requested that this matter be continued to a date uncertain. When the matter is scheduled to come before the Planning Commission, additional notice will be sent to all property owners within 300 feet of the Marsac 61 Mining Claim and to all affected entities as required in the Land Management Code.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 245 Woodside Plat Amendment
Author: Liz Jackson, Planner
Date: September 11, 2019
Type of Item: Legislative – Plat Amendment

Recommendation

Planning Department staff recommends, per the applicant's request, that the Planning Commission open a public hearing and **continue** the 245 Woodside Plat Amendment item to the **October 23rd, 2019** meeting date.

Description

Project Number: PL-19-04209
Proposal: Applicant is requesting to remove a Lot line to combine one and a half (1 ½) Old Town Lots into one (1) Lot of record.
Applicant: Suzanne Herrmann, represented by Michael Stoker, Stoker Architecture, Inc.
Location: 245 Woodside Avenue
Zoning: Historic Residential-1 (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.
Designation: N/A – Non-historic Site



Planning Commission Staff Report

Subject: Park City Vision 2020 Update
Authors: Jed Briggs, Budget Operations & Strategic Planning Manager
Linda Jager, Community Engagement Manager
Department: Budget & Community Engagement
Date: September 11, 2019
Type of Item: Informational

Summary

In July 2019, Park City Municipal Corporation (PCMC) launched Park City Vision 2020 – a community visioning project asking residents and business owners to share their perspectives on:

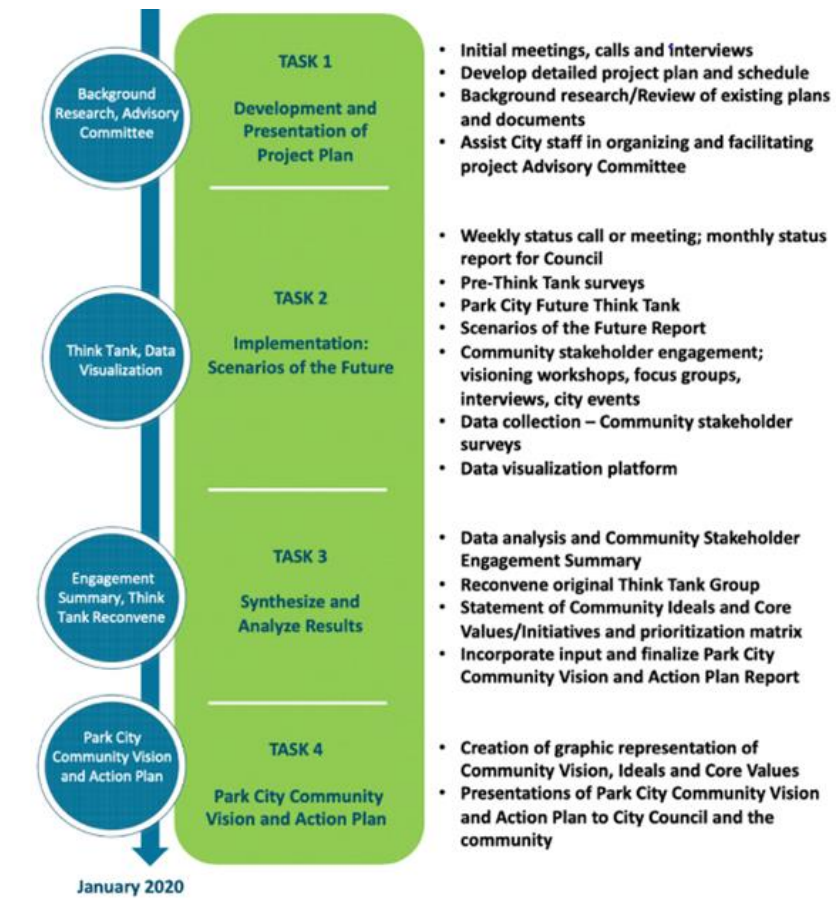
- What makes Park City the place that people wish to call home?
- What makes Park City special?
- What community elements that, if lost, would fundamentally change the character of Park City?

Park City Vision 2020 is a 6-month process to define Park City's future Community Vision and Action Plan. Staff and the project team from Future iQ will provide an update to Planning Commission detailing current activities, events, and community feedback received to date.

The project update will include:

- Review of the role of community visioning and recap of the [2009 visioning project](#)
- Introduction of the Park City Vision 2020 team (City staff and Future iQ)
- Review of Park City Vision 2020 timeline, activities and progress
- Presentation and discussion of Park City Vision 2020 survey results and feedback from Think-Tank sessions

Project Activity and Timeline:



A project [website](#) has been developed to provide project background, information and additional participation opportunities.

The project team is working in the Task 2 phase of the project, which includes the following:

- Administration of the [community survey](#), which will provide baseline data as a foundation for discussion throughout the visioning process. This survey is available in English and Spanish and will remain open through November. The survey currently has over 600 responses. Please visit the [data visualization link](#) for current survey results. The survey has been promoted on all City social platforms, website, local media, and is available on the Park City Vision 2020 website.
- Facilitation of the [Park City Vision 2020 Think-Tank](#), which was a starting point for a comprehensive stakeholder engagement process. The Think-Tank

convened a group of 35 selected key stakeholders with a broad diversity of knowledge and experience in Park City for two sessions on July 29 and 30.

The Think-Tank workshop included:

- Discussion of Park City's "future readiness"
 - A review of important global, national and local trends and the impact on Park City
 - Review of initial community survey results
 - Formulation of the different plausible scenario 'spaces' and development of detailed narratives and descriptions of each scenario
 - Examination of the impact and consequences of each scenario on various aspects of Park City
 - Identification of the preferred future and critical actions steps to achieve the preferred future
- Launch of [Community Engagement Sessions](#) – a series of group and neighborhood events designed to bring the scenarios generated at the project's recent Think-Tank to the wider Park City community. Focus is on scheduling outreach to a broad cross-section of the community to ensure diverse voices are engaged and have an opportunity to participate in the visioning process. During these sessions, input from participants will be gathered on the scenarios via a Vision Survey.
- Planning and promotion of the Future of Park City Summit, scheduled for Thursday, November 21 (location and time TBD). This community-wide event will be facilitated by Future iQ CEO David Beurle.

Planning Commission Agenda Item Report

Meeting Date: September 11, 2019

Submitted by: Hannah Tyler

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue (Woodside Park Phase II Master Planned Development) Remand. On July 16, 2019, the Board of Adjustment reviewed an Appeal of the May 22, 2019 Planning Commission approval of the Master Planned Development application and remanded the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C). The Planning Commission will review the applicant's updated submittal for compliance with 15-6-5(C) Master Planned Development Requirements - Setbacks.

PL-18-03822

A) Public Hearing B) Possible Action

Suggested Action:

Attachments:

[Staff Report](#)

[Exhibit 1](#)

Planning Commission Staff Report



Subject: Woodside Park Affordable Housing
Project Phase II
Project #: PL-18-03822
Author: Hannah M. Tyler, AICP, Senior Planner
Date: September 11, 2019
Type of Item: Remand of Master Planned Development - Setbacks

Summary Recommendations

Staff recommends that the Planning Commission review the Setbacks for the Master Planned Development application pursuant to LMC 15-6-5(C), hold a public hearing, and consider approving the Setbacks for the Master Planned Development application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Description

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

Disclosure: Park City Municipal Corporation owns the property.

Background

On June 25, 2019, the Board of Adjustment reviewed an Appeal of the May 22, 2019 Planning Commission approval of the Master Planned Development (MPD) application and directed staff to prepare Findings of Fact to remand the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C). The Board of Adjustment ratified the Findings of Fact on July 16, 2019. The Planning Commission will review the applicant's updated submittal for compliance with 15-6-5(C) Master Planned Development Requirements – Setbacks. Links to all public meeting staff reports and minutes can be found below.

- March 27, 2019 Planning Commission Work Session [Staff Report](#) (page 4) and [Minutes](#) (page 2)
- May 22, 2019 Planning Commission [Staff Report](#) (page 31) and [Minutes](#) (page 3)
- June 25, 2019 Board of Adjustment [Staff Report](#) and [Minutes](#)
- July 16, 2019 Board Of Adjustment [Staff Report](#)
- August 28, 2019 Planning Commission [Continuation Staff Report](#)

Intent of the Master Planned Development Application Process

The intent of the Master Planned Development (MPD) Application Process is to allow for design flexibility in order to achieve well-planned and Compatible projects. The Planning Commission has been given the authority through the Land Management Code (LMC) to vary Land Use Requirements outlined in [LMC 15-6-5 MPD Requirements](#) (Density, Setbacks, Open Space, etc.) for projects that achieve the goals and intent of the Master Planned Development Process

as outlined in [LMC 15-6-1 Purpose](#). For these reasons, the applicant is proposing the Setback reduction to the RC Zone Required Setback for architectural interest and variation. The LMC does not define architectural interest and variation. Using the purpose statement of the MPD (in Times New Roman font), staff has provided analysis in a bullet point (in *Arial italics font*) for each of the established goals of the MPDs per [LMC 15-6-1 Purpose](#):

15-6-1 Purpose

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

1. complement the natural features of the Site;
 - *The proposed structures are stepped with the natural topography of the site.*
2. ensure neighborhood Compatibility;
 - *The variation in massing from Woodside Avenue to Empire Avenue allows the structure to blend with the neighboring HR-1 on Woodside Avenue as well as the resort-base area housing and Multi-Unit Dwellings.*
3. strengthen the resort character of Park City;
 - *The connection of the development via a public staircase allows for the continued pedestrian circulation from Park Avenue to the resort base and Empire Avenue areas.*
4. result in a net positive contribution of amenities to the community;
 - *The proposed project will result in 52 Affordable Housing units as well as Public Access Easements.*
5. provide a variety of housing types and configurations;
 - *The proposed project provides a variety of Affordable Housing and Market Rate housing types.*
6. provide the highest value of open space for any given Site;
 - *The project architect has provided an analysis of the usable Open Space versus that achieved within the Setback areas. The RC Zone required Setbacks enables the interior plaza area to achieve more Usable Open space providing the highest value to the proposed project and public access points.*
7. efficiently and cost effectively extend and provide infrastructure;
 - *The proposed project extends public access infrastructure allowing for pedestrian access connecting Park Avenue to the Empire Avenue resort-base area.*
8. provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
 - *The proposed project has been deemed a redevelopment. The proposed project has stepped the massing from Woodside Avenue to Empire Avenue in order to compliment and maintain compatibility with the neighboring HR-1 Zoning District on Woodside Avenue and transition in the RC Zoning District and Empire Avenue resort-base area.*
9. protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
 - *The proposed project contains 100% residential uses.*

10. encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
 - *The proposed project encourages walkability through the increased pedestrian connectivity; the proposed project is a Net-Zero project achieved through innovative and energy efficient design.*
11. Encourage opportunities for economic diversification and economic development within the community.
 - *The proposed project contains both Affordable Housing and Market Rate Housing.*

Woodside Park Phase II is located within the Recreation Commercial (RC) Zoning District. Proposed projects utilizing the MPD section of the LMC are measured against the Purpose statement of [LMC 15-6-1 Purpose](#) as well as the Purpose statement of the underlying Zoning District. Staff has provided analysis in parentheses and italics for each of the established purposes of the RC Zoning District is outlined in [LMC 15-2.16-1 Purpose](#):

15-2.16-1 Purpose

The purpose of the Recreation Commercial RC District is to:

1. allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
 - *The Market Rate units will not be precluded to have Nightly-Rental Licenses),*
2. allow for resort-related transient housing with appropriate supporting commercial and service activities,
 - *The proposed project contains 52 Affordable Housing Units which could house resort-related transient staff.*
3. encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
 - *The proposed project has clustered the structures and broken up the massing in order to achieve more usable Open Space, provide more consistent massing when compared to neighboring structures, and connect into existing services.*
4. limit new Development on visible hillsides and sensitive view Areas,
 - *The proposed project has been stepped with the existing topography and within the RC Zone Required Maximum Height standards. No Height Exception is requested for the proposed development.*
5. provide opportunities for variation in architectural design and housing types,
 - *The proposed project has a variety of housing types as well as several different types of buildings ranging from Single-Family Dwellings, Triplexes, town-house type structures, and Multi-Unit Dwellings.*
6. promote pedestrian connections within Developments and to adjacent Areas,
 - *The proposed project extends public access infrastructure allowing for pedestrian access connecting Park Avenue to the Empire Avenue resort-base area.*
7. minimize architectural impacts of the automobile
 - *The bulk of the parking for the proposed project will be accommodated in an underground parking garage and individual garages.*
8. promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
 - *The proposed design of the project has taken into account the vernacular architecture of the surrounding resort-base area. The architect has incorporated*

architectural features and materials consistent with the Park City mountain-modern architecture.

9. promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
 - *The proposed project has incorporated architectural features and massing on the Woodside Avenue streetscape in order to maintain compatibility with the neighboring HR-1 Zoning District.*
10. promote the preservation and rehabilitation of Historic Buildings.
 - *The proposed project will create a legal lot of record for the Significant Single-Family Dwelling located at 1302 Norfolk Avenue. At this time, no work is proposed for 1302 Norfolk Avenue.*

Woodside Park Phase II has achieved consistency with the Purpose of both the MPD and RC Zoning District. The applicant has provided a supplemental submittal to support the request for the reduction of the boundary Setback from twenty-five feet (25') to the RC Zone Required Setbacks. Staff finds that the proposed Setback Reduction to the RC Zone Required Setbacks not only meets the intent of both the MPD and RC Zoning District, but also maintains compliance with the criteria set forth in [LMC 15-6-5\(C\) Setbacks](#) as detailed in the Analysis section below.

Analysis

The remand is specific to [LMC 15-6-5\(C\) Master Planned Development Requirements – Setbacks](#) which states:

C. Setbacks.

1. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels one (1) acre or larger in size. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') for MPD applications one (1) acre or larger to the zone required Setback if it is necessary to provide desired architectural interest and variation.
2. For parcels less than one (1) acre in size and located inside the HRM, HR-1, HR-2, HR-L, HRC, and HCB Districts, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures. *(Not Applicable)*
3. For parcels less than one (1) acre in size and located outside of the HRM, HR-1, HR-2, HR-L, HRC and HCB, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission and shall be no less than the zone required Setback. *(Not Applicable)*
4. In all MPDs, for either the perimeter setbacks or the setbacks within the project, the Planning Commission may increase Setbacks to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. *(Not Applicable)*
5. The Planning Commission may reduce Setbacks within the project boundary, but not perimeter Setbacks, from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D). *(Not Applicable)*

As is noted above, there are five (5) criteria for Setbacks. The only applicable criterion for the proposed project is to [LMC 15-6-5\(C\)\(1\)](#). Per [LMC 15-6-5\(C\)\(1\) MPD Requirements - Setbacks](#),

the minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. However, the Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for MPD applications one (1) acre or larger to the zone required Setback if it is necessary to provide desired architectural interest and variation.

Woodside Park Affordable Housing Phase II is requesting a Setback reduction to the Zone required Setbacks because of desired architecture interest and variation. The applicant has submitted a supplemental visual submittal (Exhibit 1) detailing the architectural interest and variation. The applicant is also requesting an additional Rear Yard setback reduction to five feet (5') from the required 10 feet (10') for a portion of Lot 2 to accommodate a utility easement for Lot 1 (1330 Empire Avenue).

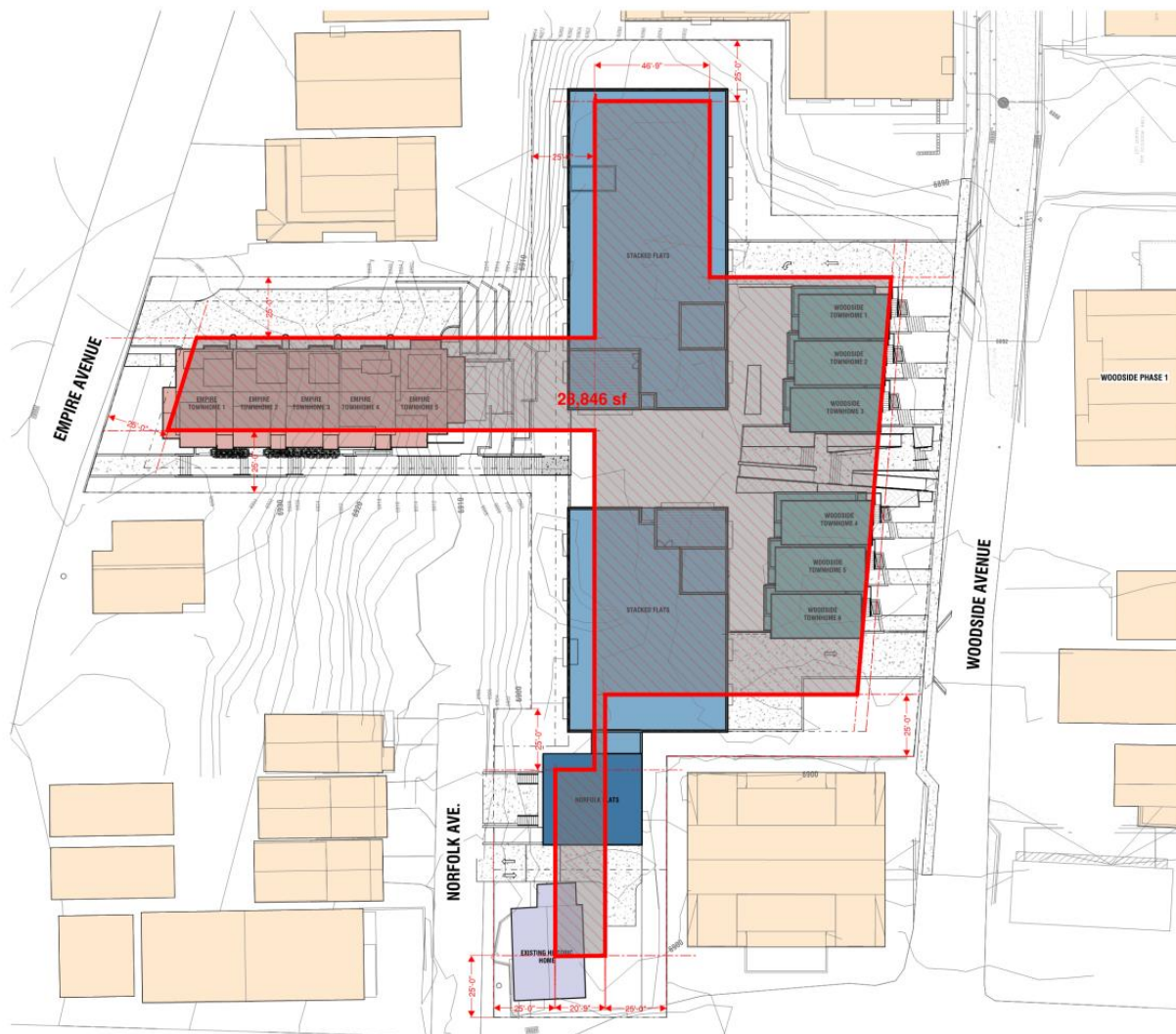
The applicant represents that the requested Setback reduction to the Zone required Setbacks would result in:

- the massing of the Structures to be varied placing the townhomes along the Woodside Avenue to Empire Avenue street frontages - consistent with the neighborhood look and feel from the public right-of-ways and to buffer the multi-family condo (apartment style) units in-between them;
- less bulk and mass of the buildings (smaller buildings rather than larger buildings) because the Density can be spread out throughout the site into more Structures that are more compatible in scale with those found throughout the neighborhood;
- more architectural interest and variation resulting from the increase in structures with less bulk and mass spread throughout the site including porches, roof eave overhangs, and a wider public access through the middle of the site in the east/west direction;
- more welcoming and approachable pedestrian access and trail connectivity including landscaping and outdoor gathering areas along the path; and,
- generally more architecturally interesting development that follows the predominant architectural vernacular and pattern of the Woodside Avenue and Empire Avenue streetscapes – dimensions of setbacks are consistent with other properties in the neighborhood.

Figure 1: Excerpt from Exhibit 1 (Sheet C102). Elevation drawing of the proposed Setback reduction to the Zone Required Setback.



Figure 2: Excerpt from Exhibit 1 (Sheet D100). Site Plan of the proposed development using the Setback reduction to the Zone Required Setback. The twenty-five foot boundary Setback is overlaid in red for reference.



The proposed Setbacks for the Setback reduction have not been changed from what was approved by Planning Commission on May 22, 2019. The proposed Setbacks are outlined in Table 1:

Table 1: The proposed Setbacks and applicable Land Management Code (LMC) Setbacks and compliance in the RC District:

	Proposed:			LMC Requirement:
	Lot 1	Lot 2	Lot 3	
Front Yard Setbacks by Use – feet (ft.)	Multi-Unit Dwelling (Empire Avenue) 20 ft.	Multi-Unit Dwellings (Woodside Avenue) 20 ft.	Single-Family Dwelling 6 ft. 11 in.	Multi-Family Dwelling 20 ft.; complies Single-Family 10 ft. complies, Historic Structure (existing condition)

Rear Yard Setbacks – feet (ft.)	Multi-Unit Dwelling (Empire Avenue) 28 ft. 7 in.	Multi-Unit Dwellings (Woodside Avenue) 10 ft. and 5 ft.	Single-Family Dwelling 33 ft. – 34 ft. (south to north)	Multi-Family Dwelling 10 ft. (5ft. reduction); <i>complies, pending MPD approval.</i> Single-Family 10 ft.; <i>complies</i>
Side Yard Setbacks– feet (ft.)	Multi-Unit Dwelling (Empire Avenue) 15 ft. 4 in. (south) 23 ft. 7 in. (north)	Multi-Unit Dwellings (Woodside Avenue) 10 ft. (south and north)	Single-Family Dwelling 5 ft. 7 in. (south) 12 ft. (north)	Single-Family 5 ft., total 14 ft.; <i>complies</i> Multi-Family Dwelling 10 ft.; <i>complies</i>

On May 22, 2019, the Planning Commission made the following finding determining that the project complied with LMC 15-6-5(C)(1):

15. Woodside Park Affordable Housing Phase II is requesting a Setback reduction to the Zone required Setback so that the development is aligned with the neighboring properties along the streetscapes of Empire Avenue, Norfolk Avenue, and Woodside Avenue. This setback reduction will not result in increased density. The Setback reduction will result in increased architectural variation because of the broken up massing of multiple buildings rather than one larger mass, the clustering of density towards the center of the site, decreased Setbacks resulting in increased Public plaza space and walkway, trail connection, and the variation between the architecture of each building.

Staff requests that the Planning Commission review the applicant's supplemental written and visual submittals in Exhibit 1 for compliance with LMC 15-6-5(C)(1).

Notice

On March 13, 2019, May 8, 2019, and August 14, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on March 9, 2019 May 4, 2019, August 10, 2019 according to requirements of the Land Management Code.

Summary Recommendation

Staff recommends that the Planning Commission review the submitted Master Planned Development, hold a public hearing and consider approving the Master Planned Development application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The proposed site location consists of 1330 Empire Avenue, 1302 Norfolk Avenue ("Significant" Single-Family Dwelling), 1361 Woodside Avenue, and 1323 Woodside Avenue.
2. The proposed site is located in the Recreation Commercial (RC) Zoning District.
3. The site is known as the Woodside Park Affordable Housing Project Phase II.
4. Phase II of the Woodside Park Affordable Housing Project will be located between Woodside Avenue and Empire Avenue, with a small portion of the development abutting Norfolk Avenue. There will be a total of 58 units, 52 of which will be deed restricted Affordable Housing units. The scope will include the following:

- Deed-restricted Affordable Housing Units (52 total):
 - Two (2) Triplex Dwellings abutting Woodside Avenue. The Triplex Dwellings take the form of “townhome style” units.
 - Two (2) Multi-Unit Dwellings centrally located on Lot 2 and accessed via Woodside Avenue. There will be a total of 46 “flats” comprised of studio, one (1), and two (2), bedroom units split between two (2) Multi-Unit Dwellings
 - Market Rate Units (six [6] total):
 - A Multi-Unit Dwelling abutting Empire Avenue which will contain five (5) townhomes style attached units – 1330 Empire Avenue
 - One (1) “Significant” Single-Family Dwelling – 1302 Norfolk Avenue
 - A Parking Garage located beneath the Woodside Avenue townhomes and Multi-Unit Dwellings (flats)
 - A Public Access Easement running east-west which will link to the Woodside Park Phase I Access Easement. The Public Access Easement will also contain Public Art as determined by the Park City Public Art Board.
 - Central gathering areas in the plaza space adjacent to the Public Access Easement.
 - A trail connecting Norfolk Avenue to the central gathering area in the plaza and Public Access Easement.
5. The MPD application was deemed complete on February 1, 2019.
 6. There are three (3) applications total for the entire scope of Phase II, including a Master Planned Development, Conditional Use Permit, and Plat Amendment.
 7. The Planning Commission reviewed, held a public hearing, and continued the Master Planned Development application during a Work Session on March 27, 2019.
 8. On May 22, 2019, the Planning Commission approved the Master Planned Development application.
 9. On June 3, 2019, the City received an application for an Appeal of the Planning Commission’s Approval of the Master Planned Development application for the Woodside Park Phase II Affordable Housing Project application located at 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue. On June 10, 2019, the Appellant provided supplemental information. This appeal was submitted within 10 days of the Final Action of the Planning Commission.
 10. On June 25, 2019, the Board of Adjustment reviewed an Appeal of the May 22, 2019 Planning Commission approval of the Master Planned Development (MPD) application and directed staff to prepare Findings of Fact to remand the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C).
 11. The Board of Adjustment ratified the Findings of Fact on July 16, 2019 denying the Appeal in Part and remanding the review of Setbacks for the Master Planned Development application to the Planning Commission pursuant to LMC 15-6-5(C).
 12. On September 11, 2019 the Planning Commission held a Public Hearing and Continued the discussion regarding the Setbacks for the Master Planned Development application to September 11, 2019/
 13. On March 13, 2019, May 8, 2019, and August 14, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on March 9, 2019 May 4, 2019, August 10, 2019 according to requirements of the Land Management Code.
 14. The proposal complies with Land Management Code (LMC) § 15-6-5(C) Setbacks. Per [LMC 15-6-5\(C\) MPD Requirements - Setbacks](#), the minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. However, per [LMC 15-6-5\(C\)\(1\) MPD Requirements - Setbacks](#), the Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for

MPD applications one (1) acre or larger to the zone required Setback if it is necessary to provide desired architectural interest and variation.

15. Woodside Park Affordable Housing Phase II is requesting a Setback reduction to the Zone required Setback so that the development is aligned with the neighboring properties along the streetscapes of Empire Avenue, Norfolk Avenue, and Woodside Avenue. This setback reduction will not result in increased density. The Setback reduction will result in increased architectural variation because of the broken up massing of multiple buildings rather than one larger mass, the clustering of density towards the center of the site, decreased Setbacks resulting in increased Public plaza space and walkway, generally more architecturally interesting development that follows the predominant architectural vernacular and pattern of the Woodside Avenue and Empire Avenue streetscapes, more welcoming and approachable pedestrian and trail connectivity, and the variation between the architecture of each building.
16. The minimum Setbacks for the proposed Multi-Unit Dwelling on Lot 1 shall be:
 - Front Yard: 20 feet (20')
 - Side Yard: 10 feet (10')
 - Rear Yard 10 feet (10')
17. The minimum Setbacks for the Multi-Unit Dwellings on Lot 2 shall be:
 - Front Yard: 20 feet (20')
 - Side Yard: 10 feet (10')
 - Rear Yard: 10 feet (10') and reduced to five feet (5') for the area highlighted in Figure 8 on page 8 in the staff report. The applicant is requesting an additional Rear Yard setback reduction to five feet (5') from the required 10 feet (10') for a portion of Lot 2. The purpose of the Setback Reduction is to accommodate a utility easement for Lot 1 (1330 Empire Avenue).
18. The minimum Setbacks for existing Historic Single-Family Dwelling on Lot 3 shall be:
 - Front Yard: 10 ft. for new construction; however the existing Historic Structure is a Legal Non-Complying Structure with a Front Yard Setback measuring six feet eleven inches (6'11")
 - Side Yard: Minimum five feet (5') and a minimum total of 14 feet (14')
 - Rear Yard: 10 feet
19. The analysis section is incorporated herein.

Conclusions of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
2. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
3. The MPD has been noticed and public hearing held in accordance with this Code.

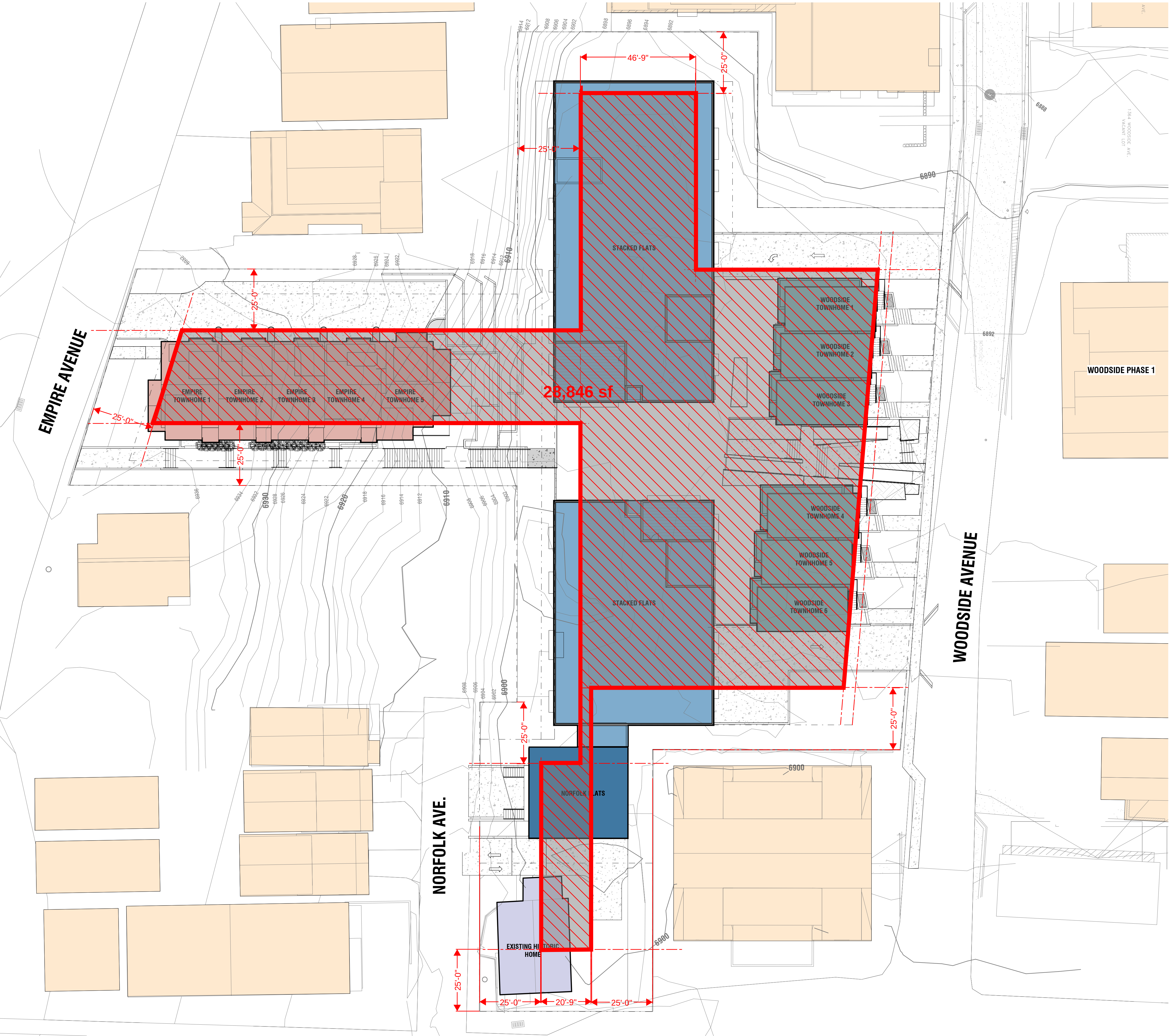
Conditions of Approval:

1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
2. A development agreement as described in LMC Section 15-6-4(G) shall be ratified by the Planning Commission within 6 months of this approval and prior to issuance of a building permit for the project.
3. All conditions of original May 22, 2019 Planning Commission Master Planned Development application approval apply.

Exhibits

Exhibit 1: Applicant's Supplemental Visual Submittal

Exhibit 2: [Woodside Park Affordable Housing Project Phase II Plans](#)



SITE PLAN LEGEND

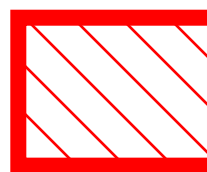
- EMPIRE TOWNHOMES - (5) 3 BEDROOM UNITS
- WOODSIDE TOWNHOMES - (6) 3 BEDROOM UNITS
- STACKED CONDOS (3 LEVELS + PARKING)
- STACKED CONDOS (2 LEVELS + PARKING)
- EXISTING HISTORIC HOME
- ADJACENT RESIDENTIAL PROPERTIES

UNIT COUNTS (FLATS)

Name	Count
Level 2	
1 BDR UNIT	10
2 BDR UNIT	3
EXISTING HISTORIC UNIT	1
STUDIO UNIT	1
	15
Level 3	
1 BDR UNIT	12
2 BDR UNIT	3
STUDIO UNIT	2
	17
Level 4	
1 BDR UNIT	11
2 BDR TYPE A UNIT	1
2 BDR UNIT	2
STUDIO UNIT	1
	15
Grand total	47

UNIT COUNTS (TOWNHOMES)

Name	Count
Empire Townhome 1	1
Empire Townhome 2	1
Empire Townhome 3	1
Empire Townhome 4	1
Empire Townhome 5	1
Woodside Townhome 1	1
Woodside Townhome 2	1
Woodside Townhome 3	1
Woodside Townhome 4	1
Woodside Townhome 5	1
Woodside Townhome 6	1
Grand total	11

 BUILDABLE AREA -
25'-0" PERIMETER SETBACKS

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salt lake city, utah 84101
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consultant:

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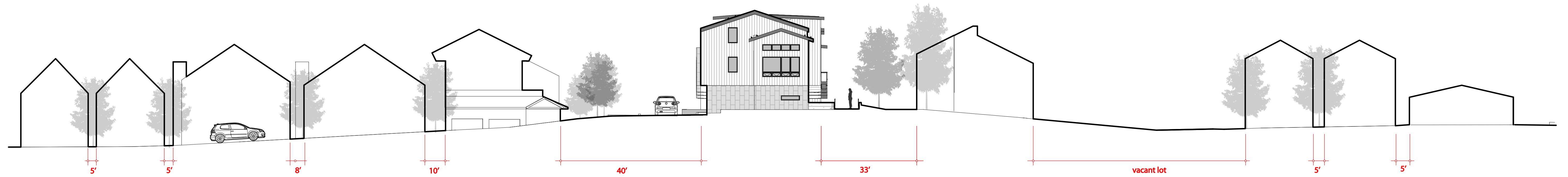
project:

PARK CITY
AFFORDABLE
HOUSING -
WOODSIDE PHASE II

project#: 17.0755
date: 04/15/2019

REVISIONS DATE

D100



EMPIRE AVENUE STREETSCAPE ELEVATION



WOODSIDE AVENUE STREETSCAPE ELEVATION



STREET SETBACKS

PARK CITY HOUSING - WOODSIDE PHASE II
PARK CITY, UTAH



8.30.2019



AERIAL RENDERING

PARK CITY HOUSING - WOODSIDE PHASE II
PARK CITY, UTAH



8.30.2019



WOODSIDE STREET VIEW RENDERING

PARK CITY HOUSING - WOODSIDE PHASE II
PARK CITY, UTAH



8.30.2019

Planning Commission Staff Report



Subject: Nakoma Condominiums – Third Amendment to First Amended and Restated Condominium Plat
Author: Alexandra Ananth, Sr. Planner
Project #: PL-19-04292
Date: September 11, 2019
Type of Item: Legislative – Condominium Record of Survey Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a Public Hearing for the proposed Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums for lot line adjustments to Lot 17, and consider forwarding a positive recommendation to the City Council on September 26, 2019, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Friends of Flagstaff, LLC
Location: 8782 Marsac Avenue, Nakoma Lot 17, Nakoma Condominiums
Zoning: Residential Development (RD) as part of the Flagstaff Annexation and Master Planned Development (MPD) and the Village at Empire Pass MPD
Adjacent Land Uses: Residential development parcels of the Village at Empire Pass, Pod B1, and Open Space.

Proposal

This is a request for an Amendment to a Condominium Record of Survey Plat for Lot 17 in order to better accommodate construction of a Single Family Dwelling. Lot 17 is currently vacant and the applicant is proposing to straighten out the northeast lot line and soften the curve of the southwest lot line in order to make the lot more buildable. No change in density or Unit Equivalents is proposed with this application.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land uses; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Agreement was amended in March of 2007.

On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II. This Master Planned Development included eighteen (18) detached single-family dwelling units utilizing 27

Unit Equivalents (UEs) on the Northside Village Subdivision II, Lot B (aka Nakoma); 25 townhouse multi-unit dwellings utilizing 37.5 UEs on Northside Village Subdivision II, Lot C; and a twenty-two (22) condominium multi-unit building utilizing 33 UEs on Northside Village Subdivision II, Lot D. Lot C has been developed as Ironwood at Deer Valley, Lot D has been constructed as the Grand Lodge at Deer Valley.

The Planning Commission approved an amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved (3,000 square foot footprint with a maximum house size of 5,000 square feet).

The Planning Commission approved an amendment to the MPD for Lot B on October 26, 2005, in which the unit locations and the road alignment were reconfigured, while maintaining the same footprint and maximum house size requirements as previously approved.

On July 6, 2006, the City Council approved the Nakoma Condominiums Record of Survey located on Lot B. That Record of Survey (Condominium Plat) platted the first 8 units (Units 9-16) plus additional land. The Condominium Plat for the remaining units (1-8, 17 and 18) was approved by the City Council on September 20, 2007.

A Second Amendment to the MPD for Lot B was approved by the Planning Commission on April 23, 2008. That amendment allowed for the combination of Units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).

On April 23, 2008, the Planning Commission approved a Third Amendment to the MPD to Lot B to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment allows for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. An exception to both the maximum house size and footprint was allowed with the combination of units 17 and 18. In this case, the maximum square footage would be 7,500 square feet with a maximum footprint of 5,000 square feet. The 2,500 square feet lost from the combination of 17 and 18 can be redistributed through the other units. An Amended Plat was also approved in conjunction with the Third MPD Amendment.

The First Amended and Restated Nakoma Condominiums Plat was recorded on December 31, 2008. A Plat Note on each of the previous Condominium Plats required the re-platting once the units were constructed to show actual as-built unit configuration.

On November 11, 2009, the Planning Commission approved a Fourth Amendment to

the MPD for Lot B. The Fourth Amended MPD allowed the following:

- Units 1 and 2 combined into a duplex configuration, maximum footprint of 6000 square feet.
- Unit 17 (previously combined with Unit 18 into one larger unit) with an option to become a duplex, returning the unit count back to up to 18 units. As a duplex, footprint increases from 5,000 square feet to 6,000 square feet.
- Reduce minimum unit size from 4,300 to 4,000 square feet for all remaining unbuilt lots.
- Maintain maximum unit size at 5,750 square feet (except if Unit 18 is not constructed as a duplex with Unit 17 and 17 can then be up to 7,500 square feet).
- Maximum cap of 45 Unit Equivalents remain.

On May 20, 2010, the City Council approved the First Amendment to the Amended and Restated Nakoma Condominiums Plat to define private and limited common area for Units 9 through 16. This First Amendment to the Amended and Restated Nakoma Condominiums Plat was recorded on May 22, 2012.

On October 25, 2017, the City Council approved the Second Amendment to the First Amended and Restated Nakoma Condominiums Plat for the duplex Units 1 and 2 and individual Units 7 and 8. The Second Amendment Plat memorialized the size and configuration of constructed units and identified areas of private and common ownership. This Plat has not been recorded yet.

On August 2, 2019, the City received a complete application for the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums proposing adjustments to the lot lines of Lot 17.

Purpose

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

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

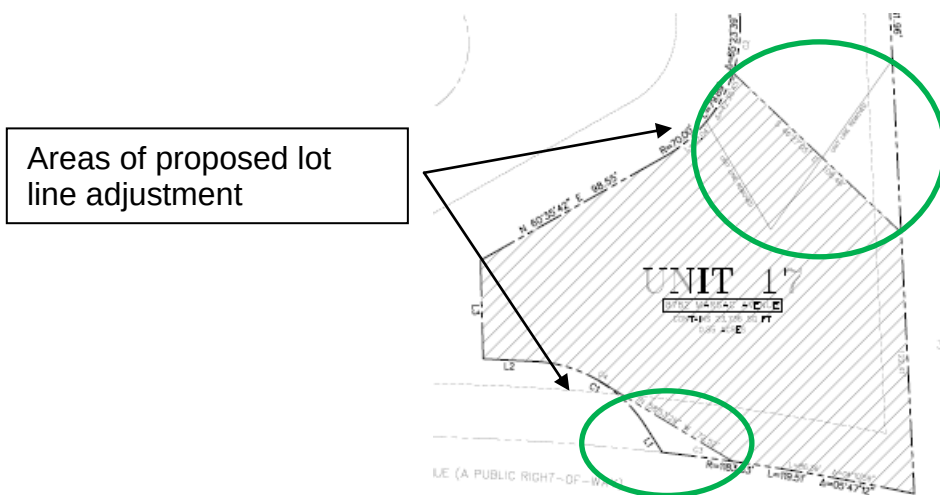
Analysis

The zoning for the subdivision is subject to the following criteria:

	RD Permitted
Height	28' (+5' for pitched roof)
Front setback	20', 25' to front facing garage
Rear setback	15'
Side setbacks	12'
Parking	Two spaces required if constructed as single family

In addition, the MPD restricts Lot B units 1-16 to a 3,000 square foot maximum footprint with a maximum house size between 4,300 square feet and 5,750 square feet, plus 600 square feet for a garage. Unit 17 (the subject property) may have up to 7,500 square feet of total floor area with a footprint not to exceed 5,000 square feet. The 17 units represent the irrevocable consumption of 45 Unit Equivalents, which is the maximum Unit Equivalents assigned to this project.

Lot 17 is currently vacant and the applicant is proposing to straighten out the northeast lot line for Lot 17 in order to create a better building envelope and make the lot more buildable. The southwest lot line is also being straightened out. Lot 17 is the only lot not accessed off of Nakoma Court, the lot is accessed off of Marsac Avenue and a Plat Note requires that the driveway for this lot must be opposite the driveway across the street serving the Grand Lodge Condominium and that a permit from UDOT is required.



Lot 17 is adjacent to common area and the proposed lot line adjustments increase the lot from 23,735 square feet to 23,736 square feet, an increase of one (1) square foot. There are 14.124 UE (28,248 square feet) remaining for Units 3, 4, 5, 6 and 17 and the proposed lot line adjustment does not change this.

Staff finds good cause for this Condominium Plat as it allows for a better building envelope by straightening out the northern lot line, is consistent with the development pattern envisioned in the amended MPD, the 14 Technical Reports, and the previous requirement that the units be re-platted once constructed to memorialize density (Units and UE) and configuration.

Department Review

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

Notice

On August 28th, 2019, the property was posted, and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on August 24th as well.

Public Input

Staff has not received any public input prior to the issuance this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for lot line adjustments to Nakoma Lot 17 as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the proposed lot line adjustments for Nakoma Lot 17.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. Adjusting the lot lines as proposed will better accommodate construction on this lot.

Consequences of not taking the Suggested Recommendation

None. The plat would be maintained in its current form and is still developable.

Good Cause

There is good cause for the proposed Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums, to create a better building envelope and memorialize the size and configuration of Lot 17.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums Lot 17, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Plat Lot 17, Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums

Exhibit B – Existing Plat, First Amended and Restated Nakoma Condominium Plat

Exhibit C – Existing Conditions Lot 17

Exhibit D – Aerial photo

Exhibit E – Photos of site

Draft Ordinance No. 2019-XX

AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE FIRST AMENDED AND RESTATED CONDOMINIUM PLAT NAKOMA CONDOMINIUMS, LOCATED AT 8782 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the Friends of Flagstaff, LLC, the owners of the property known as the Nakoma Condominiums Lot 17, have petitioned the City Council for approval of the Third Amendment to the First Amended and Restated Condominium Plat Nakoma Condominiums; and

WHEREAS, on August 28th, 2019, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on August 24th, 2019, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 11th, 2019, to receive input on the Third Amendment to the First Amended and Restated Condominium Plat Nakoma Condominiums;

WHEREAS, the Planning Commission, on September 11th, 2019, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council on September 26th, 2019, held a public hearing and took final action on the Condominium Record of Survey Amendment; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Amendment to the First Amended and Restated Condominium Plat Nakoma Condominiums Record of Survey Plat Amendment consistent with the Flagstaff Annexation and Development Agreement.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Third Amendment to the First Amended and Restated Condominium Plat Nakoma Condominiums 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 8782 Marsac Avenue.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999 and amended it in March

of 2007. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).
5. The approved Flagstaff Mountain Resort Phase II MPD includes a maximum density assignment and conceptual site design for up to eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B (aka Nakoma Condominiums).
6. The Planning Commission approved an MPD amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of Units 17 and 18 into a single Unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while Unit 17 (combined Unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment would allow for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. The approved maximum building footprint for the Units 1-16 detached single-family Units on Northside Village Subdivision II, Lot B, is 3,000 square feet with a maximum house size between 4,300 square feet and 5,750 square feet (whether considered a Basement or Floor Area by LMC definition). An additional 600 square feet is allowed for a garage.
9. Unit 17 may be up to 7,500 square feet of total floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD for Lot B. The Fourth Amended MPD allows the following:
 - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6,000 square feet.
 - Unit 17 (previously combined with Unit 18 into one larger Unit) with an option to become a duplex, returning the unit count back 18. As a duplex, footprint increases from 5,000 square feet to 6,000 square feet.
 - Reduce minimum unit size from 4,300 to 4,000 square feet.
 - Maintain maximum unit size at 5,750 square feet (except if Unit 18 is not constructed as a duplex with Unit 17 and 17 can be 7,500sf).
 - Maximum cap of 45 Unit Equivalents remain.
11. On May 20, 2010, the City Council approved the First Amendment to the Amended and Restated Nakoma Condominiums Plat to define private and limited common

area for Units 9 through 16. This First Amendment to the Amended and Restated Nakoma Condominiums Plat was recorded on May 22, 2012.

12. On October 25, 2017, the City Council approved the Second Amendment to the First Amended and Restated Nakoma Condominiums Plat for the duplex Units 1 and 2 and individual Units 7 and 8. The Second Amendment Plat memorialized the size and configuration of constructed units and identified areas of private and common ownership. This Plat has not been recorded yet.
13. On August 2, 2019, the City received a complete application for the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums proposing adjustments to the lot lines of Lot 17.
14. The Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums Record of Survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous condominium plats requiring a re-platting of the units.
15. Two parking spaces are required and provided for each unit.
16. The Flagstaff Density Summary already indicates that a total of 18 units and 45 UE are platted in the Nakoma Development. The Summary is updated when certificates of occupancy are issued.
17. Straightening out the northeast lot line for Lot 17 will create a better building envelope and make the lot buildable.
The change of lot lines increases the lot by only one (1) square foot and does not change the Unit Equivalents that can be built on this lot.

Conclusions of Law:

1. There is good cause for this Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums.
2. The Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums 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 Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums.
4. Approval of the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums, 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 Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Condominium Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. All conditions of approval of the Flagstaff Annexation and Development Agreement, as amended, and the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned

Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.

4. All applicable notes, easements and requirements of the First Amended and Restated Nakoma Condominium plat continue to apply and shall be shown and noted on this plat prior to recordation.

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

PASSED AND ADOPTED this ____ day of November, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

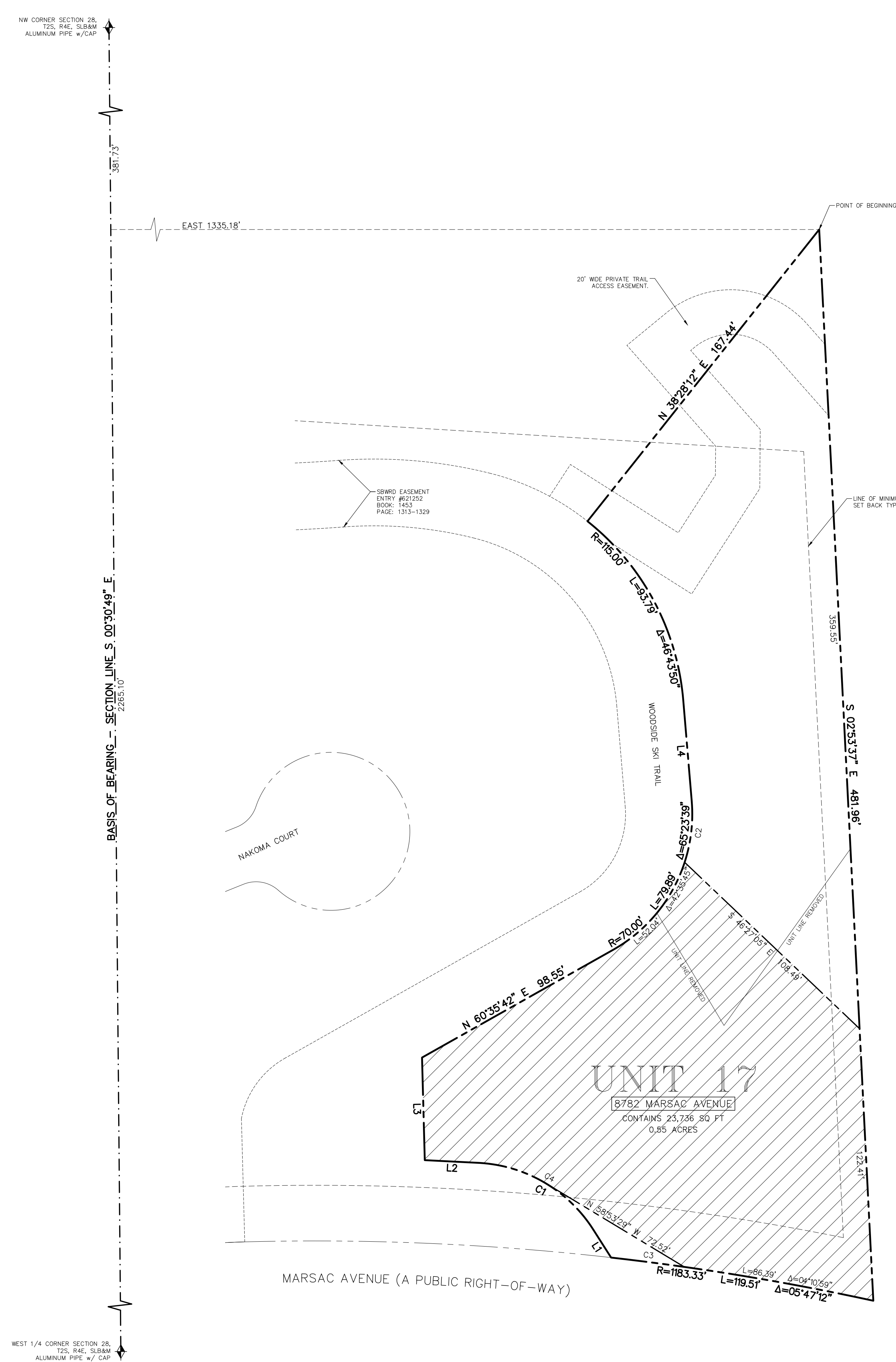
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Third Amendment to First Amended and Restated Condominium Plat
Nakoma Condominiums

Exhibit A
Proposed Plat



I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 4857264, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown and described hereon, hereafter to be known as THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

SURVEYOR'S CERTIFICATE

ASSOCIATION CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned, on behalf of Nakoma Owners Association, Inc., a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration hereby consents to the recording of this condominium plat amendment.

Matthew A. Spagot, President
Nakoma Owners Association, Inc., a Utah nonprofit corporation

ACKNOWLEDGMENT

State of _____: ss
County of _____

On this _____ day of _____, 2019, personally appeared before me, the undersigned Notary Public, in and for said County and State, Matthew A. Spagot, being duly sworn, acknowledged to me that he is the president of the Nakoma Owners Association, Inc., a Utah nonprofit corporation, and that he signed the above Consent to Record for, on, and in behalf of all of the unit owners at the Nakoma Condominium Project acting as a group (under the name of the Nakoma Owners Association, Inc., a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Nakoma Condominiums.

A Notary Public Commissioned in _____

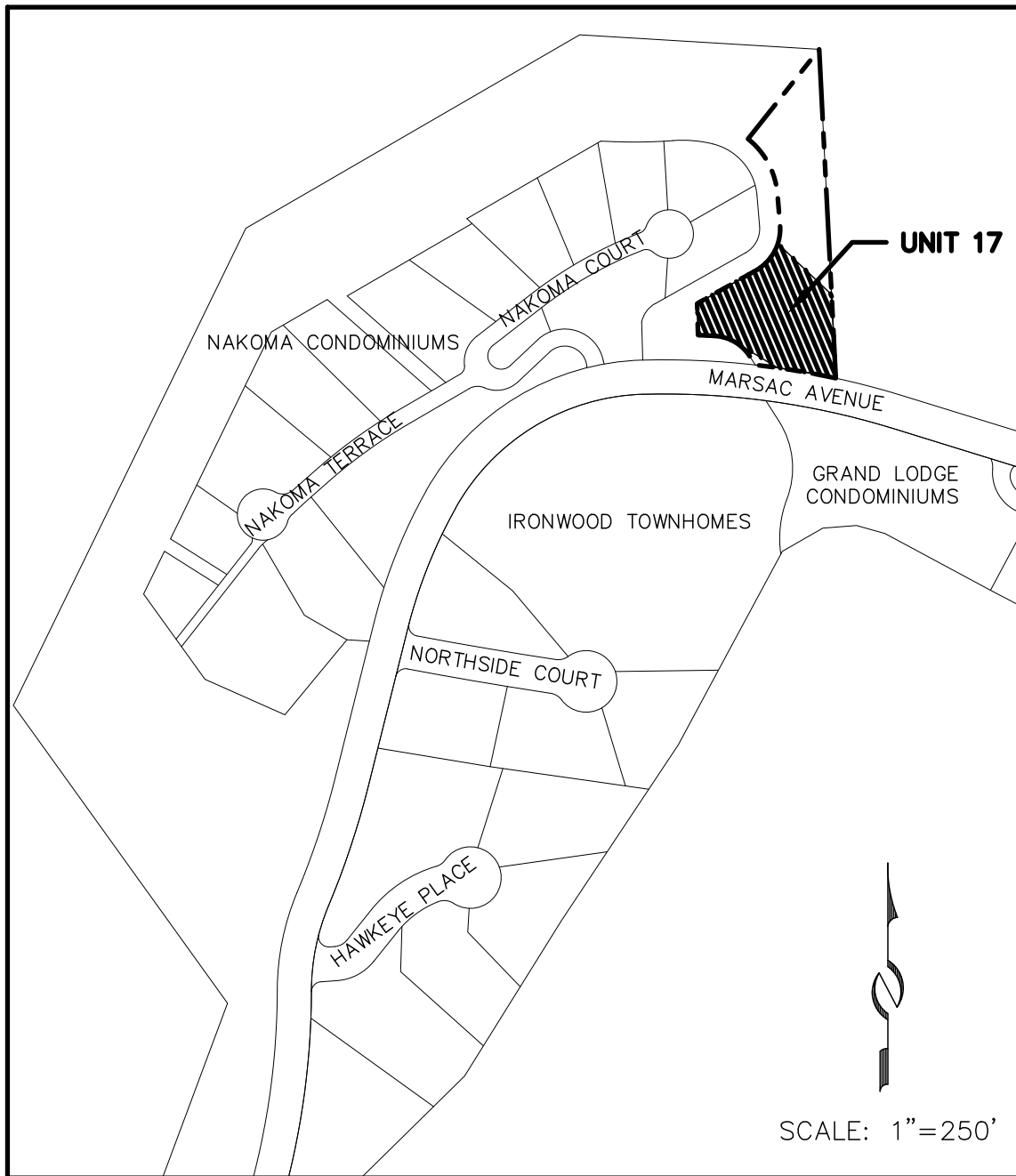
Printed Name _____

Residing in: _____

My commission expires: _____

Commission No.: _____

VICINITY MAP



LEGAL DESCRIPTION

A portion of Lot B, Northside Village Subdivision II, according to the official plat of record and on file in the office of the Summit County recorder, recorded June 28, 2002 as Entry No. 623453 being more particularly described as follows:

Beginning at the northeast corner of Lot B, Northside Village Subdivision II, recorded June 28, 2002 as entry number 623453, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 02°53'37" East 481.96 feet to the northerly boundary of Marsac Avenue Right of Way, recorded June 28, 2002 as entry number 623451, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being the boundary of said Lot B and on a non tangent curve to the left having a radius of 1183.33 feet, of which the radius point bears South 12°14'02" West; thence westerly along the arc of said curve 119.51 feet through a central angle of 05°47'12"; thence North 32°30'13" West 14.91 feet to a point on a curve to the left having a radius of 65.00 feet, of which the radius point bears South 57°29'47" West; thence along the arc of said curve 61.29 feet through a central angle of 54°01'17"; thence North 87°06'34" West 24.90 feet; thence North 01°32'28" West 46.11 feet; thence North 60°35'42" East 98.55 feet to a point on a curve to the left having a radius of 70.00 feet, of which the radius point bears North 29°24'18" West; thence along the arc of said curve 27.85 feet through a central angle of 65°23'39"; thence North 04°47'58" West 45.50 feet to a point on a curve to the left having a radius of 115.00 feet, of which the radius point bears South 85°12'02" West; thence along the arc of said curve 93.79 feet through a central angle of 46°43'50"; thence North 38°28'12" East 167.44 feet to the point of beginning.

Which includes Unit 17, contained within the FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUMS, as the same is identified in the Record of Survey Map recorded in Summit County, Utah, as Entry No. 861927, in Book 1961, at Page 1851, and in the Declaration of Covenants, Conditions and Restrictions and Bylaws of Nakoma (An Expandable Condominium Project), recorded in Summit County, Utah, on August 22, 2006, as Entry No. 788158, in Book 1811, at Page 1764, of the official records, and all amendments thereto.

Together with: (a) The undivided ownership interest in said Condominium Project's Common Areas and Facilities which is appurtenant to said Unit, (the referenced Declaration of Condominium providing for periodic alteration both in the magnitude of said undivided ownership interest and in composition of the Common Areas and Facilities to which said interest relates); (b) The exclusive right to use and enjoy each of the Limited Common Areas which is appurtenant to said Unit, and (c) The non-exclusive right to use and enjoy the Common Areas and Facilities included in said Condominium Project (as said Project may hereafter be amended or supplemented) in accordance with the aforesaid Declaration and Survey Map (as said Declaration and Map may hereafter be amended or supplemented) and the Utah Condominium Ownership Act.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT Friends of Flagstaff, L.L.C., a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS, a Utah Condominium Project, does hereby certify that it has caused this condominium plat amendment to be prepared, and does hereby consent to the recording of this condominium plat and submits this property to the Utah Condominium Ownership Act.

The owner certifies that the Unit shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformance with the Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof, the undersigned set his hand this _____ day of _____, 2019.

Matthew A. Spagot, Manager
Friends of Flagstaff, L.L.C., a Utah limited liability company

ACKNOWLEDGMENT

STATE OF _____: ss
COUNTY OF _____

On this _____ day of _____, 2019, Matthew A. Spagot personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a manager of Friends of Flagstaff, L.L.C., a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No.: _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2019-_____.
- A Fourth Amendment to Declaration of Condominium for Nakoma is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Nakoma Condominiums project is subject to the Declaration.
- Upon the completion of the dwelling unit ("Completed Unit"), the boundaries of the Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time, the Declarant has the obligation to amend this Plat after construction to reflect the as-built areas of the Completed Unit, Common Areas and Limited Common Areas. Unless otherwise approved by Park City, (i) the footprint for Unit 17 shall not exceed 5,000 square feet; (ii) the total square footage of Unit 17 shall not be less than 4,300 square feet nor more than 7,500 square feet; (iii) Unit 17 may have a garage containing up to 600 square feet (if the garage is in excess of 600 square feet, the additional area shall be applied against the maximum square footage allowed for the appurtenant Completed Unit). For the purposes of this Note, square footage shall be calculated from the inside surfaces of the interior boundary walls of the Completed Unit (including basement space that would otherwise be excluded from "Floor Area" as defined by the Land Management Code), but excluding all structural walls and components as well as all shafts, ducts, flues, pipes, conduits and the walls enclosing such facilities. The provisions of this Note shall amend and supersede the provisions of the notes of prior plats of Nakoma that are inconsistent with these provisions.
- The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area and Limited Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
- Nakoma Unit 17 is served by a private wastewater lateral line. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Nakoma Units within the plat. The cost of such maintenance and replacement shall be paid by Nakoma Owners Association, Inc. as part of the Common Expenses.
- At the time of any resurfacing of Nakoma Terrace and Nakoma Court, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
- Except as otherwise provided herein, all conditions of approval of the Flagstaff Mountain Resort Phase II (POD B-1) master planned development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
- The driveway off Marsac Avenue to serve Unit 17 must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required.
- The constructed building is required to conform to the 28'+5" height requirement of the RD zone.
- All conditions of approval of the Flagstaff Mountain Resort Phase II Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
- Two parking spaces are required for the Completed Unit.
- The property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 1125, Map Number 49043C01125C, and has an effective date of March 16, 2006.

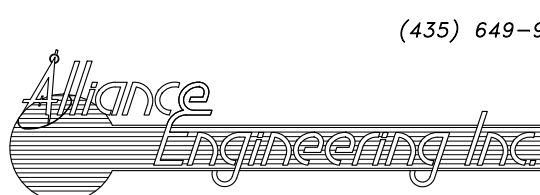
THIRD AMENDMENT TO FIRST AMENDED & RESTATED CONDOMINIUM PLAT

NAKOMA CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1



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

(435) 649-9467

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____

DAY OF _____, 2019

BY _____
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____

DAY OF _____, 2019

BY _____
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____

DAY OF _____, 2019

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF _____, 2019

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

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

2019

BY _____
MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY

OF _____, 2019

BY _____
PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

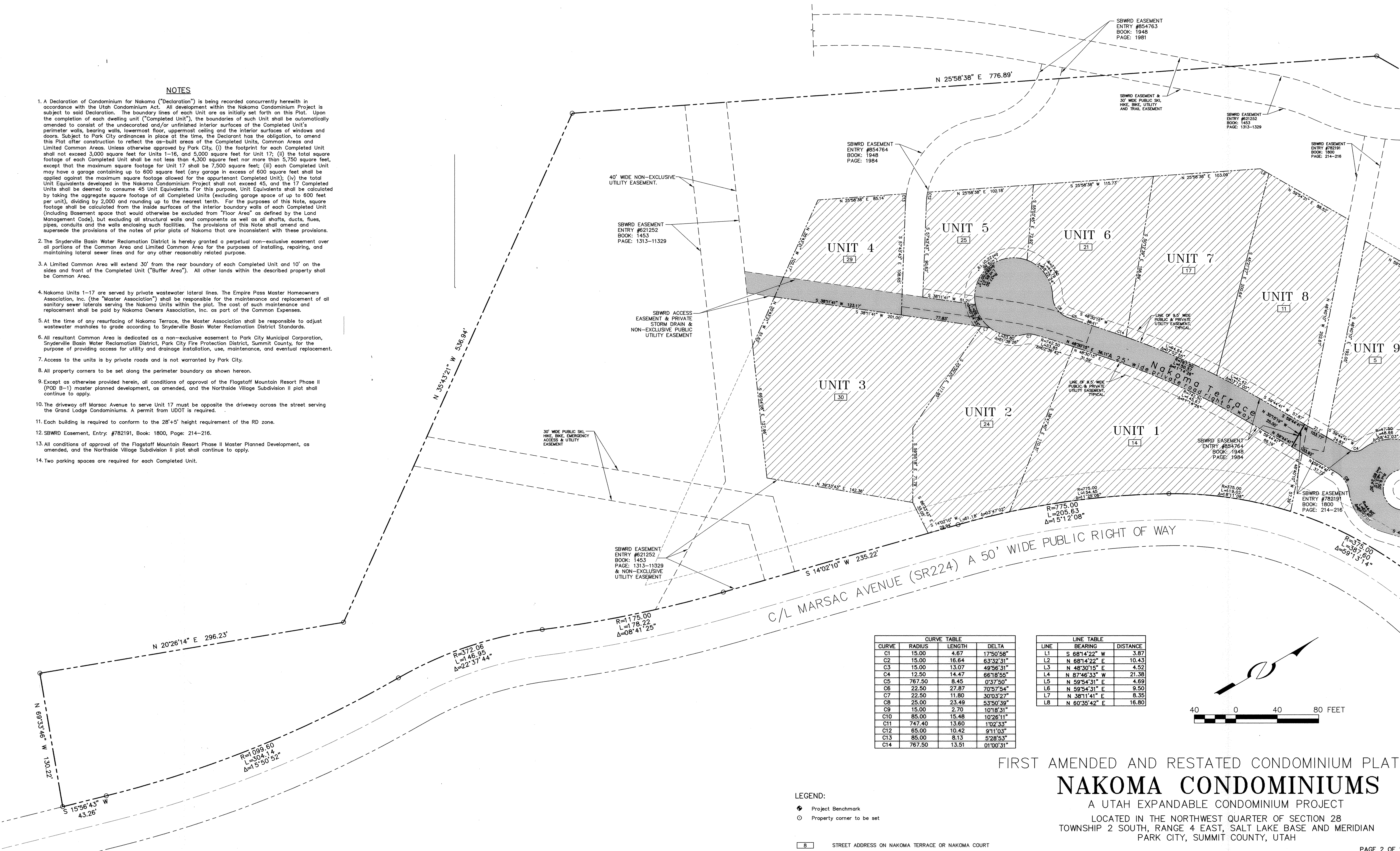
_____ FEE _____ RECORDER

TIME _____ DATE _____ ENTRY NO. _____

Exhibit B
Existing Plat

NOTES

1. A Declaration of Condominium for Nakoma ("Declaration") is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Nakoma Condominium Project is subject to said Declaration. The boundary lines of each Unit are as initially set forth on this Plat. Upon the completion of each dwelling unit ("Completed Unit"), the boundaries of such Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time, the Declarant has the obligation, to amend this Plat after construction to reflect the as-built areas of the Completed Units, Common Areas and Limited Common Areas. Unless otherwise approved by Park City, (i) the footprint for each Completed Unit shall not exceed 3,000 square feet for Units 1-16, and 5,000 square feet for Unit 17; (ii) the total square footage of each Completed Unit shall be not less than 4,300 square feet nor more than 5,750 square feet, except that the maximum square footage for Unit 17 shall be 7,500 square feet; (iii) each Completed Unit may have a garage containing up to 800 square feet (any garage in excess of 800 square feet shall be applied against the maximum square footage allowed for the appurtenant Completed Unit); (iv) the total Unit Equivalents developed in the Nakoma Condominium Project shall not exceed 45, and the 17 Completed Units shall be deemed to consume 45 Unit Equivalents. For this purpose, Unit Equivalents shall be calculated by taking the aggregate square footage of all Completed Units (excluding garage space of up to 600 feet per unit), dividing by 2,000 and rounding up to the nearest tenth. For the purposes of this Note, square footage shall be calculated from the inside surfaces of the interior boundary walls of each Completed Unit (including Basement space that would otherwise be excluded from "Floor Area" as defined by the Land Management Code), but excluding all structural walls and components as well as all shafts, ducts, flues, pipes, conduits and the walls enclosing such facilities. The provisions of this Note shall amend and supersede the provisions of the notes of prior plats of Nakoma that are inconsistent with these provisions.
2. The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area and Limited Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
3. A Limited Common Area will extend 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit ("Buffer Area"). All other lands within the described property shall be Common Area.
4. Nakoma Units 1-17 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Nakoma Units within the plat. The cost of such maintenance and replacement shall be paid by Nakoma Owners Association, Inc. as part of the Common Expenses.
5. At the time of any resurfacing of Nakoma Terrace, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
6. All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County, for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
7. Access to the units is by private roads and is not warranted by Park City.
8. All property corners to be set along the perimeter boundary as shown hereon.
9. Except as otherwise provided herein, all conditions of approval of the Flagstaff Mountain Resort Phase II (POD B-1) master planned development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
10. The driveway off Marsac Avenue to serve Unit 17 must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required.
11. Each building is required to conform to the 28'+5' height requirement of the RD zone.
12. SBWRD Easement, Entry: #782191, Book: 1800, Page: 214-216.
13. All conditions of approval of the Flagstaff Mountain Resort Phase II Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
14. Two parking spaces are required for each Completed Unit.



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00	4.67	17°50'58"
C2	15.00	16.64	63°32'31"
C3	15.00	13.07	49°56'31"
C4	12.50	14.47	66°18'55"
C5	767.50	8.45	0°37'50"
C6	22.50	27.87	70°57'54"
C7	22.50	11.80	30°03'27"
C8	25.00	23.49	53°50'39"
C9	15.00	2.70	10°18'31"
C10	85.00	15.48	10°26'11"
C11	747.40	13.50	1°02'33"
C12	65.00	10.42	9°11'03"
C13	85.00	8.13	5°28'53"
C14	767.50	13.51	01°00'31"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 68°14'22" W	3.67
L2	N 68°14'22" E	10.43
L3	N 48°30'15" E	4.52
L4	N 87°46'33" W	21.38
L5	N 59°54'31" E	4.69
L6	N 59°54'31" E	9.50
L7	N 38°11'41" E	8.35
L8	N 60°35'42" E	16.80

LEGEND:

- Project Benchmark
- Property corner to be set

- 8 STREET ADDRESS ON NAKOMA TERRACE OR NAKOMA COURT
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- SBWRD ACCESS EASEMENTS/COMMON OWNERSHIP

FIRST AMENDED AND RESTATED CONDOMINIUM PLAT
NAKOMA CONDOMINIUMS
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

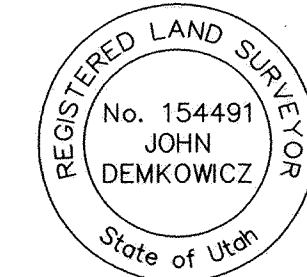
JOB NO.: 2-10-03 FILE: X:\Empire\dwg\LotB-NSLV\plat\nakoma plat first amended.dwg

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
ENTRY NO. 00861927
 12/31/2008 03:59:43 PM B: 1961 P: 1851
 DA PLAT PAGE 1/1
 ALUN SERVICES SUMMIT COUNTY RECORDER
 FEE \$7.00 BY HIGHLAND TITLE AGENCY INC
 AGE 76
 FEE RECORDER

CURVE	RADIUS	LENGTH	DELTA
C1	15.00	4.67	17°50'58"
C2	15.00	16.64	63°32'31"
C3	15.00	13.07	49°56'31"
C4	12.50	14.47	66°18'55"
C5	767.50	8.45	00°37'50"
C6	22.50	27.87	70°57'54"
C7	22.50	11.80	30°03'27"
C8	25.00	23.49	53°50'39"
C9	15.00	2.70	10°18'31"
C10	85.00	15.48	10°26'11"
C11	747.40	13.60	01°02'33"
C12	65.00	10.42	09°11'03"
C13	85.00	8.13	05°28'53"
C14	767.50	13.51	01°00'31"

LINE	BEARING	DISTANCE
L1	S 68°14'22" W	3.87
L2	N 68°14'22" E	10.43
L3	N 48°30'15" E	4.52
L4	N 87°46'33" W	21.38
L5	N 59°54'31" E	4.69
L6	N 59°54'31" E	9.50
L7	N 38°11'41" E	8.35
L8	N 60°35'42" E	16.80



I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this First Amended and Restated Condominium Plat of the NAKOMA CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491 12-3-08 DATE

BOUNDARY DESCRIPTION

Lot B, NORTHSIDE VILLAGE SUBDIVISION, II, according to the official plat thereof recorded June 28, 2002, as Entry No. 623453 in the office of the Summit County Recorder.

Unit No. 9, 10, 11, 12, 13, 14, 15, & 16 contained within NAKOMA CONDOMINIUMS, a Utah Condominium Project, as the same is identified in the Condominium Plat recorded in the office of the Summit County Recorder ON AUGUST 22, 2006, as Entry No. 788157, and as further defined and described in the Declaration of Covenants, Conditions and Restrictions and Bylaws of the NAKOMA CONDOMINIUMS, a Utah Condominium Project, recorded in the office of the Summit County Recorder on August 22, 2006, in Book 1811, at page 1764, as Entry No. 788158, (as said Map and Declaration may be amended and/or supplemented).

Together with the appurtenant undivided ownership interest in said Condominium Project's Common Areas and Facilities in accordance with aforesaid Declaration and Survey Map and the Utah Condominium Ownership Act.

Less and Excepting any and all outstanding oil and gas, mining and mineral rights, ect., together with the right of the proprietor of a vein or lode to extract his ore there from should same be found to penetrate or intersect the premises, and right of ingress and egress for the use of said rights.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, FRIENDS OF FLAGSTAFF, LLC, a Utah limited liability company, the owner of the tract of land described herein as FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUMS, a Utah Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of TWO (2) sheets to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 3rd day of DEC. 2008.

Friends of Flagstaff LLC,
a Utah limited liability company
By: Jack Thomas
Title: PARTNER

ACKNOWLEDGMENT

State of Utah ss:
County of Summit ss:
This instrument was acknowledged before me this 3rd day of December 2008
by Jack Thomas, the Partner of Friends of Flagstaff LLC, a Utah limited liability company.
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 1/10/2012

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, NAKOMA 5, LLC, a Utah limited liability company, owner of Unit 9 at NAKOMA does hereby consent to the recordation of this Record of Survey Map.

In witness whereof the undersigned has executed this consent this 5th day of December, 2008.

NAKOMA 5, LLC,
a Utah limited liability company
By: Paul B. Poulsen
Title: MANAGER

ACKNOWLEDGMENT

State of Utah ss:
County of Summit ss:
This instrument was acknowledged before me this 5th day of December 2008
by Paul B. Poulsen, the Manager of NAKOMA 5, LLC, a Utah limited liability company.
Notary Public
Danette Dani Locher
Printed Name
Residing in: Heber City, UT
My commission expires: 7-21-12

FIRST AMENDED AND RESTATED CONDOMINIUM PLAT

NAKOMA CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 2

JOB NO.: 2-10-03 FILE: X:\Empire\dwg\LotB-NSLVI\plat\nakoma plat first amended.dwg

PLANNING COMMISSION

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 8th DAY OF December, 2008 A.D.

BY B. S.B.W.R.D.

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 27th DAY OF December, 2008 A.D.

BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 30th DAY OF December, 2008 A.D.

BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 29th DAY OF May, 2008 A.D.

BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 29th DAY OF May, 2008 A.D.

BY Mayor

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Highland Title Agency
DATE 12-31-2008 TIME 3:59 PM BOOK 1811 PAGE 1764
FEE \$77.00
RECORDED BY Denise L. Bowen, Deputy

ENGINEER'S CERTIFICATE

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th DAY OF December, 2008 A.D.

BY CHAIRMAN

PLANNING COMMISSION

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BY CHAIRMAN

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BY CHAIRMAN

Exhibit C

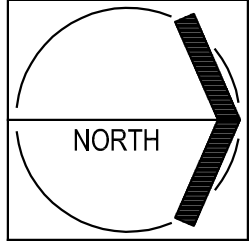
Existing Condition Lot 17

TOPOGRAPHIC SURVEY MAP

UNIT 17, FIRST AMENDED AND RESTATED CONDOMINIUM PLAT
NAKOMA CONDOMINIUMS (ENTRY No. 861927)
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

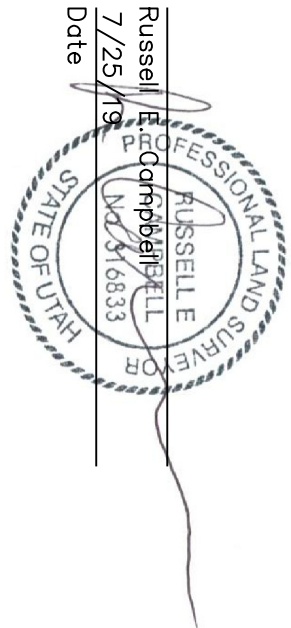


LOCATED IN
THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE:

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and hold Certificate No. 58333 as provided under the laws of the State of Utah. The survey shown hereon and represented the existing conditions and contours as of the date of survey, April 24, 2019.



NARRATIVE:

The survey was prepared for Upwell Design.
The purpose of the survey is to locate existing utilities and provide topographic data for the design of a new residence.
The site benchmark is the sewer manhole as shown, EL. 8129.8', Nakoma project datum.
This survey depicts building setbacks as shown on the Official Subdivision Plat. Additional setback and/or height restrictions may be in effect and the Architect needs to verify these requirements with Summit County and/or the C&R/S/Homeowners Association.

LEGEND

- FOUND REBAR & CAP - AS NOTED
- ⊙ EXISTING SANITARY SEWER MANHOLE
- ⊙ EXISTING STORM DRAIN MANHOLE
- ⊙ TELEPHONE BOX
- ⊙ ELECTRICAL BOX
- LOT BOUNDARY
- SETBACK (AS SHOWN ON RECORDED PLAT)
- P.U.E.
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP

REVISIONS	
DATE	COMMENTS

JOB No.	1067
SURVEY BY:	RC
DRAWN BY:	RC

TOPOGRAPHIC SURVEY MAP
UNIT 17, FIRST AMENDED AND RESTATED
CONDOMINIUM PLAT
NAKOMA CONDOMINIUMS
8782 MARSAC AVE.

BASELINE SURVEYING, Inc

PO BOX 58711
Salt Lake City, UT 84158 (801) 209-2152

Exhibit D
Aerial Photo



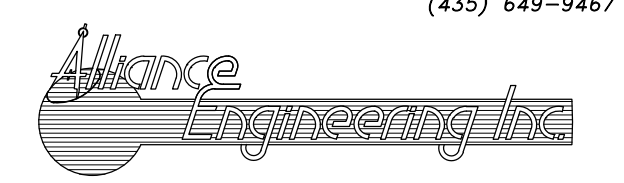
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MARSHALL KING CONNOR DINSMORE	AERIAL PHOTOGRAPHY EXHIBIT NAKOMA CONDOMINIUMS, UNIT 17 FOR: FRIENDS OF FLAGSTAFF, L.L.C. JOB NO.: 23-5-19 FILE: X:\Empire\dwg\Exhibits\PlatApplications\2019\230519-aerial.dwg	SHEET 1 OF 1
		DATE: 8/1/19		

Exhibit E
Photos of Site



Nakoma, Unit 17 - looking northerly



Nakoma, Unit 17 - looking easterly



Nakoma, Unit 17 - looking northerly from ski bridge



Nakoma, Unit 17 - looking southeasterly from Woodside ski trail



Nakoma, Unit 17 - looking northeasterly

Planning Commission Staff Report



Subject: Annexation Policy Plan
Author: Rebecca Ward
Application: GI-19-00416; PL-19-04300
Date: September 11, 2019
Type of Item: Legislative – Land Management Code Amendment

PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the Planning Commission review the proposed Annexation Policy Plan and Land Management Code (LMC) amendments, conduct a public hearing, and make any modifications to the proposed Annexation Policy Plan the Commission considers appropriate. Staff recommends that the Planning Commission consider forwarding a positive recommendation for City Council's consideration on September 12, 2019.

Description

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

Background

On August 28, 2019, the Commission conducted a public meeting on the proposed Annexation Policy Plan and Annexation Expansion Area. The Annexation Policy Plan creates the framework through which the City considers annexation petitions and the Annexation Expansion Area (AEA) is a map included in the Plan that shows land the City may consider annexing in the future. The Staff Report for the August 28, 2019 Planning Commission public meeting is linked [here](#).

Based on a written request dated August 27, 2019, from the Girl Scouts of Utah (Exhibit C), the Annexation Policy Plan and AEA have been amended to include approximately 250 acres of land in the Bonanza Flat area within unincorporated Wasatch County that is deed restricted as open space and is known as Camp Cloud Rim. The proposed Land Management Code Redlines attached as Exhibit A and the proposed Annexation Policy

Plan and AEA attached as Exhibit B have been amended to reflect inclusion of the Girl Scouts acreage.

Analysis

Staff recommends inclusion of the Girl Scout acreage in the AEA. The adoption of the Annexation Policy Plan and AEA does not trigger annexation. Rather, the Annexation Policy Plan serves as a policy document, codified in the LMC 15-8, to establish criteria the City must consider when determining whether or not to grant future petitions for annexation into the City. The AEA is a map showing potential land the City may consider annexing in the future. As a result, the only change to landowners within the AEA is that they will have the option to petition the City for annexation in the future if they desire. If the Girl Scouts of Utah—or any other landowner located within the proposed AEA—wish to petition the City for annexation into the City jurisdiction, they would be required to meet the rigorous standards and processes outlined in the LMC 15-8. Additionally, because the Girl Scouts of Utah acreage is located in unincorporated Wasatch County, they would first have to obtain the consent of the Wasatch County Council and the Wasatch County Council would have to adopt a resolution approving the annexation into Park City before the Girl Scouts of Utah could petition the City for annexation.

While there is also private property located within unincorporated Summit County that is included in the proposed AEA in order to create a logical extension of the City boundary within established local districts, special service districts, and school districts, one of the factors driving City policy to amend the Annexation Policy Plan and to modify the AEA is to enable the City to begin discussions to potentially annex City-owned property, and property for which the City is the beneficiary of development restrictions, into the City in order to provide integrated management and municipal services, to increase municipal services and capacity for affordable housing development, and to avoid overlaps with the AEA of other municipalities in alignment with the 2014 Park City General Plan. Inclusion of private property in an area proposed for annexation would require consent of the owners of private real property that covers a majority of the private land area proposed for annexation that is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation.

Process

To adopt an Annexation Policy Plan, the Planning Commission must hold a public meeting (held on August 28, 2019), allow affected entities to examine and provide input on the proposed Plan, and accept and consider any comments from affected entities until 10 days after the public meeting (through Monday, September 9, 2019). The

Commission may make any modifications to the proposed Plan the Commission considers appropriate.

The Commission must then hold a public hearing on September 11, 2019. Based on public input provided at the public hearing, the Commission may make any further modifications to the proposed Plan the Commission considers appropriate. The Commission may then submit its recommended Plan to the City Council. The City Council is scheduled to hold a public hearing on the Plan recommended by the Commission on September 12, 2019. The Council may make any modifications to the Plan the Council considers appropriate and may adopt the Plan with or without modifications.

Notice

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

Notice was again posted on August 23, 2019, and published on the Utah Public Notice website and the Park City website on August 28, 2019. Notice was published in the *Park Record* on Wednesday, August 28, 2019.

Affected Entity Input

Affected entities, including counties, local districts, special service districts, school districts, and municipalities with boundaries within ½ mile of an area proposed for inclusion in the Annexation Expansion Area, had an opportunity to provide input and written comment through September 9, 2019. At the time of this report, no comments have been received from affected entities.

Public Input

In the August 28, 2019 Planning Commission public meeting, Mary Bransford Leader, an owner of property located within the Bonanza Flat area included in the proposed Annexation Expansion Area, asked if private homeowners are affected entities for purposes of notice.

[Utah Code 10-2-401\(1\)](#) defines affected entities as counties, local districts, school districts, and municipalities with boundaries within ½ mile of an area proposed for annexation. As a result, private owners with property located within the Annexation Expansion Area were not provided with notice other than the public notice posted and

published on the Utah Public Notice website, the Park City website, and in the Park Record.

Ms. Leader also asked what inclusion in the Annexation Expansion Area means for property owners.

The Annexation Expansion Area encompasses areas the City may consider annexing in the future. The Annexation Expansion Area is simply a policy document and does not trigger annexation into Park City. Rather, in order for private property to be annexed into Park City, property owners must submit an annexation petition that contains the signatures of the owners of private real property located in the area proposed for annexation that covers a majority of the private land proposed for annexation and that is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation. [Utah Code 10-2-403\(3\)](#). Adoption of the Annexation Expansion Area would enable interested property owners to petition Park City for annexation into the City boundary and jurisdiction.

On August 28, 2019, Lisa Hardin-Reynolds, the Chief Executive Officer of the Girl Scouts of Utah, submitted a letter dated Tuesday, August 27, 2019, asking that approximately 250 acres of Girl Scout camp property located near the Bonanza Flat area in unincorporated Wasatch County be included in the Annexation Expansion Area. The property is under a deed restriction as open space and a campground. The letter is attached as Exhibit C.

The proposed Annexation Expansion Area now encompasses the Girl Scout property located within unincorporated Wasatch County in the Bonanza Flat area.

Alternatives

- The Planning Commission may recommend that the City Council adopt the Annexation Policy Plan and Land Management Code 15-8 – Annexations amendments attached as Exhibits A and B to this report; or
- The Planning Commission may recommend that the City Council adopt the Annexation Policy Plan and Land Management Code 15-8 – Annexations amendments attached as Exhibits A and B to this report with modifications as deemed appropriate by the Commission; or
- The Planning Commission may recommend that the City Council not adopt the Annexation Policy Plan and Land Management Code 15-8 – Annexations amendments attached as Exhibits A and B to this report; or
- The Planning Commission may continue the Annexation Policy Plan and Land Management Code 15-8 – Annexation amendments discussion to a date certain

and provide direction to staff regarding additional information, revisions, or analysis.

Summary Recommendation

Staff recommends the Planning Commission review the proposed Annexation Policy Plan and Land Management Code (LMC) amendments, conduct a public hearing, and make any modifications to the proposed Annexation Policy Plan the Commission considers appropriate. Staff recommends that the Planning Commission consider forwarding a positive recommendation for City Council's consideration on September 12, 2019.

Exhibits

Exhibit A – Draft Ordinance and Land Management Code Redlines

Exhibit B – Annexation Policy Plan

Exhibit C – Girl Scouts August 27, 2019 Letter

Ordinance No. 2019-48

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

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

WHEREAS, the Annexation Policy Plan is designed and enacted to protect the general health, safety, and welfare of Park City's citizens and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, on December 16, 1993, the City Council adopted an annexation policy declaration and annexation declaration boundary;

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

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

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

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

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

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

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

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

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

WHEREAS, it is in the best interest of the residents of Park City, Utah, to adopt the Annexation Policy Plan and to amend the Land Management Code Title 15, Chapter 8 – Annexations; to abide by the Utah Code; to be consistent with the General Plan and the values and identified goals of the Park City community; to protect health and safety, and to maintain the quality of life for Park City residents; and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO THE LAND MANAGEMENT CODE. Land Management Code Title 15, Chapter 8 – Annexations, is hereby amended as indicated in Exhibit A attached hereto. Any conflicts or cross-references from other provisions of the Land Management Code to Chapter 8 shall be resolved by the Community Development Director.

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

PASSED AND ADOPTED this _____, 2019

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

EXHIBIT A
PARK CITY ANNEXATION POLICY PLAN
LAND MANAGEMENT CODE TITLE 15, CHAPTER 8

GENERAL DESCRIPTION: To plan Park City's future expansion in conjunction with neighboring political entities and to guide decision making with specific criteria that further the objectives of the Park City General Plan and City policies, the City Council of Park City amends provisions of the Annexation Policy Plan, codified in the Land Management Code Title 15, Chapter 8 – Annexations.

Be it enacted by the City Council of Park City:

Section 1. Section 15-8-1 is amended to read:

15-8-1 Purpose

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

In meeting the goals of Park City's annexation policy plan, contained herein, the Planning [Department] Commission and City Council shall strive to avoid gaps between or overlaps with the expansion Area of other municipalities; consider the population growth projections for Park City and adjoining Areas for the next twenty (20) years; consider current and projected costs of infrastructure, urban services, and necessary public facilities; facilitate full Development of Areas within Park City; expand infrastructure, services, and facilities into the Area being

28 considered for inclusion in the expansion Area when practical and feasible; consider, in
29 conjunction with Park City's General Plan, the need over the next twenty (20) years for
30 additional land suitable for residential, commercial, and industrial Development; consider the
31 reasons for including agricultural lands, forests, recreation Areas, and wildlife management
32 Areas in Park City; and be guided by the following ~~[principals,]~~ principles;
33
34 If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:
35 A. Along the boundaries of existing special districts for sewer, water, fire, and other
36 services; along the boundaries of school districts whose boundaries follow City
37 boundaries or school districts adjacent to school districts whose boundaries follow City
38 boundaries, and along the boundaries of other taxing entities;
39 B. To eliminate islands and peninsulas of territory that are not receiving municipal type
40 services;
41 C. To facilitate the consolidation of overlapping functions of local government;
42 D. To promote the efficient delivery of services; and
43 E. To encourage the equitable distribution of community resources and obligations;
44
45 It is the intent of this Chapter to ensure that Property annexed to the City will contribute to
46 the attractiveness of the community and will enhance the resort image, which is critical for
47 economic viability, and that the potential deficit of revenue against expense to the City is not
48 unreasonable. This Chapter shall be considered Park City's annexation policy plan and
49 declaration.
50
51 This Chapter hereby incorporates by reference all standards required and suggested by
52 Sections 10-2-401 et[.] [S]eq. of the Utah Code[~~, Annotated, 1953~~], as amended.
53

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

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

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

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

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

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

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

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

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

113

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

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

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

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

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

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

170

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

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

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

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

180 boundaries and who shall prepare a written recommendation for consideration by the
181 City Council.

182 C. If the City Council accepts the annexation petition, the petition shall be delivered to the
183 City Recorder for certification pursuant to Section 10-2-405 of the Utah Code[,
184 ~~Annotated, 1953~~], as amended.

185 D. If the annexation petition is certified by the City Recorder, the City Council shall provide
186 for public notice as set forth in Section 10-2-406 of the Utah Code[, ~~Annotated, 1953~~], as
187 amended.

188 E. The Planning Commission, upon referral from the Planning Director, shall hold a public
189 hearing and make a recommendation on the annexation proposal, including the
190 recommended zoning, to the City Council. After receipt of the Planning Commission's
191 recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code[,
192 ~~Annotated, 1953~~], as amended, the City Council shall hold a public hearing on all
193 proposed annexations. After closure of the public hearing, the City Council may either
194 grant or deny the annexation petition; provided, however, that protests to an annexation
195 petition shall be dealt with as set forth in Section 10-2-407 of the Utah Code[, ~~annotated,~~
196 ~~1953~~], as amended. Denial of or granting the petition under protest is subject to Section
197 10-2-408 of the Utah Code[, ~~Annotated, 1953~~], as amended. If City Council grants the
198 annexation petition, it shall assign a zone to the annexed territory at the time the territory
199 is annexed.

200 F. Once the City Council enacts an ordinance annexing an unincorporated Area or
201 adjusting a boundary all applicable zoning and Land Management Code sections shall
202 apply to the annexed Property.

203 G. Within thirty (30) days after enacting an ordinance annexing an unincorporated Area or
204 adjusting a boundary, the City shall file with the Lieutenant Governor of the State of Utah

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

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

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

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

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

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

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

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

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

256 13. An estimate of the tax consequences to residents of the Area to be annexed.

257 14. Recommendations or comments of other local government jurisdictions regarding

258 the annexation proposal and potential impact of the annexation on general

259 county economic needs, goals, or objectives.

260 15. Location and description of any Historic or cultural resources.

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

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

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

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

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

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

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

268 Planning Director, or designee.

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

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

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

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

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

274 1. Transfer of usable water rights as established by City policy sufficient to serve

275 the proposed Development.

276 2. Additional improvements as necessary, which may be required in order to

277 improve the water system.

278 3. Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent

279 with the Subdivision standards of this Code.

280 4. Phasing of the project to [i]ensure adequacy of public facilities may be required.

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

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

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

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

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

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

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

334 A. The annexation is an island within or a peninsula contiguous to the City;

335 B. The majority of each island or peninsula consists of residential or commercial
336 Development;

337 C. The Area proposed for annexation requires the delivery of municipal-type services;
338 [and]

339 D. The City has provided most or all of the municipal-type services to the Area for more
340 than one (1) year[-]; and

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

344

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

348

349 If written protest to such annexation is timely filed and complies with Section 10-2-418
350 Subsection [(3)] (8) of the Utah Code[-, Annotated, 1953], as amended, the City may not adopt
351 an ordinance annexing the Area proposed for annexation, and the annexation proceedings
352 under this [6]Section shall be considered terminated.

353

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

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

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

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

367

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

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

370 Statements from affected entities are included as Exhibit B.



ANNEXATION POLICY PLAN

I. INTRODUCTION

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

II. BACKGROUND AND OVERVIEW

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

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

space along the City's southern boundary within unincorporated Wasatch County. This modified Annexation Expansion Area enables the City to consider annexing these areas in the future.

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

The Bonanza Flat open space along the City's southern border in unincorporated Wasatch County will be protected from development under a conservation easement in perpetuity. The inclusion of Bonanza Flat in the 2019 Annexation Expansion Area allows the City to continue to collaborate with Wasatch County to potentially bring Bonanza Flat into the City boundary and jurisdiction. Upon request from the Girl Scouts of Utah, the City has also included approximately 250 acres of land under an open space and campground deed restriction located in the Bonanza Flat area, known as the Girl Scouts of Utah Camp Cloud Rim.

III. POPULATION GROWTH PROJECTIONS FOR PARK CITY AND ADJOINING AREAS

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

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

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

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

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

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

IV. CHARACTER OF THE COMMUNITY

The 2019 Annexation Expansion Area includes important gateways to Park City to protect the character of the community. From the discovery of silver in the late 1860s to its incorporation as a city in 1884, from the peak of its natural resource harvest in the mid-1890s to the great fire in 1898, and from its ghost town status in the 1950s to its 1963 revival as a ski town and host of the 2002 Winter Olympics, Park City has reinvented itself. Today, Park City is home for over 8,000 people⁵ and hundreds of thousands of tourists visit every year to experience the City's world-class, multi-seasonal recreation and arts and culture.

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

The goals outlined in the Park City General Plan include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Goal 13: Grow as an arts and culture hub.

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

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

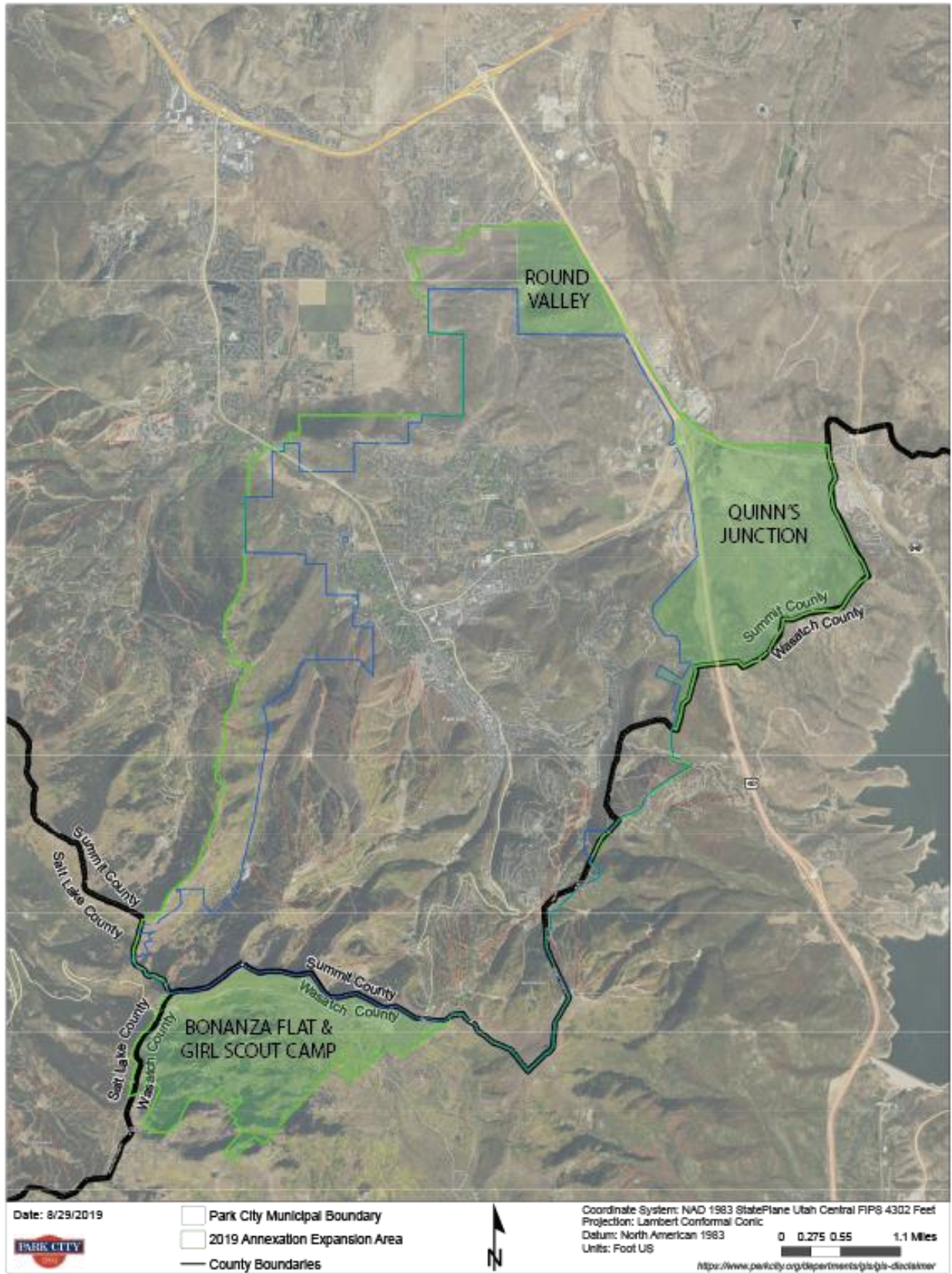
Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.

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

V. 2019 ANNEXATION EXPANSION AREA

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

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



ROUND VALLEY

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

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

QUINN’S JUNCTION

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

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

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

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

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

BONANZA FLAT

On November 8, 2016, Park City voted in favor of a \$25,000,000 general obligation bond to help the City acquire Bonanza Flat, 1,350 acres of open space contiguous with the City's southern border in unincorporated Wasatch County. Bonanza Flat will be protected open space in perpetuity under a conservation easement. The City has included Bonanza Flat in the 2019 Annexation Expansion Area in order to work collaboratively with Wasatch County to potentially bring the City-owned open space within the Park City boundary and jurisdiction. The Annexation Expansion Area also encompasses approximately 250 acres of deed-restricted open space known as the Girl Scouts of Utah Camp Cloud Rim, located in the Bonanza Flat area.

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

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

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

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

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

which is under a development restriction with Park City as the beneficiary. Additionally, Summit County and Park City have been collaboratively planning the Quinn's Junction area since 2002 and share a vision for the future of this area.

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

Services such as sewer, fire protection, and public schools are provided to annexed areas by existing districts. Park City provides the following urban level services—consistent with those normally provided in the rest of the incorporated boundaries—to annexed areas: police protection; snow removal on public streets; street maintenance on streets that are constructed or reconstructed to City standards; planning, zoning, and code enforcement; municipal-sponsored parks and recreational activities, and cultural events and facilities; and water services as the area is developed. Park City, if feasible and practical, extends water and sewer lines in areas annexed into the City. Expenses associated with such extensions are the responsibility of the petitioner for annexation. The City determines timing and capacity of extending water and sewer to the proposed annexation area.

Round Valley and Quinn's Junction within Summit County

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

Bonanza Flat within Wasatch County

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

Snyderville Basin Water Reclamation District

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

Snyderville Basin Recreation District

If Round Valley and Quinn's Junction are annexed into Park City, Snyderville Basin Recreation District trails that currently exist in the Round Valley and Quinn's Junction area, or that may be developed within the proposed Annexation Expansion Area, would continue to be the property of the Snyderville Basin Recreation District, which generally holds trails in the form of perpetual easements. Bonanza Flat in unincorporated Wasatch County is outside the Snyderville Basin Recreation District and annexation of Bonanza Flat into Park City would not impact the District, but may provide opportunities to connect trails between Wasatch County and the Snyderville Basin Recreation District.

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

Park City Fire District

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

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

Park City Public Utilities

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

Road Maintenance and Plowing – The main access to Round Valley and the southeast quadrant of Quinn's Junction is Highway 40 and State Road 248, roads that are maintained and

plowed by the Utah Department of Transportation. If Round Valley and Quinn's Junction are annexed into Park City, there would be no additional need for City road maintenance or plowing. Bonanza Flat is accessed through State Road 224, which are closed during the winter months. The Utah Department of Transportation maintains and plows State Road 224. If Bonanza Flat is annexed into Park City, there would be no additional need for City road maintenance or plowing within the Bonanza Flat area.

Park City Trails and Open Space

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

Park City Police Department

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

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

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

VIII. INCLUSION OF RECREATIONAL AREAS

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

The Round Valley open space contains over 30 miles of trails for hiking, biking, running, snowshoeing, and skiing. The 580-acre Richardson Flat area within the southeast quadrant of Quinn's Junction is under a development restriction, but the restriction allows for potential future

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

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

recreational uses like a golf course, an equestrian center, or other public recreation. The Bonanza Flat open space at the southern boundary of the City will be conserved in its natural state in perpetuity for the benefit of the community.

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

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

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

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

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

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

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

IMPACT ON PARK CITY PROPERTY OWNERS

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

SALES AND USE TAX

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

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

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

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

XI. URBAN DEVELOPMENT EXCLUDED FROM THE ANNEXATION EXPANSION AREA

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

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

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

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

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

XII. INTERESTS OF AFFECTED ENTITIES

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

A copy of the draft Annexation Policy Plan was sent to affected entities by mail on August 12, 2019, and by email on August 13, 2019. The Park City Planning Commission held a public meeting on the 2019 Annexation Policy Plan on August 28, 2019, at 5:30 PM in City Hall (445 Marsac Avenue) and affected entities were invited to attend. Affected entities had ten days after the public meeting (through September 9, 2019) to submit written comments to Park City regarding the 2019 Annexation Policy Plan.

Park City School District

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

Affected Entities include:

Jordanelle Special Service District

Mountain Regional Water District

Park City Fire District

Park City School District

Snyderville Basin Recreation District

Snyderville Basin Water Reclamation District

Summit County

Summit County Mosquito Abatement District

Town of Hideout

Wasatch County

Wasatch County Fire District

Wasatch County School District

Weber Basin Water Conservancy District

Courtesy Notice was sent to:

Summit County Water Distribution Company

Utah Department of Transportation

Utah State Parks

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

EXHIBIT A –

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

LAND MANAGEMENT CODE 15-8-1 – PURPOSE

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

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

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

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

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image, which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not

unreasonable. This Chapter shall be considered Park City's annexation policy plan and declaration.

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

LAND MANAGEMENT CODE 15-8-2 – GENERAL REQUIREMENTS

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

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

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

Annexations that expand the resort and/or tourist economy, provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and/or community facilities are preferred.

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

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

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

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

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

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

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

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

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

LAND MANAGEMENT CODE 15-8-5 –

ANNEXATION PETITION REVIEW – AFTER CITY COUNCIL ACCEPTANCE OF PETITION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

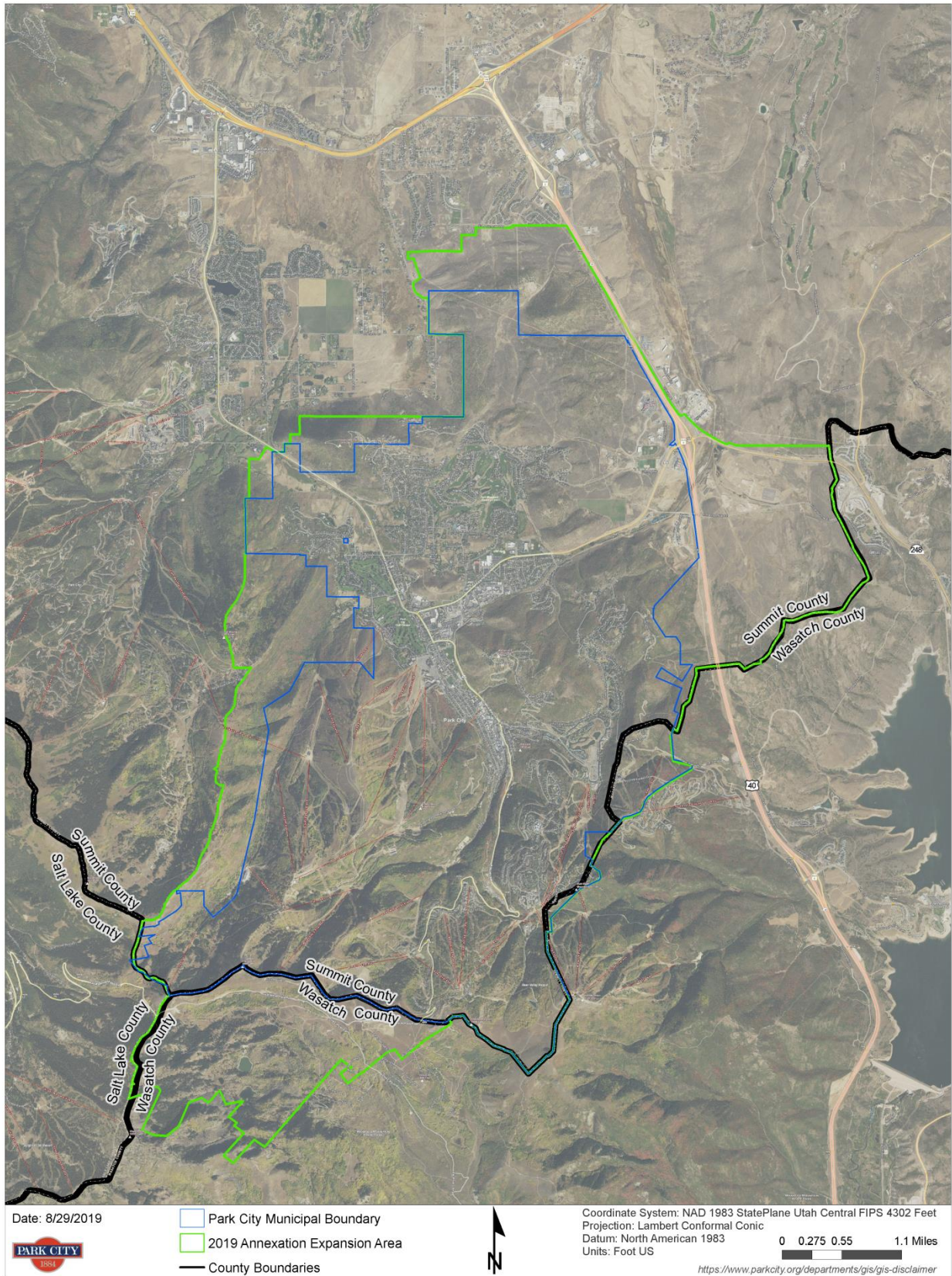
- E. Annexation of the Area is supported by the goals of the Park City General Plan, including open space, land Use, Affordable Housing, recreation, growth management, and economic Development.

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

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

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

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



B. The following criteria were used as justification to exclude from the expansion Area Property considered by State definition to be Urban Development:

1. Topography and other physical constraints to efficient delivery of basic services.
2. Overlapping utility providers with services already being provided by others.
3. Level of existing services and standing of existing roads are below City standards and require expensive upgrades.
4. Other high fiscal implications to the City.
5. Overlapping school districts, i.e. not in Park City School District.
6. Overlapping taxing entities.

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

Statements from affected entities are included as Exhibit B.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 901 Woodside Avenue – Construction of a Private Driveway within a Platted, Unbuilt City Street
Project #: PL-19-04142
Author: Caitlyn Barhorst
Date: September 11, 2019
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the Conditional Use Permit for the Construction of a Private Driveway within a Platted, Unbuilt City Street, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Description

Applicant: Jerry Fiat for 901 Woodside LLC, represented by Jonathan DeGray, Architect
Location: 901 Woodside Avenue
Designation: Landmark Historic Site
Zoning District: Historic Residential (HR-1) Zoning District
Adjacent Land Uses: Single-Family, Multi-Family, Commercial
Reason for Review: Conditional Use Permit applications are reviewed and approved by the Planning Commission

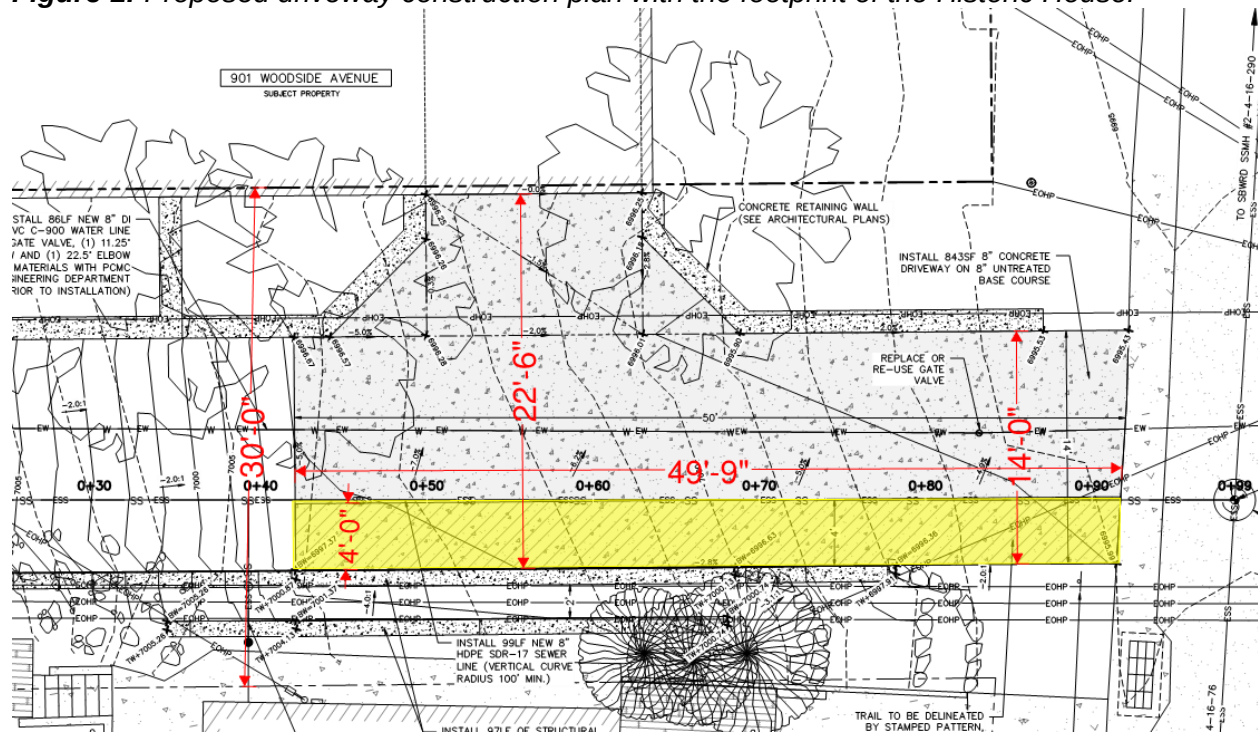
Proposal

The applicant is proposing the Construction of a Private Driveway within a Platted, Unbuilt City Street. The Historic District Design Review (HDDR) for the Material Deconstruction and Disassembly and Reassembly (Panelization) was reviewed by The Historic Preservation Board on August 7, 2019 and approved. The property at 901 Woodside Avenue, is a "Landmark" Historic Site.

Through discussions with the Development Review Team, the applicant has updated the driveway proposal and will construct a water line with the improvement on the unbuilt street. The basement level garage entry is setback from the existing structure's side (south east side) wall per the Historic District Design Guidelines.

Figure 1 shows the applicant's proposal. The area highlighted in yellow is a 4 foot wide pedestrian path built of a colored, stamped concrete with a sign to indicate the Public path leading up to Norfolk Avenue. The applicant is proposing to install a sign indicating it will be for Public Access. There will be no parked cars allowed on the driveway as that would be obstructing the Right-of-Way access. The width of the right of way is 30 feet and the driveway takes up 22'-6" of it including the pedestrian path.

Figure 1: Proposed driveway construction plan with the footprint of the Historic House.



Background

A Historic District Design Review (HDDR) application is currently under review for the complete restoration and rehabilitation of the Historic Structure which includes Disassembly and Reassembly (Panelization) and construction of a basement foundation within the Building Setbacks.

At the Planning Commission meeting on August 14, 2019 the CUP for the setback exception for the existing Historic Structure was approved. [Staff Report](#) (page 400). At the same meeting, the CUP for the driveway was continued to a date uncertain. [August 14, 2019 Staff Report](#) (page 417).

At the August 14th meeting, the Planning Commission commented regarding the issues of allowing a private use (the driveway) within public right-of-way and were concerned with the pedestrian access as well as snow storage and potential of future improvements along the street. The comments were addressing the fact that allowing the driveway within the un-built street would be taking away from the public's benefit of the right-of-way as well as stating the fact that there are not any other driveways allowed along the un-built 9th Street. These comments are addressed in the next section.

The Planning Department received a Conditional Use Permit (CUP) application on April 17, 2019 that was deemed complete on April 19, 2019. Staff has included Table 1 which identifies previous applications for this property:

Table 1: Previous Applications

Year	Application/Permit Type	Description	Action Taken
1987	Historic District Grant	\$4,850 awarded. Most likely scope of work was roofing, windows, and siding.	Approved
1990	Historic District Grant	\$1,000 awarded.	Approved
2018	Historic District Design Review	Application for the Rehabilitation of the Historic Structure	HPB approved and pending HDDR Approval
2019	Building Permit	Demo permit- exploratory per the HDDR application.	Approved
2019	Conditional Use Permit	Construction of a Private Driveway within a Platted, Unbuilt City Street	Subject application - Under Review

Purpose

The purpose of the Historic Residential HR-1 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 Park City General Plan goals from the Historic Character section are as follows:

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

- 15A: Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Districts.
- 15.7: Encourage pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes

Figure 2 shows a driveway access allowed with an encroachment agreement along the un-built 9th Street between Empire Avenue and Lowell Avenue. **Exhibit B** is an example encroachment agreement provided by the Engineering Department.



If the city were to develop a road along the un-built 9th street in the future, the private driveway would be removed and the driveway access to the garage at 901 Woodside Avenue would be changed to accommodate the street. The area in yellow in Figure 1 shows the part of the driveway that would be paved using a different material than the rest of the driveway; this allows for any future stairway access project to continue up to Norfolk Avenue as the pathway would be for pedestrian use.

There are existing pedestrian stairways located on both 8th and 10th Street that connect Park Avenue to Empire Avenue.

No parking will be allowed along the driveway. It is purely for the access to the basement- level garage beneath the Historic Structure.

Landmark Historic Sites that are designated as such on the city's Historic Sites Inventory retain a high-level of character defining features that make them "landmark" examples of the historic resources in Park City. The stairs and retaining wall in the front yard as well as the front façade of 901 Woodside Avenue are important historic elements of the Site and Structure. Staff finds the proposed design of the garage on the secondary (side) façade with not alter the Landmark designation.

A list of all Landmark Sites with garages beneath them has been provided in **Exhibit C**. Of the 186 Sites, 10 have garages below the porch/ at the basement level. Of those 10 with garages, 3 had garages historically; 5 of the remaining 7 would likely not meet the current Design Guidelines for reasons concerning the drastic alteration of the site.

Analysis

The Conditional Use Permit is subject to the following review criteria in the LMC:

- Per [LMC 15-3-5](#), the proposal is subject to the standards for private driveways within platted, unbuilt city streets.
- Per [LMC 15-1-10\(E\)](#), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

- I. [LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets](#)
- II. [LMC 15-1-10\(E\) Conditional Use Permit Review Criteria](#)

Section I. LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets

- A. The driveway shall not exceed ten percent (10%) Slope.

Complies

The proposed driveway has between a 4.9-7% does not exceed ten percent (10%) Slope maximum. See Exhibit A for Proposed Plans.

- B. Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.

Complies

The proposal allows for adequate snow storage at the downhill (north east), end of the driveway.

- C. The driveway must be paved with asphalt or concrete.

Complies

The applicant is proposing to construct the driveway out of concrete.

- D. The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

Complies

The driveway does not pre-empt any existing physical parking and the platted Street has not been improved to provide Public parking.

- E. The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

Complies

The applicant designed the driveway proposal after discussion with the City Engineer and altered the south east retaining wall and driveway design to accommodate the Public path. The path will be made of a stamped colored concrete. The applicant is also building a new water line per the discussions with the City Engineer and public utilities.

- F. The driveway construction requires a Conditional Use permit, Section 15-1-10.

Complies

See Section III. below for review.

- G. An encroachment permit for the driveway is required.

Complies as conditioned

The applicant shall record an encroachment agreement for the driveway prior to issuance of the Building Permit. See Condition of Approval #9.

- H. Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

Complies

The Building Permit will be reviewed by the City Engineer prior to issuance.

Section II. LMC 15-1-10(E) Review

The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. Size and location of the site

No Unmitigated Impacts

The Lot is 1,875 square feet (0.04 acres). The site is located on Woodside Avenue (north east property boundary) and abuts a Platted Public Right of Way to the south east. This is an existing Historic Single-Family Dwelling. This proposal does not impact the size or location of the site.

2. Traffic considerations including capacity of the existing Streets in the Area

No Unmitigated Impacts

There is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.

3. Utility capacity

No Unmitigated Impacts

The current use is Single-Family and the proposal does not change the Use. There are no impacts in utility capacity.

4. Emergency vehicle access

No Unmitigated Impacts

There is no impact to the existing emergency vehicle access.

5. Location and amount of off street parking

No Unmitigated Impacts

Per LMC 15-2.2-4, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposal does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required. However, the benefit of the proposed driveway access is twofold of 1) Preserving the character of the Landmark Historic Structure by not altering the primary façade and 2) it reduces the on-street parking number for Woodside Avenue. The applicant is proposing a single-car garage underneath the existing Historic Structure which will allow one off street parking spot.

6. Internal vehicular and pedestrian circulation system

Not applicable

There is no impact to the existing internal and pedestrian circulation system.

7. Fencing, Screening and landscaping to separate the Use from adjoining Uses

No Unmitigated Impacts

There are no commercial Use; therefore, no separation between Residential and commercial Uses is required.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

No Unmitigated Impacts

The current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and does not change the building mass, location,

or orientation. The proposed basement with side garage entry and driveway preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the front façade character. No increase in Building Footprint will be achieved through the addition of the subject basement area.

9. Usable Open Space

No Unmitigated Impacts

The proposal does not change the amount of open space to built envelope.

10. Signs and lighting

Not applicable

There are no signs or lighting on site.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

No Unmitigated Impacts

There is no impact to the Compatibility with surrounding structures or perceived mass from the Street. The current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and does not impact the compatibility with surrounding structures. The proposed basement addition with side garage entry and driveway preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the historic character.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site

No Unmitigated Impacts

The construction of the driveway will allow for a car to be parked in the garage which will result in occasional noise of the garage door opening and car. There is currently an unapproved parking area on the location of the proposed driveway and the change in the site will improve the off-street parking.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

Not applicable

There are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

Not applicable

This is a Single-Family Dwelling.

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site

No Unmitigated Impacts

The proposed improvements will be appropriately re-graded and reviewed thoroughly through the Building Permit.

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

No Unmitigated Impacts

This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to:

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.*
- Objective 15A: Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.*
- Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.*

Department Review

This project has gone through an interdepartmental review.

Notice

On July 23, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on July 27, 2019 according to requirements of the Land Management Code.

Legal notice of the continued item was posted on the Utah Public Notice Website and Park Record on August 28, 2019.

Public Input

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

Alternatives

- The Planning Commission may approve the Conditional Use Permit for the Construction of a Private Driveway within a Platted, Unbuilt City Street at 901 Woodside Avenue, as conditioned or amended; or
- The Planning Commission may deny Conditional Use Permit for the Construction of a Private Driveway within a Platted, Unbuilt City Street at 901 Woodside Avenue and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on the Conditional Use Permit for the Construction of a Private Driveway within a Platted, Unbuilt City Street at 901 Woodside Avenue and request additional information or analysis in order to take action.

Significant Impacts

There are no significant fiscal impacts from this application that haven't been addressed.

Consequences of not taking action on the Suggested Recommendation

The applicant would have to redesign the proposed addition and meet Setback requirements which would alter the Historic Character of the Landmark Site.

Recommendation

Staff recommends that the Planning Commission review the Conditional Use Permit for the Construction of a Private Driveway within a Platted, Unbuilt City Street, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Findings of Fact

1. The subject property is located at 901 Woodside Avenue is located in the Historic Residential (HR-1) Zoning District, and is listed as a "Landmark" Historic Site on the City's Historic Sites Inventory (HSI).
2. The applicant is requesting to construct a private driveway within a platted un-built city street. The right-of-way is 30 feet wide and the driveway is 22 feet and 6" with a 4 foot pedestrian path within it.
3. The applicant's proposal is required for the rehabilitation of this Structure and will raise the structure two feet (2') from existing floor level to encompass the new basement.
4. A Historic District Design Review (HDDR) application is currently under review for the complete restoration and rehabilitation of the Historic Structure which includes Disassembly and Reassembly (Panelization) and construction of a basement foundation within the Building Setbacks.
5. On August 7, 2019, the Historic Preservation Board reviewed and approved the Material Deconstruction and Disassembly and Reassembly (Panelization) of the Landmark Historic Site.
6. The Planning Department received a Conditional Use Permit (CUP) application on April 17, 2019 that was deemed complete on April 19, 2019.
7. On August 14, 2019 the CUP for setback exception to an existing Historic Structure was approved.
8. The Landmark Historic Structure at 901 Woodside Avenue is a Single-Family Dwelling. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District.
9. Per LMC 15-2.2-4 The Planning Commission shall review any CUP application in the HR-1 District per the review criteria.
10. Per LMC 3-5, the proposal is subject to the standards for private driveways within

platted, unbuilt city streets.

11. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.
12. The proposal complies with LMC 3-5(A) as the proposed driveway does not exceed ten percent (10%) Slope.
13. The proposal complies with LMC 3-5(B) as the proposal allows for adequate snow storage at the downhill, end of the driveway.
14. The proposal complies with LMC 3-5(C) as the applicant is proposing to construct the driveway out of concrete.
15. The proposal complies with LMC 3-5(D) as the driveway does not pre-empt any existing physical parking and the platted Street has not been improved to provide Public parking.
16. The proposal complies with LMC 3-5(E) as the applicant designed the driveway proposal after discussion with the City Engineer and altered the south east retaining wall and driveway design to accommodate the public path. The path will be made of a stamped colored concrete. The applicant is also building a new water line per the discussions with the City Engineer and public utilities.
17. The proposal complies with LMC 3-5(F) as the applicant has been approved for a Conditional Use Permit.
18. The proposal complies with LMC 3-5(G) as the applicant shall record an encroachment agreement for the driveway prior to issuance of the Building Permit.
19. The proposal complies with LMC 3-5(H) as the Building Permit will be reviewed by the City Engineer prior to issuance.
20. There are no unmitigated impacts to LMC 15-1-10(E)(1) size and location of the site, The Lot is 1,875 square feet (0.04 acres). The site is located on Woodside Avenue (north east property boundary) and abuts a Platted Public Right of Way to the south east. This is an existing Historic Single-Family Dwelling. This proposal does not impact the size or location of the site.
21. There are no unmitigated impacts to LMC 15-1-10(E)(2) as there is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.
There are no unmitigated impacts to 15-1-10(E)(3) as the current use is Single-Family and the proposal does not change the Use. There are no impacts in utility capacity.
22. There are no unmitigated impacts to LMC 15-1-10(E)(4) as there is no impact to the existing emergency vehicle access.
23. There are no unmitigated impacts to LMC 15-1-10(E)(5) as per LMC 15-2.2-4, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposal does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required. The applicant is proposing a single-car garage underneath the existing Historic Structure which will allow one off street parking spot.
24. LMC 15-1-10(E)(6) internal vehicular and pedestrian circulation system, is not applicable as there is no impact to the existing internal and pedestrian circulation system.
25. There are no unmitigated impacts to LMC 15-1-10(E)(7) as there are no commercial Use; therefore, no separation between Residential and commercial Uses is required.

26. There are no unmitigated impacts to LMC 15-1-10(E)(8) as the current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and does not change the building mass, location, or orientation. The proposed basement addition and side garage entry preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the front façade character. The total area of the setback exception is ninety-one square feet (91 sf). No increase in Building Footprint will be achieved through the addition of the subject basement area.
27. There are no unmitigated impacts to LMC 15-1-10(E)(9) usable Open Space, as the proposal does not change the amount of open space to built envelope.
28. LMC 15-1-10(E)(10) signs and lighting, is not applicable as there are no signs or lighting on site.
29. There are no unmitigated impacts to LMC 15-1-10(E)(11) as there is no impact to the Compatibility with surrounding structures or perceived mass from the Street. The current HDDR application has been reviewed under the Design Guidelines for Historic Districts and Historic Sites and does not impact the compatibility with surrounding structures. The proposed basement addition with side garage entry preserves the Historic character of the Landmark designated Site by entering from the side and not changing the integrity of the historic character.
30. There are no unmitigated impacts to LMC 15-1-10(E)(12) as the construction of the driveway will allow for a car to be parked in the garage which will result in occasional noise of the garage door opening and car. There is currently an unapproved parking area on the location of the proposed driveway and the change in the site will improve the off-street parking.
31. LMC 15-1-10(E)(13) is not applicable as there are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.
32. LMC 15-1-10(E)(14) is not applicable as this is a Single-Family Dwelling.
33. There are no unmitigated impacts to LMC 15-1-10(E)(15) the proposed improvements will be appropriately re-graded and reviewed thoroughly through the Building Permit.
34. There are no unmitigated impacts to LMC 15-1-10(E)(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as this proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to Goal 15, Objective 15A and Objective 15B.
35. On July 31, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published on the Utah Public Notice Website and Park Record on July 27, 2019 according to requirements of the Land Management Code.
36. The Findings in the Analysis section of this report are incorporated herein

Conclusions of Law

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the [LMC 15-1-10](#) and [LMC 3-5](#).

2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on September 11, 2020, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
5. Modified 13-D fire sprinkler system is required for any new construction/addition.
6. All above grade utility facilities shall be located on the property and properly screened.
7. All Conditions of Approval from the pending Historic Preservation Board Review for Material Deconstruction and Disassembly and Reassembly (Panelization) Action Letter shall apply.
8. All Conditions of Approval from the Action Letter for the pending Historic District Design Review application shall apply.
9. The applicant shall record an encroachment agreement for the driveway prior to issuance of the Building Permit.

Exhibits

- | | |
|------------|--|
| Exhibit A: | Proposed Plans |
| Exhibit B: | Example Encroachment Agreement |
| Exhibit C: | Landmark Sites with garages |
| Exhibit D: | Proposed Design with Streetscape and Rendering |

Exhibit A

Proposed Plans

March 11, 2019
Rev. April 5, 2019

Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah 84060

Attn: Francisco Astorga, Planning Department

Re: Driveway in a platted but unimproved city ROW CUP and
Foundation/Basement construction under existing home in a setback
901 Woodside Avenue

Dear Francisco,

901 Woodside is a landmark historic home. We met with staff early on at a pre-application meeting to discuss the addition of a garage to the property and discussed both front loading a garage off Woodside and developing a drive and garage access off 9th street.

Since the home abuts the unimproved 9th street right of way, staff found there was an opportunity to develop a drive and garage at this location that would preserve the front elevation and setting of the landmark home.

We reviewed this proposal with planning and engineering staff, the sewer district and water departments. After determining the viability of the drive and garage off 9th street ROW we submitted this proposal as part of the HDDR application. As part of that review we need to submit this CUP application. Approval of the CUP will allow us to provide off street parking in a garage with minimal impact on the historic form of the landmark home.

Through this CUP process we would also like to place a new foundation under the footprint of the existing home and capture areas that fall within the side yard setbacks, see exhibit A attached. There are three areas identified on the exhibit. By capturing these areas, the construction of the new foundation would be simplified, and the owner would be able to utilize below grade area that is not visible from anywhere. This request would not expand the existing footprint of the building.

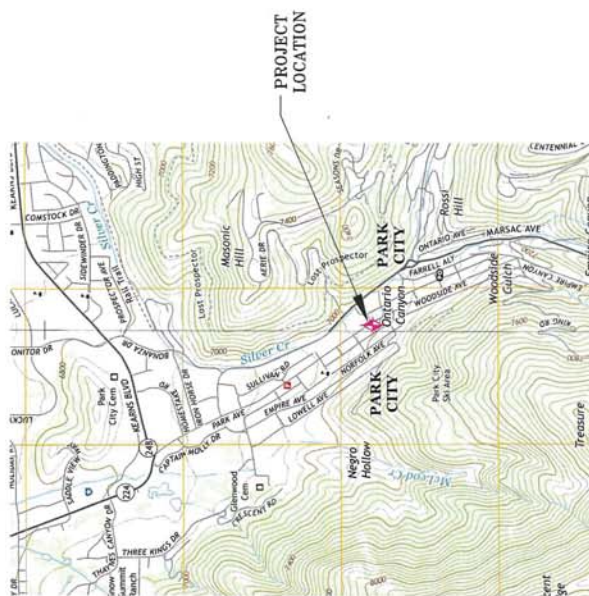
Please let me know if you have any questions.

Sincerely,



Jonathan DeGray- Architect

VICINITY MAP



C-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:

- A. Plan City Design Standards, Construction Specifications, and Standard Drawings. Latest Edition.
- B. **Sydneyville Water Remediation Districts (S.B.W.R.D.) Revision Procedures, Design Standards and Construction Specifications, February 22, 2016 or latest edition.**
- C. **Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.**
- D. UDOT Standard Specifications for Road and Bridge Construction, latest edition. (for improvements in the UDOT right of way)
- E. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
- F. Approved construction plans and details.
- G. Approved Traffic Control Plan.
- H. Storm Water Pollution Prevention Plan. (SWPPP)
- I. Contractor/Builder shall obtain a copy of the specifications at his cost. Copies of the specifications shall be kept at the job site by the contractor and be made available to the public at all times. The contractor shall also obtain a copy of the specifications at his agent, design engineer, city engineer, S.B.W.R.D. engineer, P.C.M.C. engineer, and their designated representatives and/or inspectors.
- C-2** The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, structures, walls, catch basins, culverts, ditches, and road construction.
- C-3** The contractor shall maintain accurate records of "As Built" conditions at all underground work. The "As Built" shall be tied to easily defined monuments and shall be shown on the drawings. The contractor shall be responsible for the accuracy of the "As Built" drawings. Special as-built requirements for ADEP sewer mains are required per as outlined on the drawings.
- C-4** Prior to any excavation work, the contractor shall contact Blue Stains for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- C-5** The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- C-6** All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.
- C-7** The contractor shall be responsible for the installation and maintenance of curbside signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.
- C-8** Connection testing shall be an integral part of the project. Connection testing shall include, but shall not be limited to, outflow, trench-jump-MI, base course, and stormwater powerpoint. Connection testing shall be performed by a qualified, independent testing company retained by the contractor.

1. EXISTING CONDITIONS
2. OVERALL SITE PLAN
3. SEWER PLAN AND PROFILE
4. DETAILS

PREPARED FOR
901 WOODSIDE, LLC.
P.O. BOX 4581
PARK CITY, UT 84060

CIVIL ENGINEER



 Snyderville Basin
Water Reclamation District

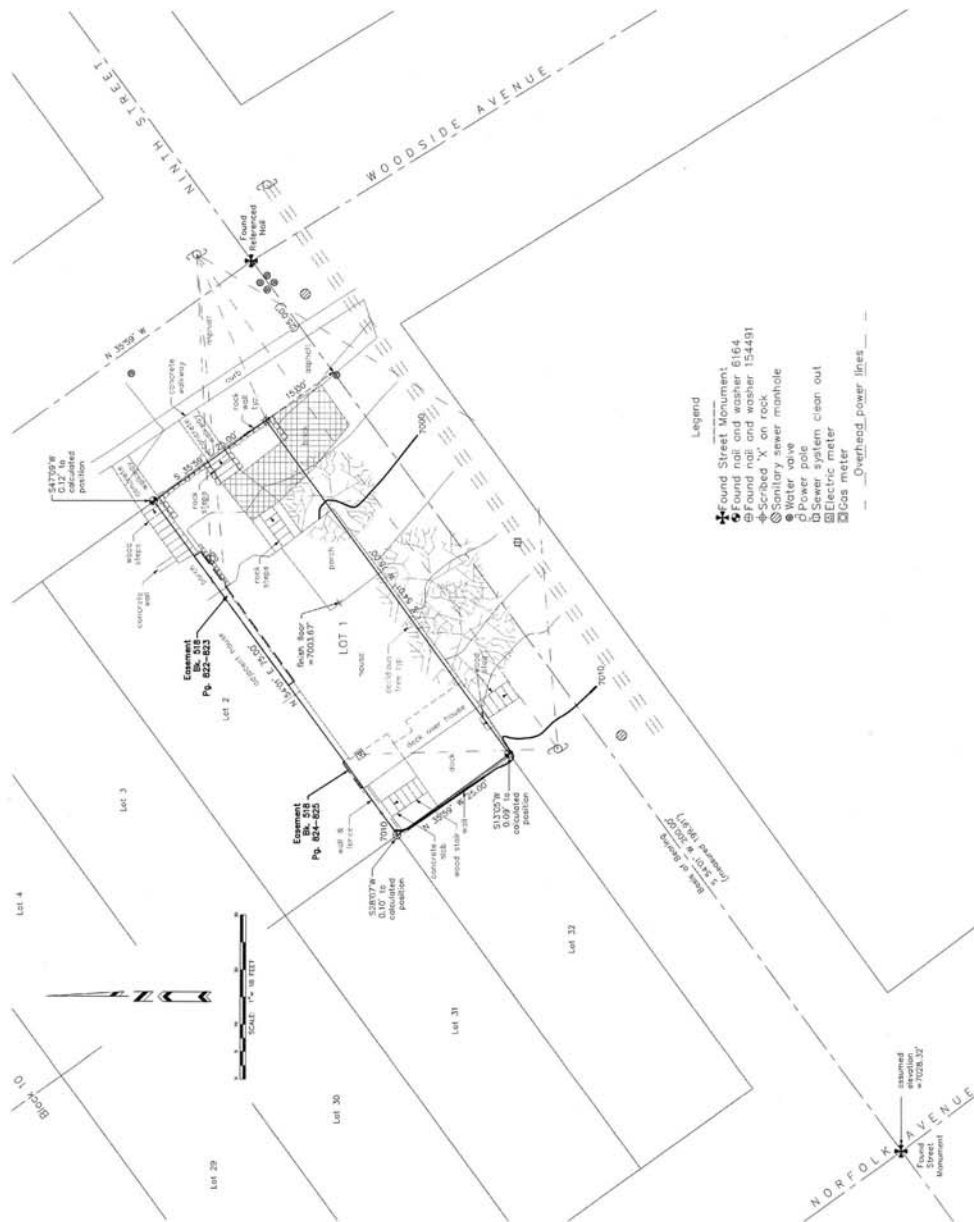
2400 International Road
Park City, UT 84098
Phone: (801) 949-7900
Fax: (801) 949-8099

Know what's below.
Call 811 before you dig.
BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
www.bluestakes.org
1-800-662-4111

RECEIVED
MAY 21 2019
PARK CITY
PLANNING DEPT.

ELEVATION DATUM NOTE:
ELEVATIONS SHOWN ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29)
BENCHMARK: SEWARD SS4H# 2-4-16-220 BM-6995.75

Snyder's Addition to the Park City Survey Block 10, Lot 1



NARRATIVE

1. Survey requested by: Jerry Fiat
2. Purpose of survey: locate the deed description and the topographic relief.
3. The survey was conducted on the original map of Block 10 from the Map of Park City by Colwell & Richards Engineers, traced from the original map July, 1927.
4. The survey was conducted on the original map of Block 10 from the Map of Park City by Colwell & Richards Engineers, traced from the original map July, 1927.
5. Property monuments set or found as shown.
6. Located in the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of the Park City Survey and Snyder's Addition for other possible easements and references to other items affecting the property that may appear in a title insurance report.
8. Based on an elevation of 7028.32' at the Street Monument at the intersection of Ninth Street and Norfolk Avenue from the Amended Park City Monument Control Map.

LEGAL DESCRIPTION

All of Lot 1, Block 10, Snyder's Addition to the Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, containing 1875.00 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the Utah State Board of Land Surveying, License No. 359005, do hereby certify that I have supervised a survey of the heron described property and that this plot is a true representation of said survey.

Date

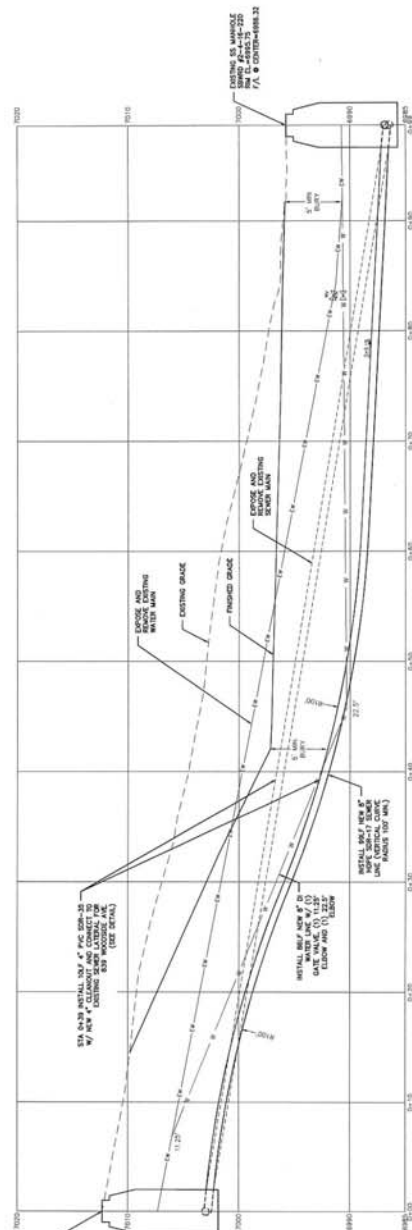
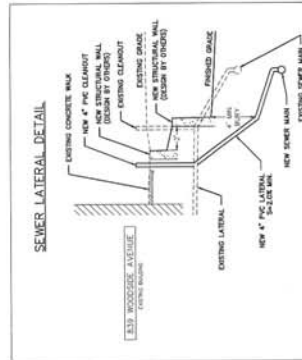
J.D. Galley RLS#359005



RECEIVED

MAY 21 2019

PARK CITY PLANNING DEPT.



RECEIVED

MAY 21 2019

PARK CITY
PLANNING DEPT.

STAFF: MICHAEL DOWDOWITZ SEWER ENGINEER 	PROJECT: 901 WOODSIDE AVENUE NINTH STREET ROW PLAN & PROFILE LINE EXTENSION AGREEMENT FORM: FERRY PLAN JOB NO.: 7-1-19 FILE: A:\Seymour\addition\proj\Project\901 Woodside\070119-01.dwg	SHEET 3 of 4
	DATE: 5/21/19	



- NOTES:**
1. ALL INSTALLATION SHALL CONFORM TO PLANS, CITY ORDINANCES, STANDARDS & SPECIFICATIONS LATEST EDITION.
 2. MATERIALS SHALL BE APPROVED BY THE CITY ENGINEER AND WATER SERVICES.
 3. ALL WATER MAIN, SEWER, FIRE, GAS, AND OTHER UTILITIES SHALL BE DEEPER THAN THE PROPOSED SEWER LATERAL.
 4. SEWER INSTALLATION SHALL CONFORM TO UNDERGROUND WATER REGULATION DISTRICT STANDARDS & SPECIFICATIONS LATEST EDITION.
 5. THE PROPOSED SEWER LATERAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S RECOMMENDATIONS.
 6. THE PROPOSED SEWER LATERAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S RECOMMENDATIONS.
 7. THE PROPOSED SEWER LATERAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S RECOMMENDATIONS.
 8. THE PROPOSED SEWER LATERAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S RECOMMENDATIONS.
 9. THE PROPOSED SEWER LATERAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S RECOMMENDATIONS.
 10. THE PROPOSED SEWER LATERAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S RECOMMENDATIONS.

Exhibit B

Example Encroachment
Agreement

ENCROACHMENT PERMIT

_____ (street address)

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and _____ (Owner(s)) to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way at _____ (street address), Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain _____ within the City right-of-way of _____ (street name).

1. This encroachment agreement shall be appurtenant to the following described property:

Parcel # / Lot# / Subdivision
Office Use: Verify Ownership through Summit County Tax Records

This agreement is not transferable to other property, but is freely transferable with the title to this lot. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner(s).

2. The improvements permitted within the street right-of-way shall consist of _____. Attach a scaled drawing, labeled as ATTACHMENT 'A', showing the improvements and the location of all related elements, on 8 ½ "x 11" or 11"x 17" paper. No modifications to the improvements may be made without prior written permission from Park City Municipal Corporation.

3. The City may, at some future date, elect to make improvements to _____ (street name) at this location and widen the streets to full width of the right-of-way and City property and/or to install utilities (or allow such installation by franchised utilities). To the extent that any improvements or utility work requires the removal, relocation, replacement, and/or destruction of the improvements the Owner(s) may have been using within the City property right-of-way, the Owner(s) waives any right to compensation for the loss of improvements and loss of the use of the street right-of-way and/or change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for any reason whatsoever in the sole determination of Park City, is the consideration given for the granting of this encroachment permit.

4. Prior to installing City improvements in, along or adjacent to the street or installing utilities in a manner that will require the removal or relocation of the improvements, the City will endeavor to give the Owner(s) sixty (60) days notice, in which time the Owner(s) shall make adjustments and remodel the improvements as necessary to accommodate the changes in the street width, utilities, and-or grade at the Owner(s) cost. Park City and its franchised utilities will attempt to save as much of the Owner(s) improvements as possible but in no way guarantees any salvage value whatsoever.

5. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the street right-of-way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

6. The Owner(s) or his/her successor shall maintain the improvements in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the right-of-way for private purposes, or from the failure of the Owner's improvements.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or the Owner's successor.

PARK CITY MUNICIPAL CORPORATION

DATED this _____ day of _____, 20____

Engineer

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

On the ____ day of _____, 20____, _____ personally appeared before me _____ who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument on their behalf.

Notary Public

PROPERTY OWNER

***Owner's Signature**

Owner's Name (Printed)

Mailing Address

email address or phone number

***If doing business as an LLC proof must be provided that the signatory can sign for the LLC.**

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

On the ____ day of _____, 20____, _____ personally appeared before me _____ who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument on their behalf.

Notary Public

Exhibit C

Landmark Sites with garage

List of Landmark Sites with a garage

Updated August 22, 2019

186 Landmark Sites

10 have garages below porch/ at basement level (all with colored text)

3 of those 10 had garages historically (text in orange)

Of the remaining 7 with garage additions, 5 would not meet current guidelines (text in red) and the other 3 (text in blue) meet the current Design Guidelines.

- | | |
|---|-------------------------|
| 1. 44 Chambers Street | 28. 140 Main Street |
| 2. 64 Chambers Street | 29. 150 Main Street |
| 3. 732 Crescent Tram | 30. 151 Main Street |
| 4. 61 Daly Avenue | 31. 170 Main Street |
| 5. 118 Daly Avenue- garage addition
approved in 2007- design would not
currently meet guidelines. | 32. 176 Main Street |
| 6. 131 Daly Avenue | 33. 221 Main Street |
| 7. 142 Daly Avenue | 34. 305 Main Street |
| 8. 145 Daly Avenue | 35. 306 Main Street |
| 9. 162 Daly Avenue | 36. 309 Main Street |
| 10. 166 Daly Avenue | 37. 312 Main Street |
| 11. 243 Daly Avenue | 38. 322 Main Street |
| 12. 279 Daly Avenue | 39. 328 Main Street |
| 13. 314 Daly Avenue | 40. 350 Main Street |
| 14. 830 Empire Avenue | 41. 361-363 Main Street |
| 15. 835 Empire Avenue | 42. 368 Main Street |
| 16. 911 Empire Avenue | 43. 402 Main Street |
| 17. 939 Empire Avenue | 44. 405 Main Street |
| 18. 270 Grant Avenue | 45. 419 Main Street |
| 19. 27 Hillside Avenue | 46. 427 Main Street |
| 20. 3000 Highway 224 | 47. 430 Main Street |
| 21. 2780 Kearns Boulevard | 48. 434 Main Street |
| 22. 33 King Road | 49. 436 Main Street |
| 23. 45 King Road/ 55 Anchor | 50. 438 Main Street |
| 24. 69 King Road | 51. 440 Main Street |
| 25. 74 King Road | 52. 447 Main Street |
| 26. 1400 Lucky John Drive | 53. 508 Main Street |
| 27. 125 Main Street | 54. 509 Main Street |
| | 55. 511 Main Street |
| | 56. 523 Main Street |
| | 57. 528 Main Street |

58. 540 Main Street
59. 541 Main Street
60. 550 Main Street
61. 562 Main Street
62. 573 Main Street
63. 586 Main Street
64. 660 Main Street
65. 252 Marsac Avenue
66. 334 Marsac Avenue
67. 342 Marsac Avenue
68. 412 Marsac Avenue
69. 416 Marsac Avenue
70. 445 Marsac Avenue
71. 243 McHenry Avenue
72. 2414 Monitor Drive
73. 143 Norfolk Avenue
74. 802 Norfolk Avenue
75. 811 Norfolk Avenue
76. 823 Norfolk Avenue
77. 824 Norfolk Avenue
78. 843 Norfolk Avenue
79. 902 Norfolk Avenue
80. 933 Norfolk Avenue
81. 945 Norfolk Avenue- currently under construction with garage addition consistent with current design guidelines.
82. 946 Norfolk Avenue
83. 955 Norfolk Avenue
84. 962 Norfolk Avenue
85. 1002.5 Norfolk Avenue
86. 1003 Norfolk Avenue
87. 1101 Norfolk Avenue
88. 1102 Norfolk Avenue
89. 264 Ontario Avenue
90. 316 Ontario Avenue
91. 323 Ontario Avenue
92. 355 Ontario Avenue
93. 413 Ontario Avenue
94. 417 Ontario Avenue
95. 44 Ontario Canyon Street
96. 121 Park Avenue
97. 139 Park Avenue

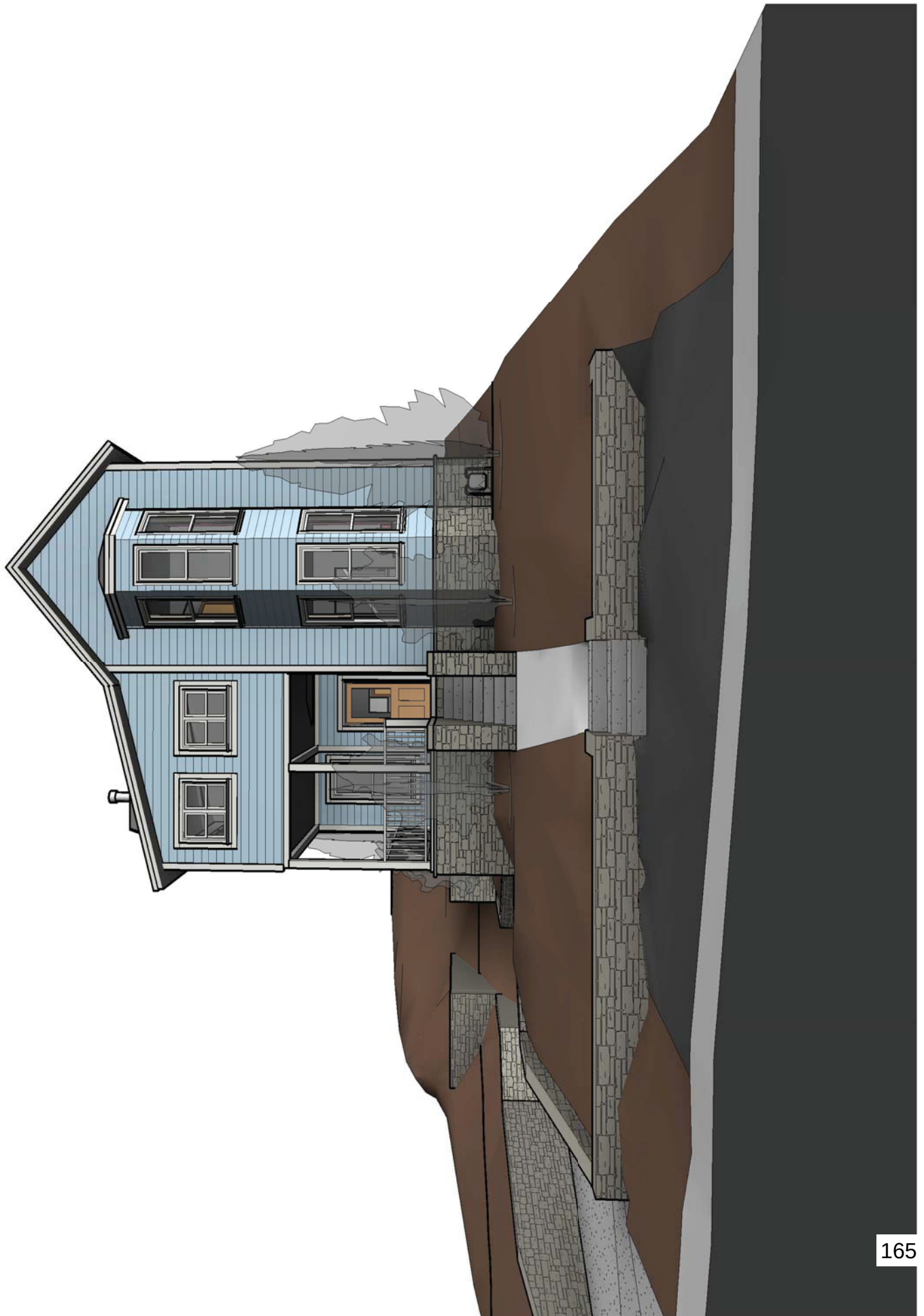
98. 157 Park Avenue- had garage historically.
99. 161 Park Avenue- had a below-porch storage/ garage historically.
100. 259 Park Avenue
101. 323 Park Avenue
102. 325 Park Avenue
103. 343 Park Avenue
104. 351 Park Avenue
105. 363 Park Avenue
106. 401 Park Avenue
107. 402 Park Avenue
108. 416 Park Avenue
109. 421 Park Avenue
110. 424 Park Avenue
111. 445 Park Avenue
112. 455 Park Avenue
113. 463 Park Avenue
114. 502 Park Avenue
115. 517 Park Avenue- garage addition approved in 1992 by the HDC, would not meet current guidelines for the width of garage door.
116. 525 Park Avenue
117. 527 Park Avenue- garage added in 1999, garage door moved back 8 feet (more consistent with design guidelines) in 2008.
118. 528 Park Avenue
119. 539 Park Avenue
120. 543 Park Avenue
121. 553 Park Avenue- garage addition added in 2007. Would not be approved by HPB currently since they altered the symmetrical entrance to be off-center to accommodate garage door below.
122. 606 Park Avenue
123. 610 Park Avenue
124. 614 Park Avenue
125. 638 Park Avenue
126. 651 Park Avenue
127. 690 Park Avenue
128. 698 Park Avenue

129.703 Park Avenue
130.943 Park Avenue
131.959 Park Avenue
132.1021 Park Avenue- currently under
Reconstruction with the addition- no
basement garage
133.1049 Park Avenue
134.1062 Park Avenue
135.1063 Park Avenue
136.1119 Park Avenue
137.1124 Park Avenue
138.1125 Park Avenue
139.1128 Park Avenue
140.1141 Park Avenue
141.1150 Park Avenue
142.1209 Park Avenue
143.1215 Park Avenue
144.1255 Park Avenue
145.1280 Park Avenue
146.1301 Park Avenue
147.1304 Park Avenue
148.1328 Park Avenue
149.1354 Park Avenue
150.1503 Park Avenue (does not include
detached garage)
151.14 Prospect Street
152.22 Prospect Street
153.36 Prospect Street
154.51 Prospect Street
155.57 Prospect Street
156.59 Prospect Street
157.68 Prospect Street
158.101 Prospect Street
159.622 Rossie Hill Drive
160.652 Rossie Hill Drive
161.660 Rossie Hill Drive

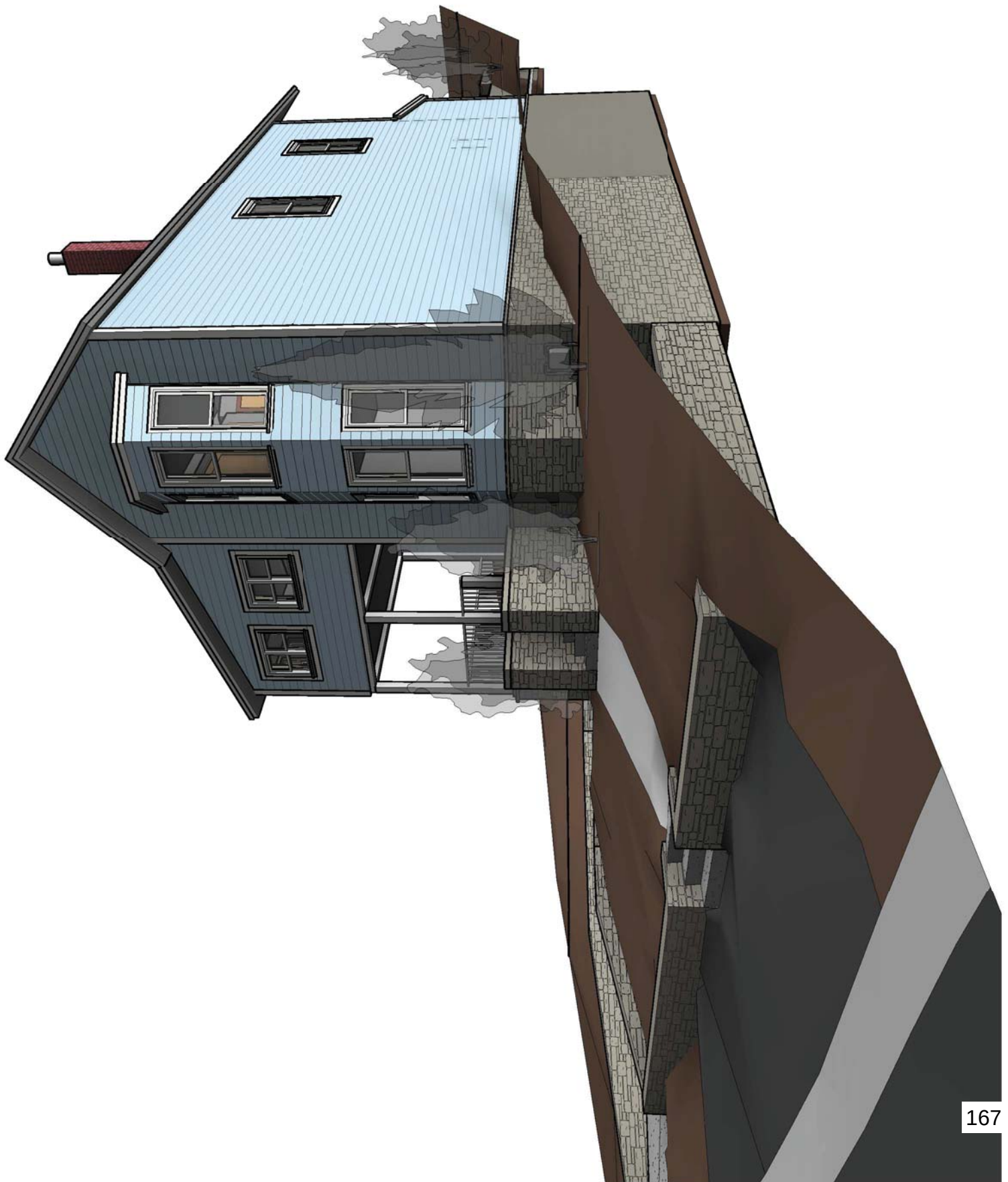
162.41 Sampson Avenue
163.222 Sandridge Road
164.39 Seventh Street
165.41 Seventh Street
166.Glenwood Cemetery
167.147 Swede Alley
168.1895 Three Kings Drive
169.109 Woodside Avenue
170.232 Woodside Avenue
171.335 Woodside Avenue- garage
addition approved in 2012. Likely
would not be approved by HPB per
the design guidelines today as the
site context changed substantially.
172.564 Woodside Avenue
173.655 Woodside Avenue
174.817 Woodside Avenue
175.839 Woodside Avenue- currently
set for HDDR approval of garage that
existed historically.
176.901 Woodside Avenue
177.951 Woodside Avenue- garage
addition approved 2007. Likely
would not be approved by HPB per
the design guidelines today as the
site context and porch stairs
changed context substantially.
178.1010 Woodside Avenue
179.1026 Woodside Avenue
180.1057 Woodside Avenue
181.1060 Woodside Avenue
182.1100 Woodside Avenue
183.1110 Woodside Avenue
184.1127 Woodside Avenue
185.1162 Woodside Avenue
186.1167 Woodside Avenue

Exhibit D

Proposed Design with Streetscape
Rendering







Planning Commission Staff Report

Subject: 839 Woodside Avenue – Addition to a Landmark
Historic Structure located within a Building Setback
Project #: PL-19-04274
Designation: Landmark Historic Structure
Author: Laura Kuhrmeyer
Date: September 11, 2019
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the Conditional Use Permit for a basement addition to a Landmark Historic Structure located within a Building Setback, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Description

Applicant: Fred Keller (Represented by Jonathan DeGray, Architect)
Location: 839 Woodside Avenue
Designation: Landmark Historic Structure
Zoning District: Historic Residential (HR-1) Zoning District
Adjacent Land Uses: Single-Family, Multi-Family
Reason for Review: Conditional Use Permit applications are reviewed and approved by the Planning Commission

Proposal

The applicant is proposing to lift the Historic structure, remove the existing garage foundation, and create a new full basement foundation. A small portion of the proposed basement, directly beneath the Historic structure, is partially located within the Side Setback area. Additionally, a portion of the porch the existing porch encroaches into the Side Setback area. The property, 839 Woodside Avenue, is a "Landmark" Historic Site and [LMC 15-2.2-4\(A\)](#) allows for the Planning Commission to grant an exception to the Building Setback in order to achieve new construction consistent with the Historic District Design Guidelines.

The current Historic District Design Review application includes an addition in the rear of the house, but the portion of the addition that is under review tonight is the 83 square feet of basement as well as 26 square feet of porch that encroaches into the Side Setback area.

The total Footprint of the existing Structure, as measured, is 749 square feet for the main dwelling plus an additional 120 square feet for an Accessory Structure which is also Historic. The total Floor Area of the proposed basement is 1,328 square feet, a portion of which is beneath the proposed addition in the rear. However, the two areas

Figure 1: Proposed Basement Area (red) located within the Side Setback area. Proposed porch reconstruction (purple) located within the Side Setback area.

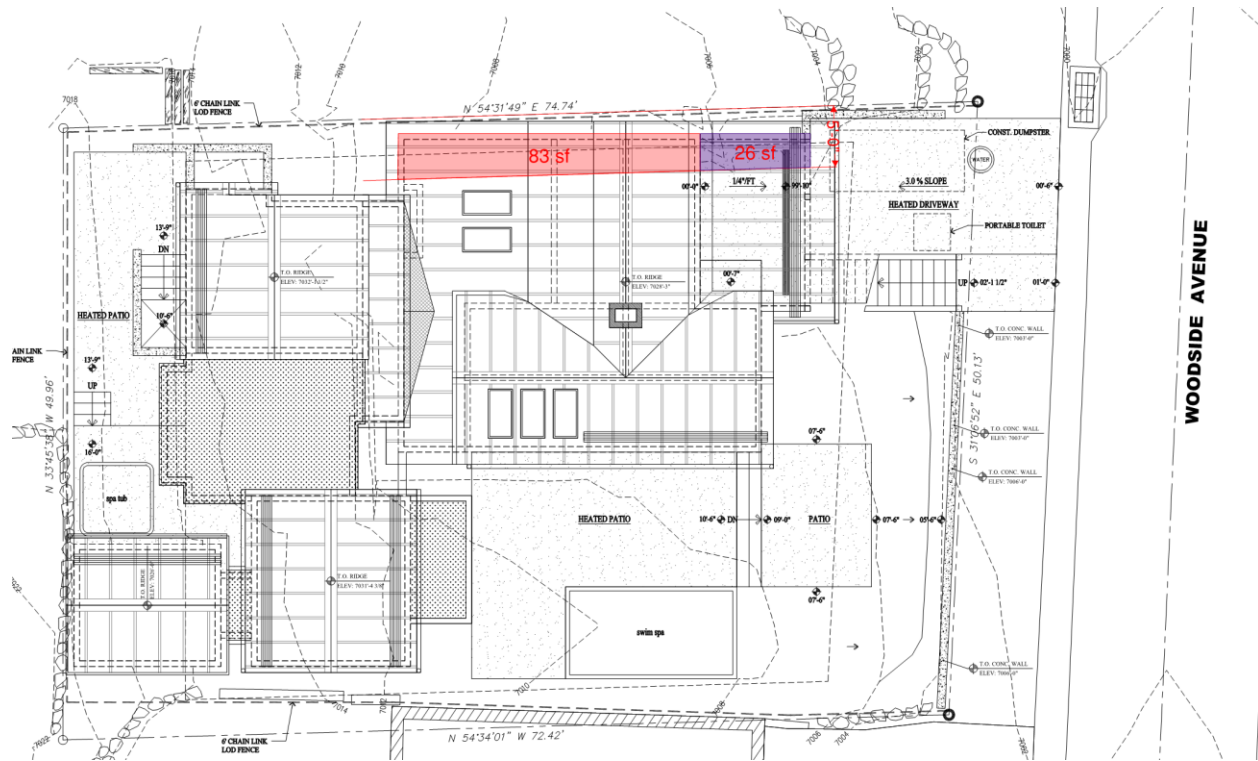
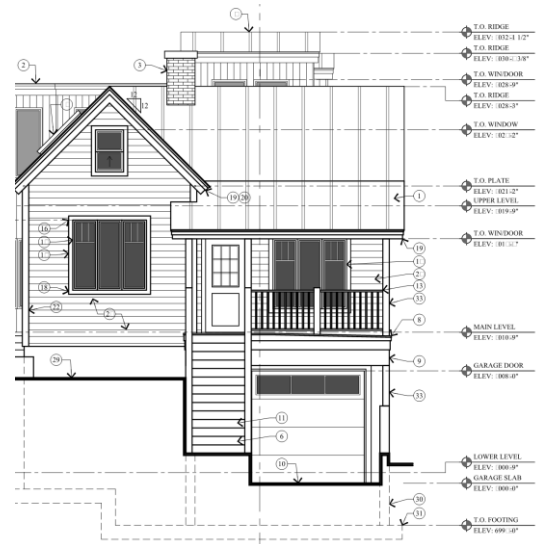
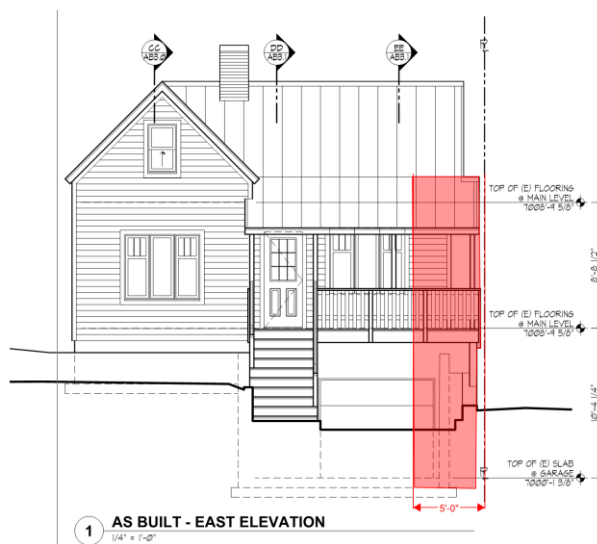


Figure 2: Existing Front Elevation

Figure 3: Proposed Front Elevation



Background

The Planning Department received a complete Conditional Use Permit (CUP) application on March 20, 2019. Staff has included Table 1 which identifies previous applications for this property:

Table 1: Previous Applications			
Year	Application/Permit Type	Description	Action Taken
1989	Grant	The scope of work for the building permit issued August 10, 1989, included: new roof, front porch railings, chimney repaid, new siding, foundation, windows & doors, electrical, bathroom foundation wall, removing shutters, and interior kitchen remodel.	Approved
1991	Grant	The proposed scope of work included a new foundation, replacing a door, addition of an egress window on the south side, exterior trim and paint, structural support, and new wiring, plumbing, and flue.	Approved
1995	Grant	The proposed scope of work included a new concrete seal for the front porch and steps as well as new flooring for the front porch. The work was only partially completed, and a portion of the grant funds were reallocated to other projects.	Approved - Work was not entirely complete
1997	Grant	The proposed scope of work included replacing three (3) windows.	Approved but not completed
2000	Grant	The proposed work included repainting the exterior of the house.	Approved
2019	Plat Amendment	Combining Lot 10 and Lot 11 of Block 11 of the Snyder's Addition.	Approved by Council on April 4, 2019. Recorded on July 19, 2019 (Entry No. 1114405)
2019	HDDR	Lifting and rehabilitating the Historic Structure and adding a basement addition as well as an addition in the rear.	Under review, pending approval of CUP
2019	Conditional Use Permit	Addition to a Historic Structure Located within a Building Setback.	Subject application - Under Review

Purpose

The purpose of the Historic Residential (HR-1) District is found in [Land Management Code §15-2.2-1 Purpose](#).

Analysis

The Conditional Use Permit is subject to the following review criteria in the LMC:

- Per [LMC 15-2.2-4\(A\)](#), the Planning Commission may grant an exception to the Building Setback for additions to Historic Buildings in order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, based on the following criteria.
- Per [LMC 15-1-10\(E\)](#), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

- I. [LMC 15-2.2-4\(A\) Existing Historic Structures Exceptions](#)
- II. [LMC 15-1-10\(E\) Conditional Use Permit Review Criteria](#)

Section I. [LMC 15-2.2-4\(A\) Existing Historic Structures Exceptions](#)

Staff has provided an analysis of [15-2.2-4\(A\) Existing Historic Structures Exceptions](#) in *italics* below:

- A. **EXCEPTION.** For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards:

1. Upon approval of a Conditional Use permit, and

Pending.

Pending Planning Commission review and approval of subject application.

2. When the scale of the addition and/or driveway is Compatible with the Historic Structure, and

Complies.

The proposal includes removing the existing basement level garage and replacing with a new foundation that will allow for a full basement. The majority of the proposed work is either replacing in kind or is interior/below grade and not visible from the exterior of the Historic Structure. The proposed design is compatible with the Historic Structure. There are no proposed changes to the existing driveway location or width.

3. When the addition complies with all other provisions of this Chapter, and

Complies.

The addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Process (pending approval of this CUP).

4. When the addition complies with the adopted Building and Fire Codes, and

Pending

The addition will be reviewed for compliance with the Building and Fire Codes through the Building Permit, pending approval of this CUP.

5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

Complies.

The addition has been reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites through the HDDR process.

Section III. LMC 15-1-10(E) Review

The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. Size and location of the site

No Unmitigated Impacts

The Lot is 3,688 square feet (0.08 acres). The site is located on Woodside Avenue (east property boundary). This is a Historic Single-Family Dwelling, with approximately eighty-three (83) square feet of the Structure and twenty-six (26) square feet of porch encroaching into the north Side Setback. Per LMC 15-2.2-4, Historic Structures that do not comply with Building Setbacks are considered valid Complying Structures. The addition to basement that is subject to this CUP consists of eighty-three (83) square feet of a basement level garage as well as twenty-six (26) square feet of porch. Both the garage and the porch are to be reconstructed to essentially the same design as existing. No change in Use is proposed.

2. Traffic considerations including capacity of the existing Streets in the Area

No Unmitigated Impacts

There is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.

3. Utility capacity

No Unmitigated Impacts

The proposal will have no impact on the current utility equipment and capacity needs.

4. Emergency vehicle access

No Unmitigated Impacts

The proposal involves reconstructing the garage and porch to match the existing garage and porch. There is no impact to the existing emergency vehicle access.

5. Location and amount of off street parking

No Unmitigated Impacts.

Per LMC 15-2.2-4, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposed basement addition does

not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.

6. Internal vehicular and pedestrian circulation system

Not applicable.

There is no impact to the existing internal and pedestrian circulation system.

7. Fencing, Screening and landscaping to separate the Use from adjoining Uses

No Unmitigated Impacts

The proposal involves reconstructing the garage and porch to match the existing garage and porch. The proposal has been conditioned so that any disturbed landscaping shall be brought back to existing conditions or improved. In addition, there are no commercial Uses that require separation from Residential Uses.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

No Unmitigated Impacts

The proposal involves reconstructing the garage and porch to match the existing garage and porch. The basement addition area that is located within the setback is beneath the north end of the existing structure. No increase in Building Footprint will be achieved through the addition of the subject basement area, though the addition will increase the overall Footprint. As a result, there is no visual impact to the perceived mass from the Street because the existing garage and porch will be replaced in kind. On the North Side of the property, the distance between the Historic Structure and the North Property Line ranges from three feet and five inches (3'5") to five feet and three inches (5'3").

9. Usable Open Space

No Unmitigated Impacts

The subject area of the basement and porch are replacing the existing basement and porch and have little to no impact on the exterior of the Historic Structure or on the useable outdoor yard area.

10. Signs and lighting

Not applicable.

There are no signs or lighting proposed on site at this time. The proposal will be conditioned that all exterior lighting shall be down directed and shielded.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

No Unmitigated Impacts

There is no impact to the Compatibility with surrounding structures or perceived mass from the Street because the proposal involves reconstructing the existing garage and existing porch. Physical design is compatible with adjacent houses in mass, scale, style, design and architectural detailing.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site

Not applicable.

There are no changes that will result in additional noise, vibration, odors, steam, or other mechanical factors.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

Not applicable.

There are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

Not applicable.

This is a Single-Family Dwelling.

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site

Not applicable.

The proposed reconstruction of the garage and porch area will not impact the exterior conditions of the structure or the topography of the Site.

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

No Unmitigated Impacts

This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to:

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.*
- Objective 15A: Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.*
- Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.*

Department Review

This project has gone through an interdepartmental review.

Notice

On August 28, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on August 28, 2019 according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may approve the Conditional Use Permit for the addition to a Historic Structure located within a Building Setback at 839 Woodside Avenue, as conditioned or amended; or
- The Planning Commission may deny Conditional Use Permit for the addition to a Historic Structure located within a Building Setback at 839 Woodside Avenue and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Conditional Use Permit addition to a Historic Structure located within a Building Setback at 839 Woodside Avenue and request additional information or analysis in order to take action.

Significant Impacts

There are no significant fiscal impacts from this application that haven't been addressed.

Consequences of not taking action on the Suggested Recommendation

The applicant would have to redesign the proposed addition and meet Setback requirements.

Recommendation

Staff recommends that the Planning Commission review the Conditional Use Permit for an addition to a Historic Structure located within a Building Setback, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Findings of Fact

1. The subject property is located at 839 Woodside Avenue, in the Historic Residential (HR-1) Zoning District, and is listed as Landmark Historic Site on the Historic Sites Inventory (HSI).
2. The applicant is proposing to lift the Historic structure, remove the existing garage foundation, and create a new full basement foundation, a portion of which encroaches into the Side Setback.
3. The total Footprint of the existing Structure, as measured, is 749 square feet for the main dwelling plus an additional 120 square feet for an Accessory Structure which is also Historic. The total Floor Area of the proposed basement is 1,328 square feet, a

portion of which is beneath the proposed addition in the rear. However, the two areas under review tonight are located on the north side of the Historic Structure and consist of eighty-three (83) square feet of building footprint as well as twenty-six (26) square feet of porch area.

4. Per LMC 15-2.2-4(A), the Planning Commission may grant an exception to the Building Setback for additions to Historic Buildings consistent with the Historic District Design Guidelines.
5. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.
6. A complete application for a Conditional Use Permit for an Addition to a Historic Structure located within the Building Setback was received on July 18, 2019.
7. The Historic Structure at 839 Woodside Avenue is a Single-Family Dwelling. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District.
8. A Plat Amendment for 839 Woodside Avenue was approved by City Council on April 4, 2019 (Ordinance 2019-16) and recorded on July 19, 2019 (Entry No. 1114405).
9. The proposal complies with LMC 15-2.2-4(A)(1) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.
10. There are no unmitigated impacts to LMC 15-2.2-4(A)(2) as the proposal includes removing the existing basement level garage and replacing with a new foundation that will allow for a full basement. The majority of the proposed work is either replacing in kind or is interior/below grade and not visible from the exterior of the Historic Structure. The proposed design is compatible with the Historic Structure. There are no proposed changes to the existing driveway location or width.
11. The proposal complies with LMC 15-2.2-4(A)(3) as the addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Process.
12. The proposal complies with LMC 15-2.2-4(A)(4) as conditioned as the addition will be reviewed for compliance with the Building and Fire Codes through the Building Permit once submitted.
13. The proposal complies with LMC 15-2.2-4(A)(5) as the addition has been reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
14. There are no unmitigated impacts to LMC 15-1-10(E)(1) size and location of the site, as the Lot is 3,688 square feet (0.08 acres). The site is located on Woodside Avenue (east property boundary). This is a Historic Single-Family Dwelling, with approximately eighty-three (83) square feet of the Structure and twenty-six (26) square feet of porch encroaching into the north Side Setback. Per LMC 15-2.2-4, Historic Structures that do not comply with Building Setbacks are considered valid Complying Structures. The addition to basement that is subject to this CUP consists of eighty-three (83) square feet of a basement level garage as well as twenty-six (26) square feet of porch. Both the garage and the porch are to be reconstructed to essentially the same design as existing. No change in Use is proposed.
15. There are no unmitigated impacts to LMC 15-1-10(E)(2) traffic considerations including capacity of the existing Streets in the Area, as there is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.
16. There are no unmitigated impacts to 15-1-10(E)(3) utility capacity, as the proposal

will have no impact on the current utility equipment and capacity needs.

17. There are no unmitigated impacts to LMC 15-1-10(E)(4) emergency vehicle access as the proposal involves reconstructing the garage and porch to match the existing garage and porch. There is no impact to the existing emergency vehicle access.
18. There are no unmitigated impacts to LMC 15-1-10(E)(5) location and amount of off street parking, as per LMC 15-2.2-4, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposed basement addition does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.
19. LMC 15-1-10(E)(6) internal vehicular and pedestrian circulation system, is not applicable as there is no impact to the existing internal and pedestrian circulation system.
20. There are no unmitigated impacts to LMC 15-1-10(E)(7) fencing, Screening and landscaping to separate the Use from adjoining Uses, as the proposal involves reconstructing the garage and porch to match the existing garage and porch. The proposal has been conditioned so that any disturbed landscaping shall be brought back to existing conditions or improved. In addition, there are no commercial Uses that require separation from Residential Uses.
21. There are no unmitigated impacts to LMC 15-1-10(E)(8) building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the proposal involves reconstructing the garage and porch to match the existing garage and porch. The basement addition area that is located within the setback is beneath the north end of the existing structure. No increase in Building Footprint will be achieved through the addition of the subject basement area, though the addition will increase the overall Footprint. As a result, there is no visual impact to the perceived mass from the Street because the existing garage and porch will be replaced in kind. On the North Side of the property, the distance between the Historic Structure and the North Property Line ranges from three feet and five inches (3'5") to five feet and three inches (5'3").
22. There are no unmitigated impacts to LMC 15-1-10(E)(9) usable Open Space, as the subject area of the basement and porch are replacing the existing basement and porch and have little to no impact on the exterior of the Historic Structure or on the useable outdoor yard area.
23. LMC 15-1-10(E)(10) signs and lighting, as there are no signs or lighting proposed on site at this time. The proposal will be conditioned that all exterior lighting shall be down directed and shielded.
24. There are no unmitigated impacts to LMC 15-1-10(E)(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as there is no impact to the Compatibility with surrounding structures or perceived mass from the Street because the proposal involves reconstructing the existing garage and existing porch. Physical design is compatible with adjacent houses in mass, scale, style, design and architectural detailing.
25. LMC 15-1-10(E)(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, is not applicable as there are no changes that will result in additional noise, vibration, odors, steam, or other mechanical factors.

26. LMC 15-1-10(E)(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, is not applicable as there are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.
27. LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, is not applicable as this is a Single-Family Dwelling.
28. LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, as the proposed reconstruction of the garage and porch area will not impact the exterior conditions of the structure or the topography of the Site.
29. There are no unmitigated impacts to LMC 15-1-10(E)(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as this proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to Goal 15, Objective 15A and Objective 15B.
30. On August 28, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on August 28, 2019 according to requirements of the Land Management Code.
31. All Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

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

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on September 11, 2020, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
5. Modified 13-D fire sprinkler system is required for any new construction/addition.

6. All above grade utility facilities shall be located on the property and properly screened.
7. All exterior lighting shall be down directed and shielded.
8. All Conditions of Approval from the August 21, 2019 Historic Preservation Board Action Letter shall continue to apply.

Exhibits

Exhibit A – Standard Project Conditions

Exhibit B – Proposed Plans

Exhibit A – Standard Project Conditions

**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.

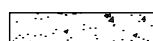
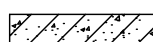
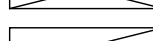
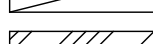
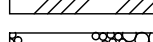
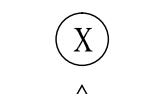
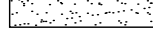
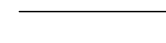
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
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.

Exhibit B – Proposed Plans

KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

CONSULTANTS	
-------------	--

LEGEND

	OFFICE 103	ROOM NAME ROOM NUMBER
		FLOOR, POINT ELEV.
		CENTER LINE
		ROUND, DIA.
		CHANNEL
		ANGLE
		DETAIL
		SECTION CUT, DETAIL
		BUILDING SECTION
		KEYED NOTES
		WINDOW TYPE
		DOOR NUMBER
		REVISION
		INTERIOR WALL ELEV.
		WALL TYPE
		
		
		

CODE ANALYSIS

INDEX TO DRAWINGS

[illegible]

ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	P.R.	PAIR
ACCU.	ACOUSTICAL	FND	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDUMUM	FIN.	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUM
ALUM.	ALUMINUM	FTTG.	FTTING	REINF.	REINFORCING
APPROX.	APPROXIMATE	G.	GAS	REQD.	REQUIRED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GA.	GAUGE	RM.	ROOM
B.W.	BOTH WAYS	GALV.	GALVANIZED	R.O.	ROUGH OPENING
BLDG.	BUILDING	GRD.	GRADE	S & R	SHELF AND ROD
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
BRK.	BRICK	G.L.B.	GLU-LAM BEAM	SCHED.	SCHEDULE
C.I.	CAST IRON	H.B.	HOSE BIBB	SHEET	SHEET
C.J.	CONTROL JOINT	HD.	HEAD	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
CLG.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	I.D.	INSIDE DIAMETER	STL.	STEEL
COMP.	COMPACTED COMPOSITE	INT.	INTERIOR	STRUCT.	STRUCTURAL
CONC.	CONCRETE	IRRG.	IRRIGATION	SYS.	SYSTEM
CONST.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	JB.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN/DOUGLAS FIR	M.R.	MOISTURE RESISTANT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MANFR	MANUFACTURER	T.O.W.	TOP OF WALL
DIM.	DIMENSION	MAX.	MAXIMUM	TYP.	TYPICAL
DN.	DOWN	MECH.	MCHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MN.	MINIMUM	U.N.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	(N)	NEW	VERT.	VERTICAL
EA.	EACH	N.I.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
E.F.	EXHAUST FAN	N.T.S.	NOT TO SCALE	W.	WATER
E.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
E.J.	EXPANSION JOINT	O.C.	ON CENTER	W.	WITH
ELEC.	ELECTRIC/ELECTICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	O.F.D.	OVERFLOW DRAIN	WR.	WATER RESISTANT
EQ.	EQUAL	OPNG	OPENING	W.H.	WATER HEATER
E.T.	EXPANSION TANK	PLYWD.	PLYWOOD	W.S.	WATER SOFTNER
EXIST. (E)	EXISTING	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

Jonathan DeGray
A r c h i t e c t

KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

COVER SHEET

REVISIONS:

1 JUNE 18, 2019
HDDR Review Comments

2 AUGUST 07, 2019
HDDR Review Comments

DATE: APRIL 01, 2019

PROJECT NUMBER:
1902-01

SHEET NUMBER: _____

18

839 WOODSIDE AVENUE

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN

LOTS 10 & 11, BLOCK 11, SNYDER'S ADDITION TO THE PARK CITY SURVEY
RECORD OF SURVEY-EXISTING CONDITIONS
SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

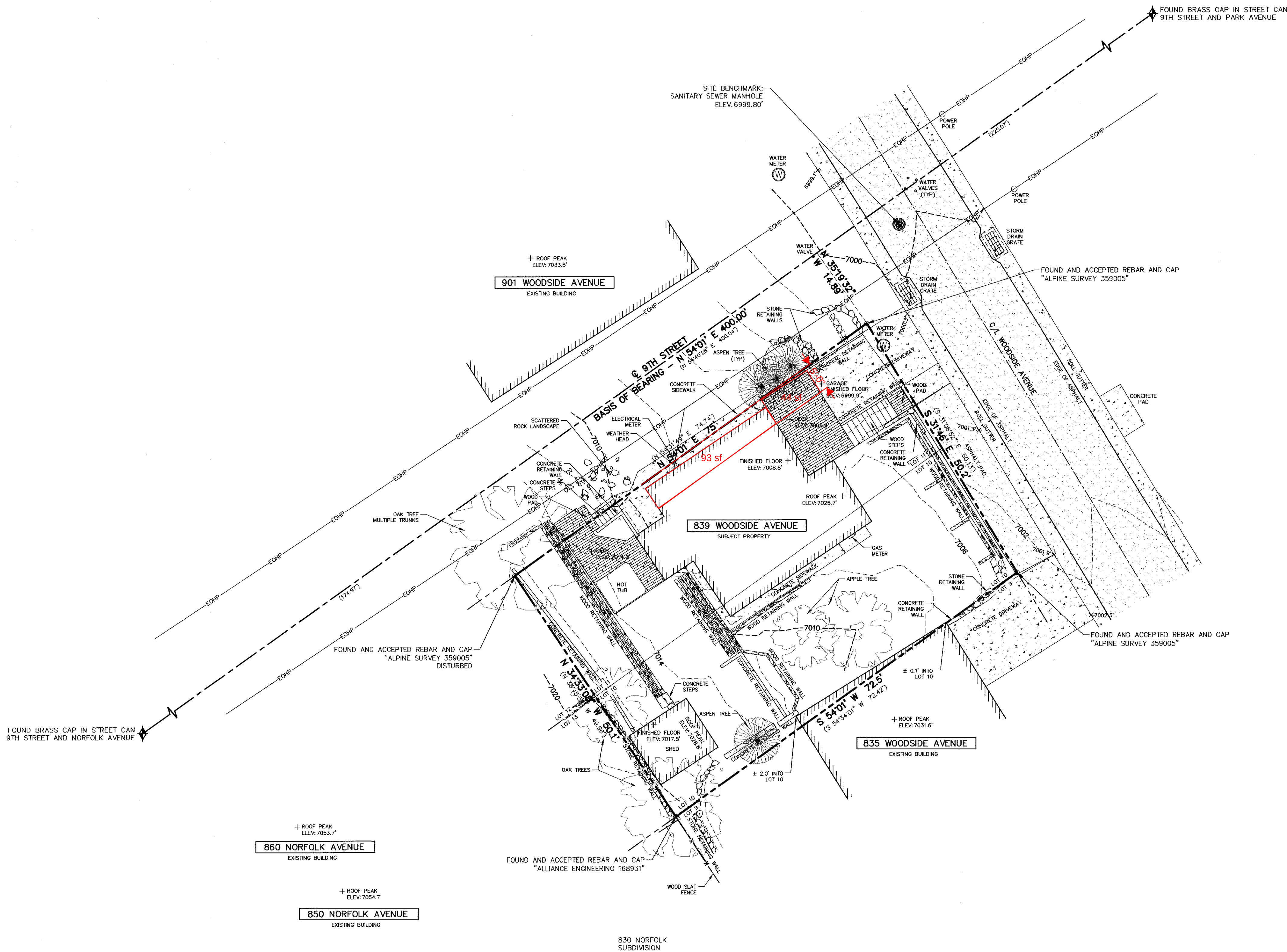
LEGAL DESCRIPTION

Lots 10 and 11, Block 11, Snyders Addition to the Park City Survey, According to the official plat thereof on file and of record in the Summit County Recorder's Office.

Contains 3,676 square feet more or less.

NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was completed November 5, 2018, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements or setbacks were located as part of this survey. This owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. County tax maps, recorded deeds, Record of Survey No. S-7877, Snyder's Addition to the Park City Survey Plat, 830 Norfolk Subdivision Entry No. 303741 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were used to determine the boundary as shown on this plat.
6. Site Benchmark: Sanitary Sewer Manhole, Elevation=6999.80' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found as shown.
9. Measured bearing and distances, when different than Record are in parenthesis ().



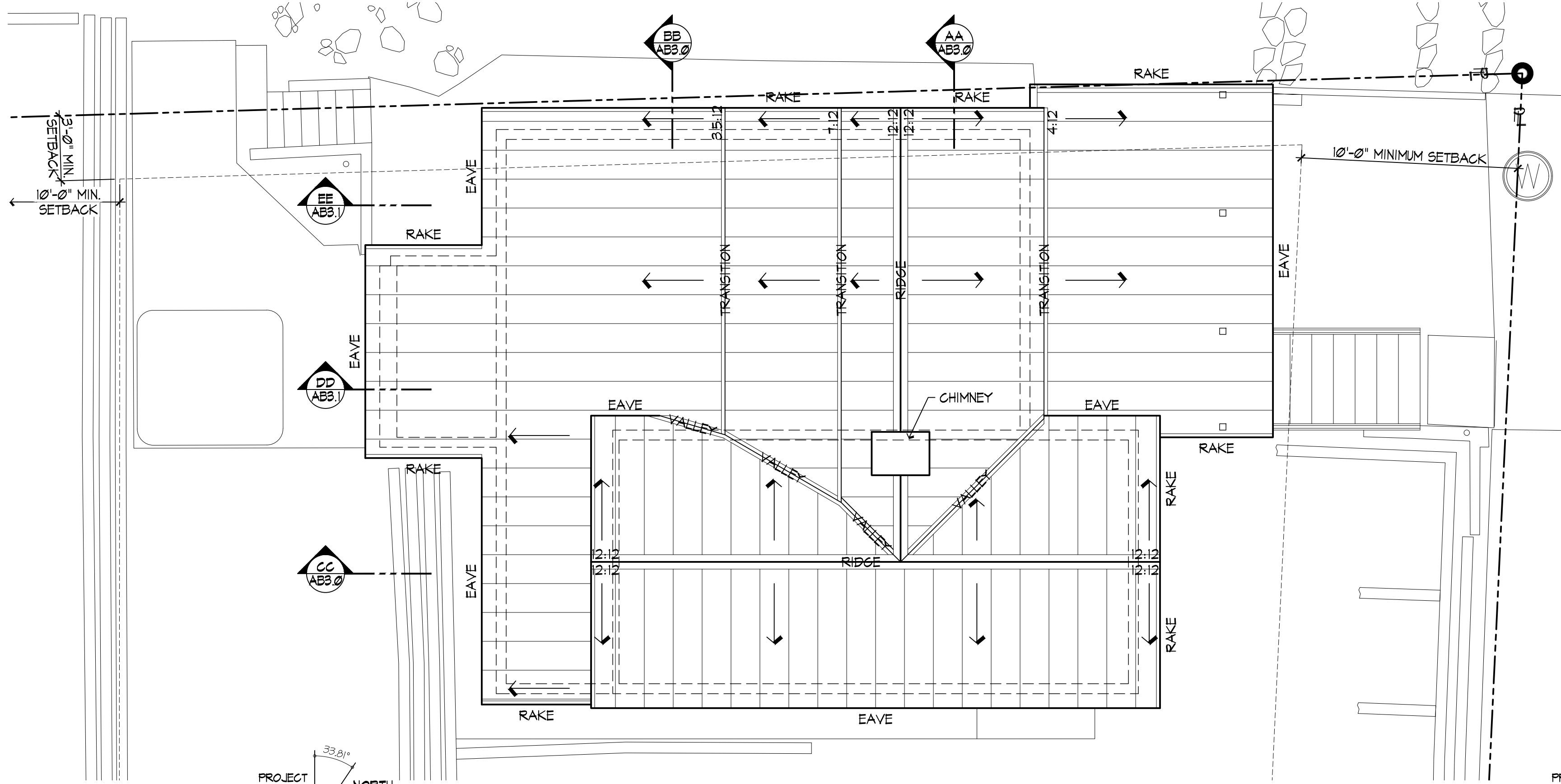
LEGEND

- Found Monument (As-Noted)
- Found Street Monument (As-Noted)
- EOWP — Existing Overhead Power

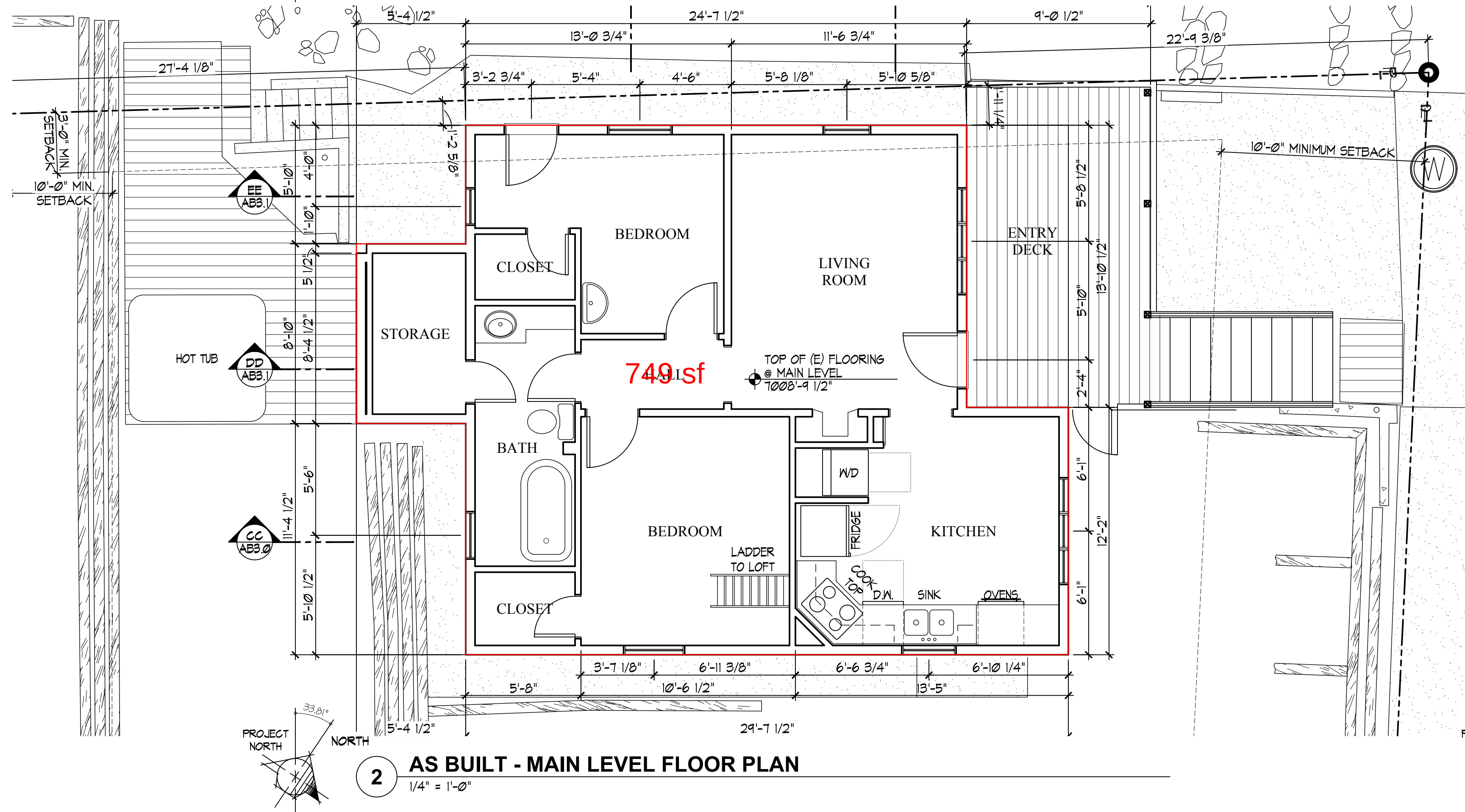


 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: CHARLES GALATI JUSTIN CARRISH JASON WYNNE TOM LUND RYAN BETZ DATE: 11/20/18	EXISTING CONDITIONS & TOPOGRAPHIC MAP RECORD OF SURVEY 839 WOODSIDE AVENUE FOR: FRED WELLER JOB NO.: 10-10-18 FILE: X:\SnydersAddition\dwg\sr\srvy2018\101018\101018_ROS.dwg	SHEET 1 OF 1
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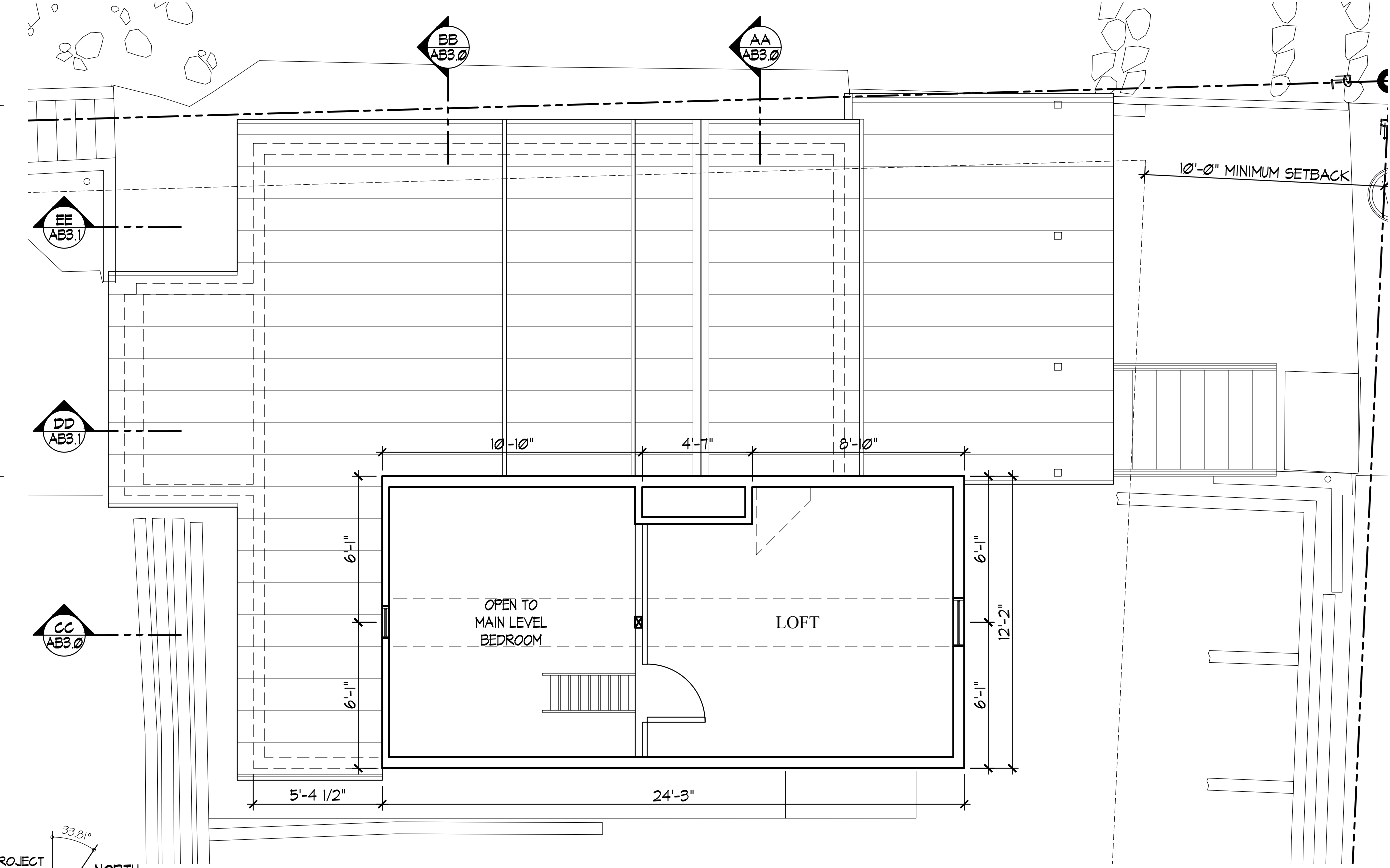
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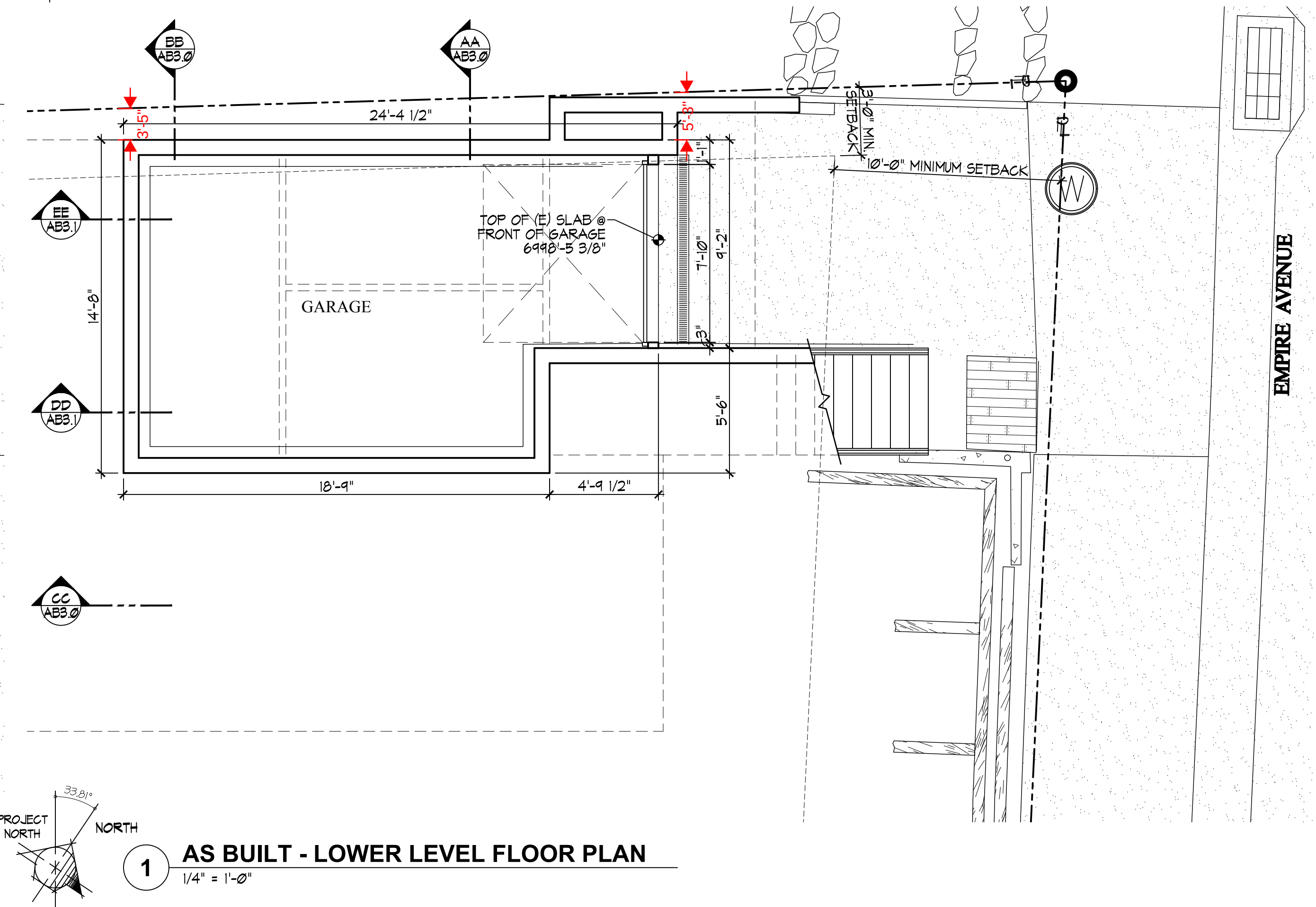
4 AS BUILT - ROOF LEVEL PLAN
1/4" = 1'-0"



2 AS BUILT - MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"



3 AS BUILT - UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"



1 AS BUILT - LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"

AS BUILT
FLOOR PLANS AND ROOF PLAN

KELLER RESIDENCE
839 WOODSIDE AVENUE
PARK CITY, UT 84060

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 202, Park City, Utah 84060
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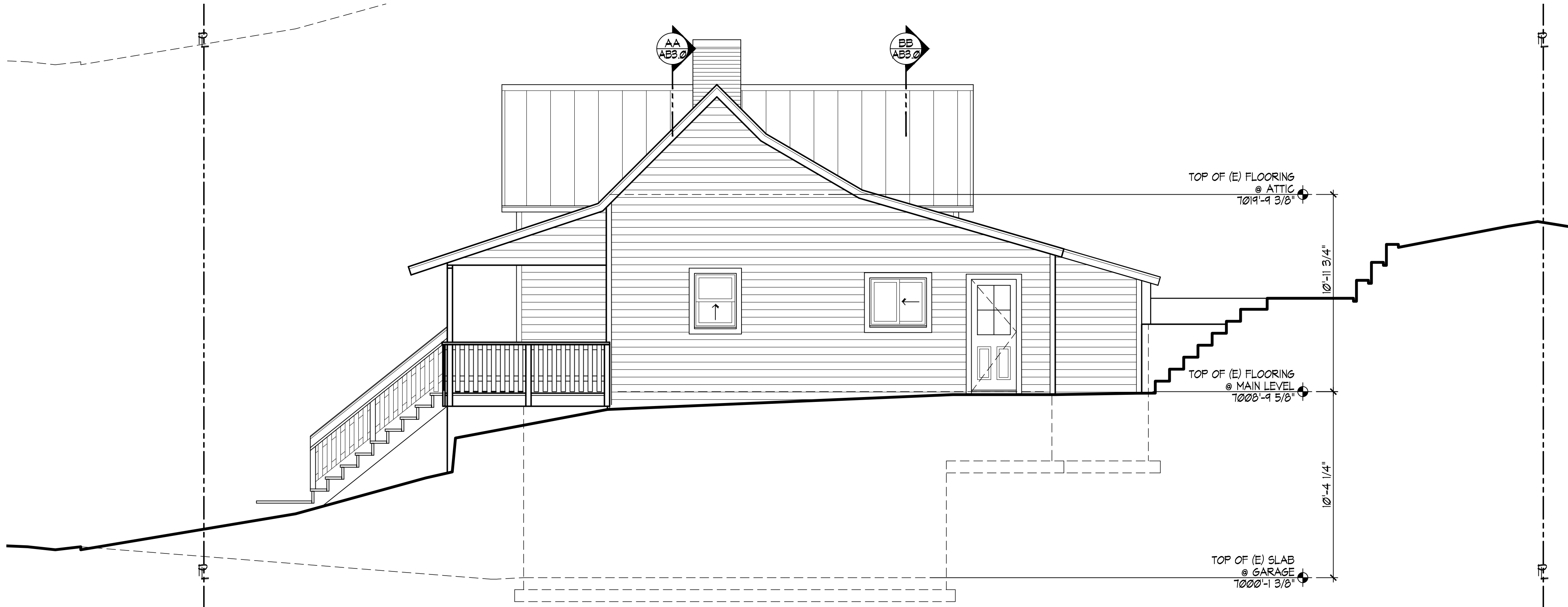
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REVISIONS:
DATE: 04/01/19
PROJECT NUMBER:
SHEET NUMBER:

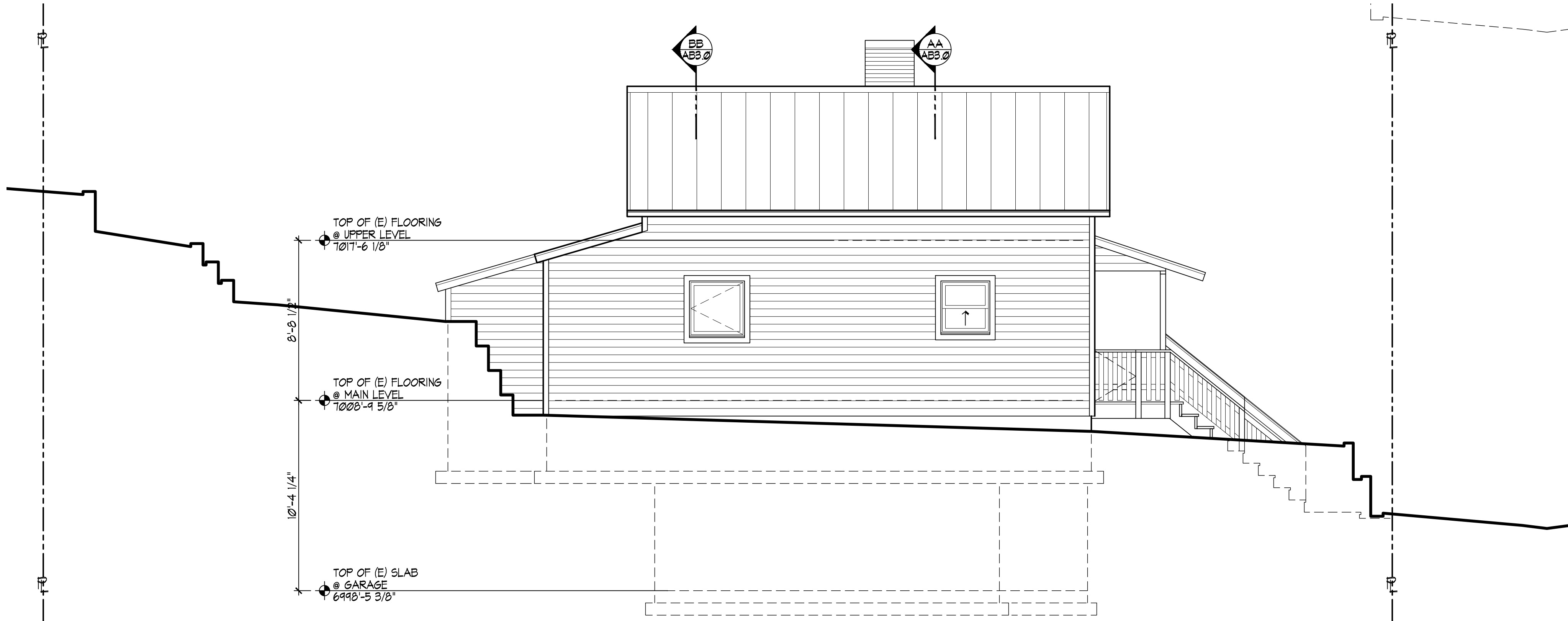
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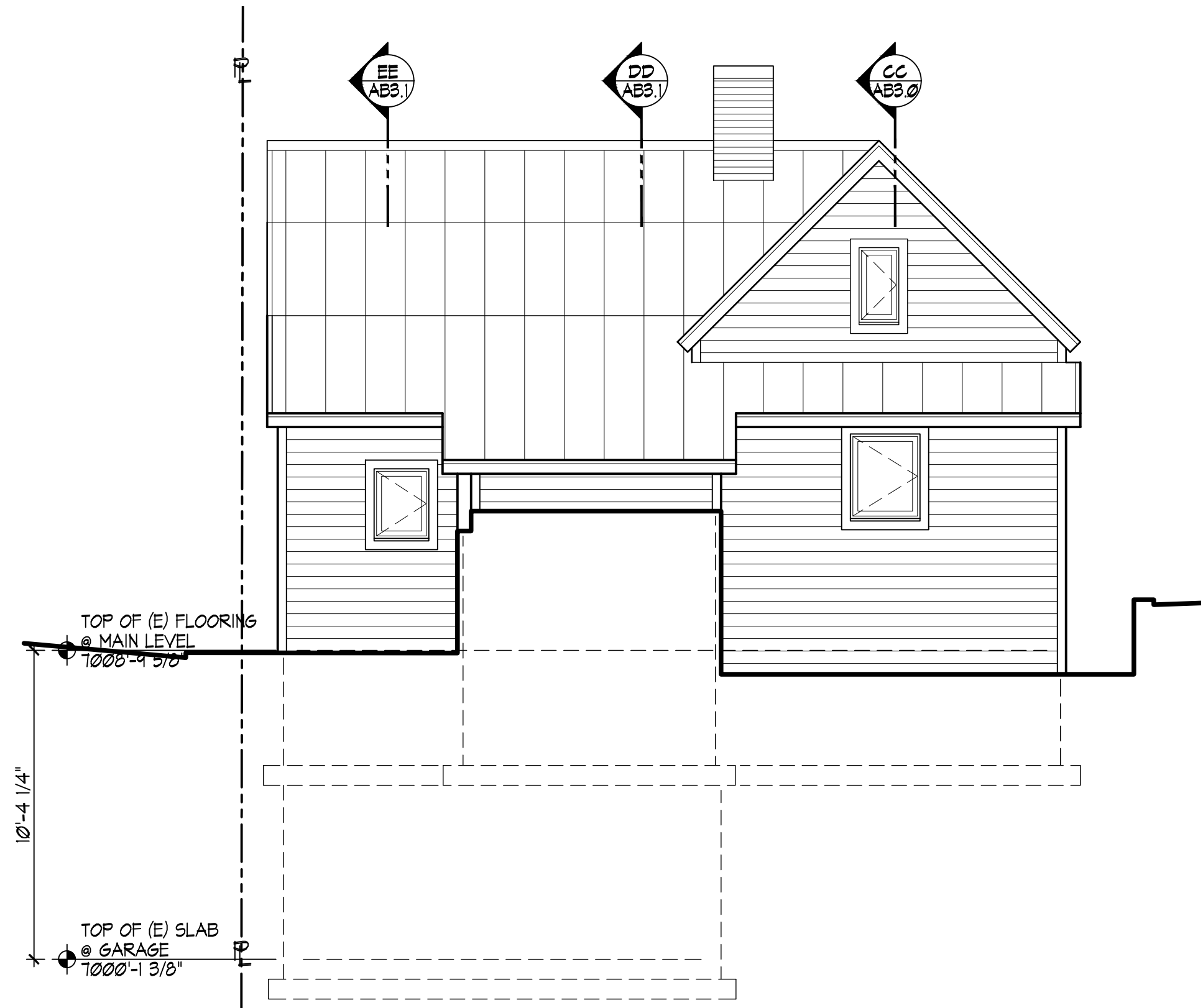
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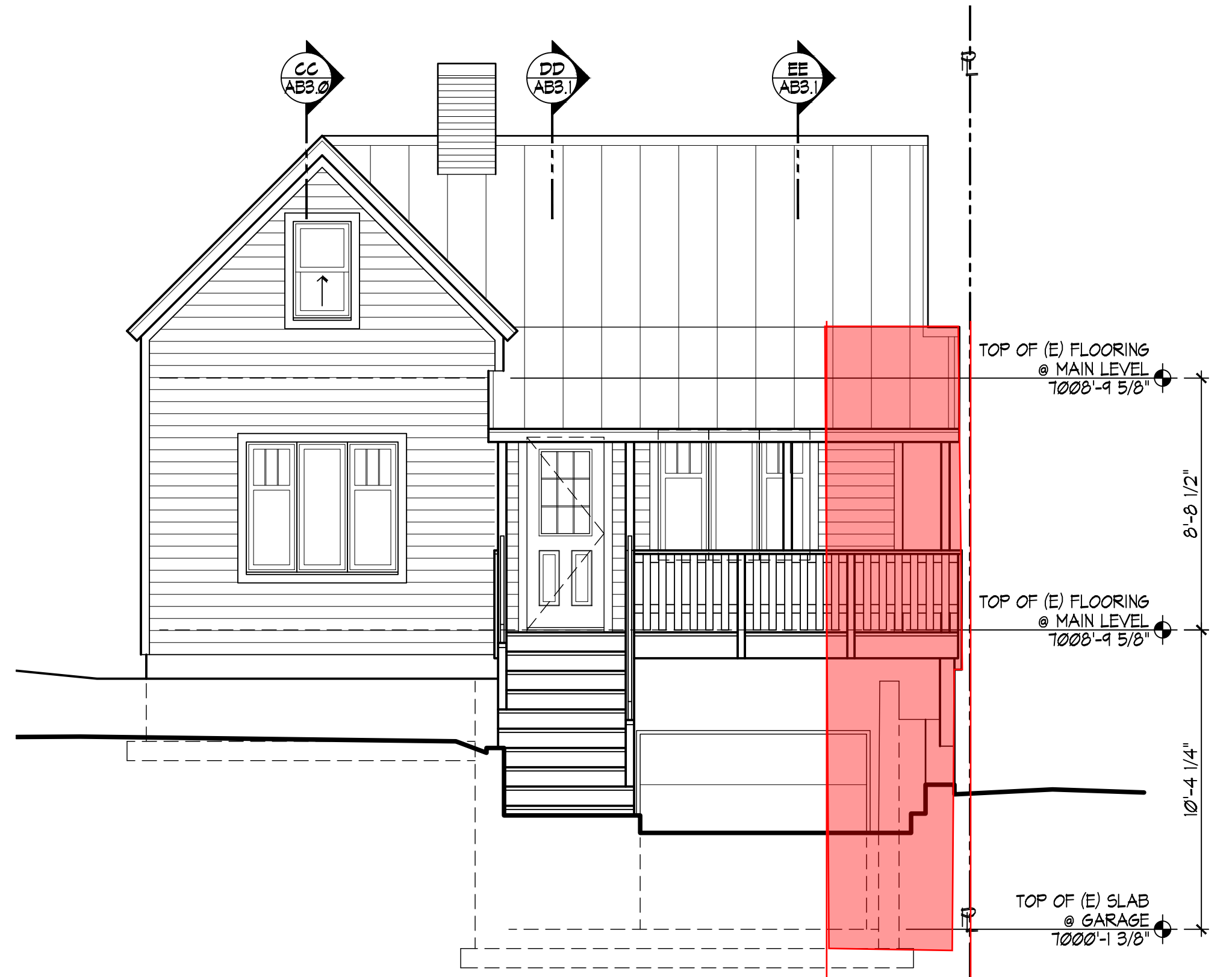
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1/4" = 1'-0"



2 AS BUILT - SOUTH ELEVATION
1/4" = 1'-0"



3 AS BUILT - WEST ELEVATION
1/4" = 1'-0"



1 AS BUILT - EAST ELEVATION
1/4" = 1'-0"

PROJECT DESCRIPTION:

KELLER RESIDENCE
839 WOODSIDE AVENUE
PARK CITY, UT 84060

SHEET DESCRIPTION:

AS BUILT
EXTERIOR ELEVATIONS

REVISIONS:

DATE:

04/01/19

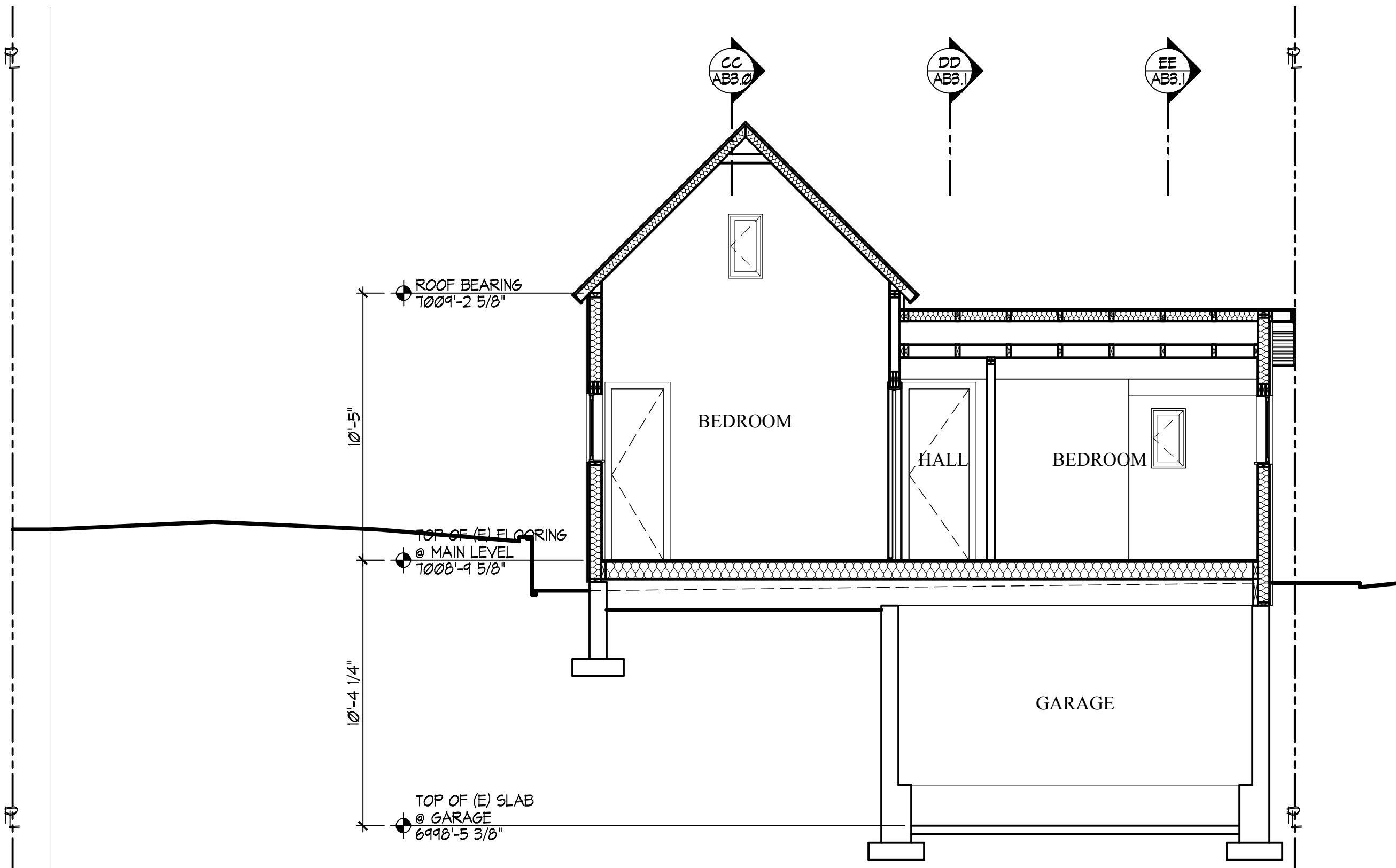
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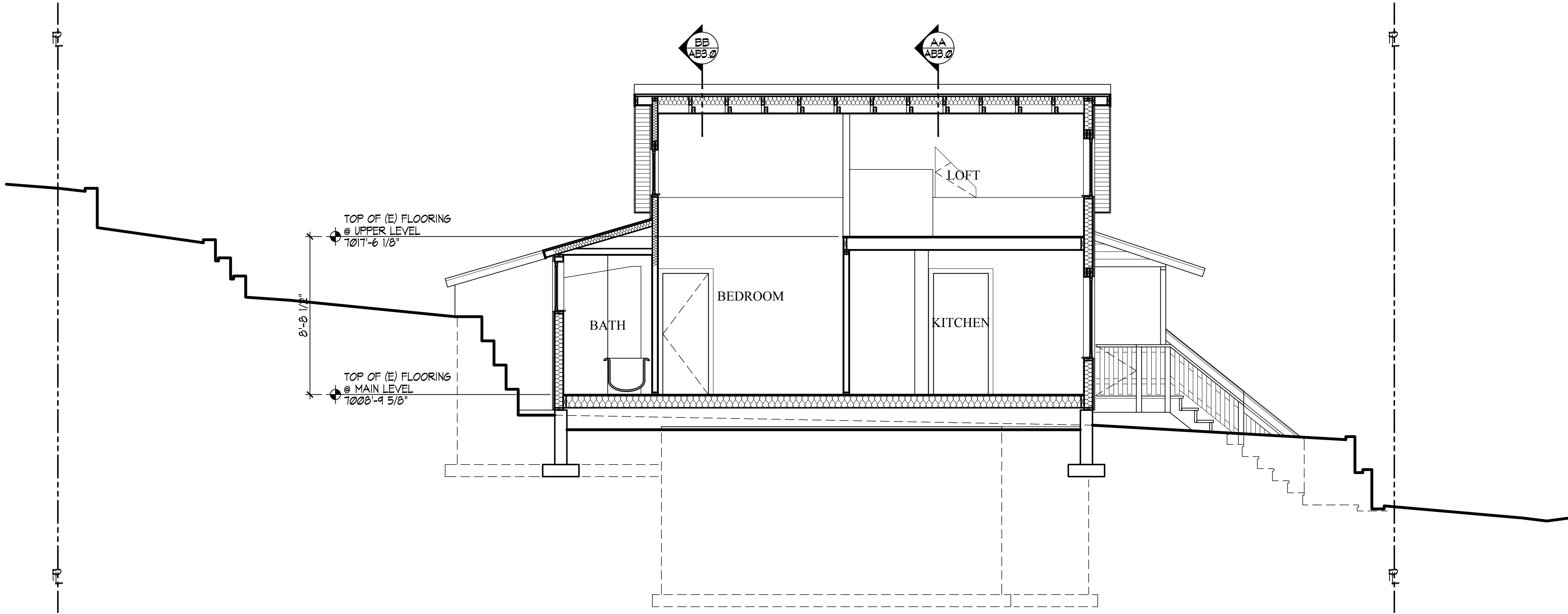
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Jonathan DeGray
Architect

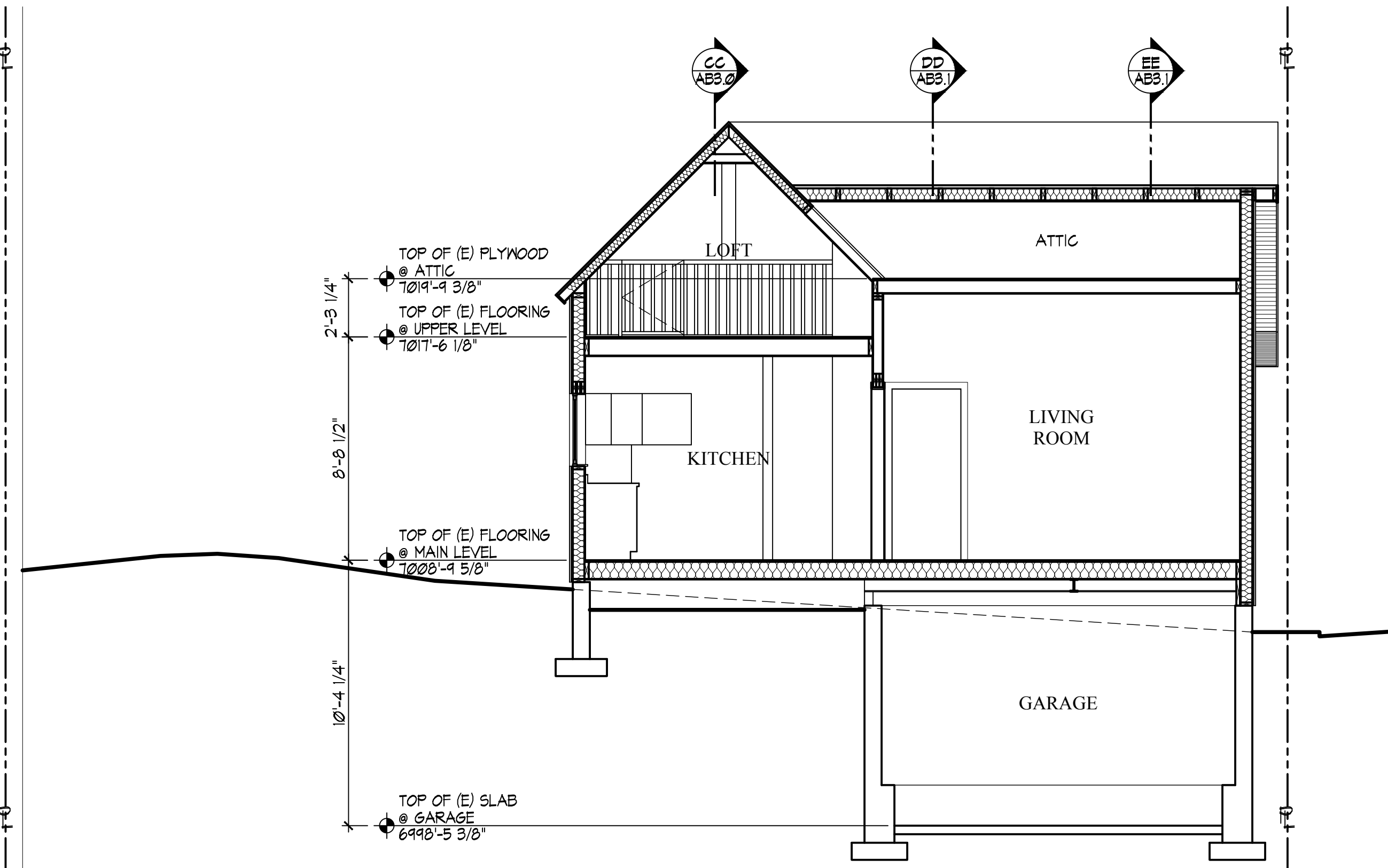
P.O. Box 1674, 614 Main Street, Suite 202, Park City, Utah 84060
Tel. 435-649-7263, E-mail: dgrayjard@westoffice.net



BB AS BUILT BUILDING SECTION
1/4" = 1'-0"



CC AS BUILT BUILDING SECTION
1/4" = 1'-0"



AA AS BUILT BUILDING SECTION
1/4" = 1'-0"

PROJECT DESCRIPTION:

KELLER RESIDENCE
839 WOODSIDE AVENUE
PARK CITY, UT 84060

SHEET DESCRIPTION:

AS BUILT
BUILDING SECTIONS

REVISIONS:

DATE:

04/01/19

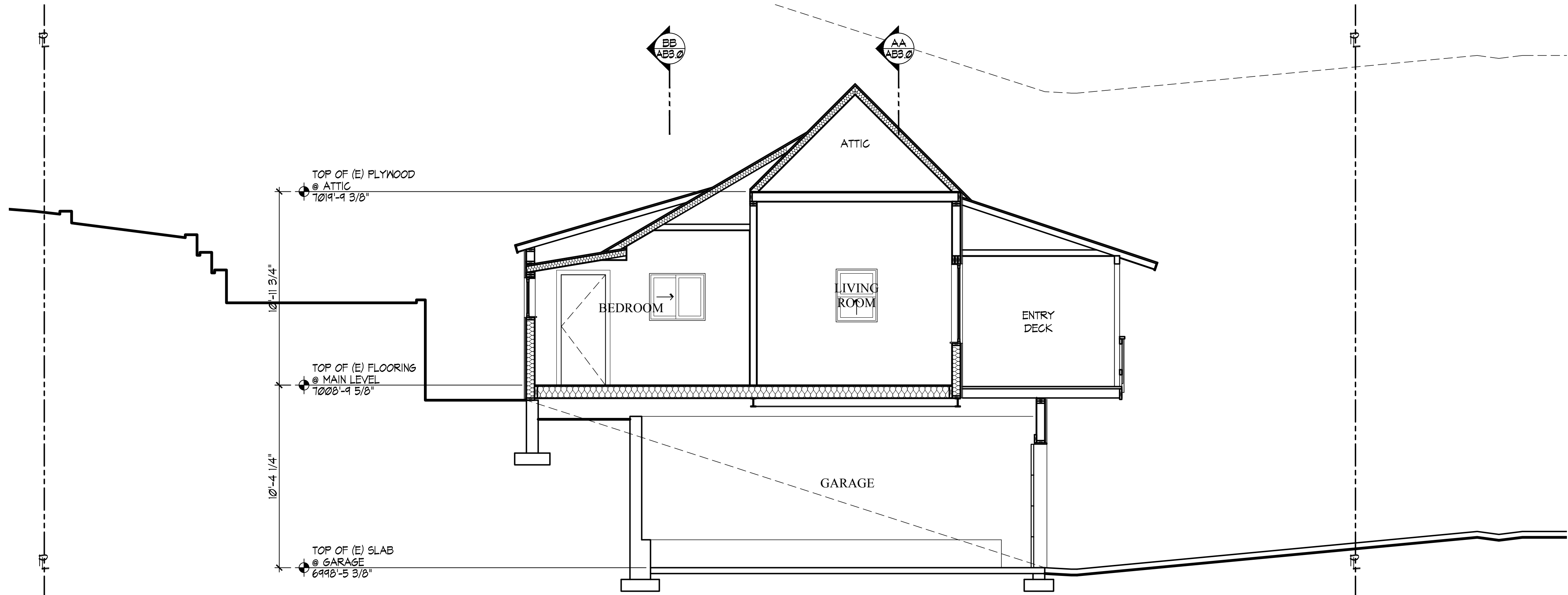
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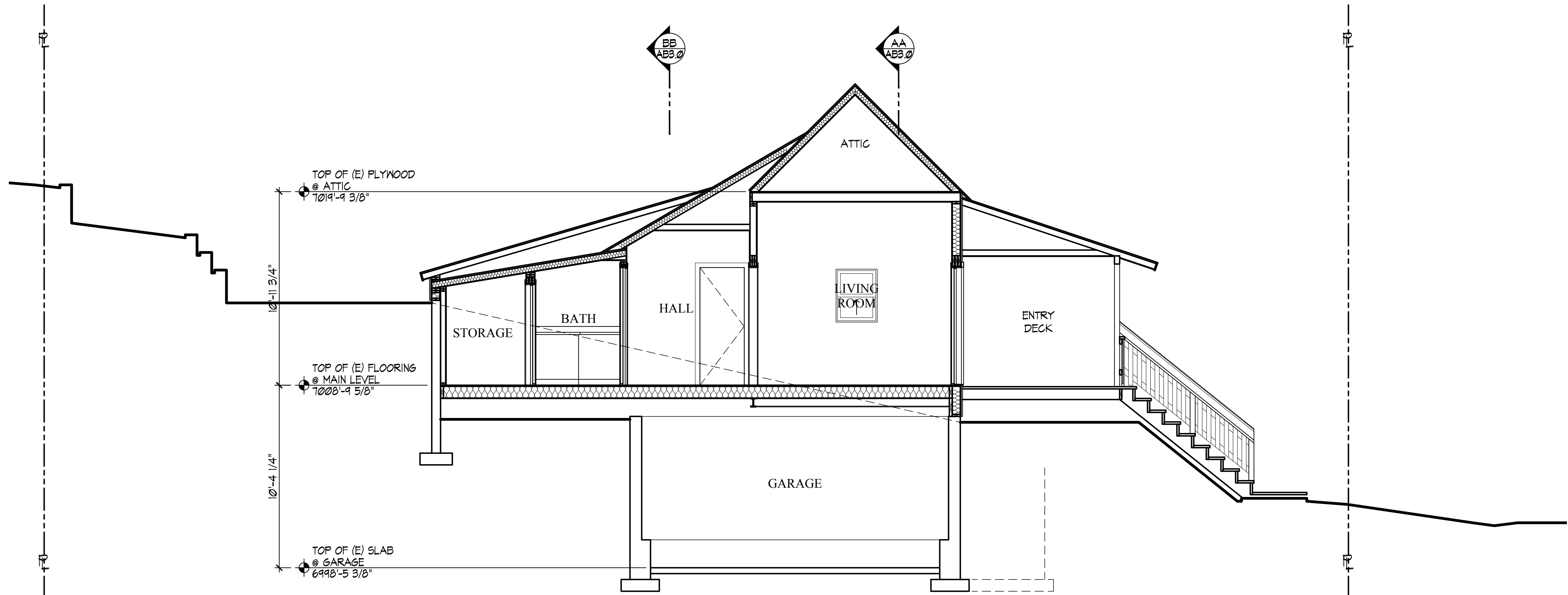
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EE AS BUILT BUILDING SECTION
1/4" = 1'-0"



DD AS BUILT BUILDING SECTION
1/4" = 1'-0"

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PARK CITY, UT 84060

AS BUILT
BUILDING SECTIONS

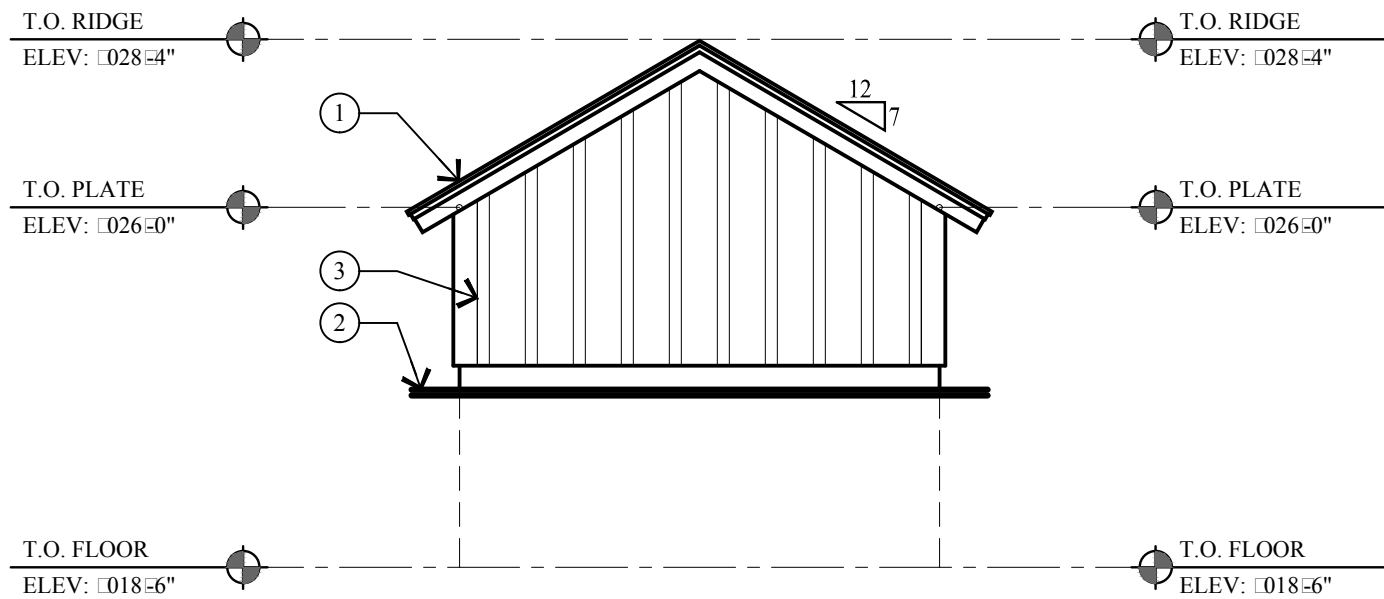
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DATE:
04/01/19

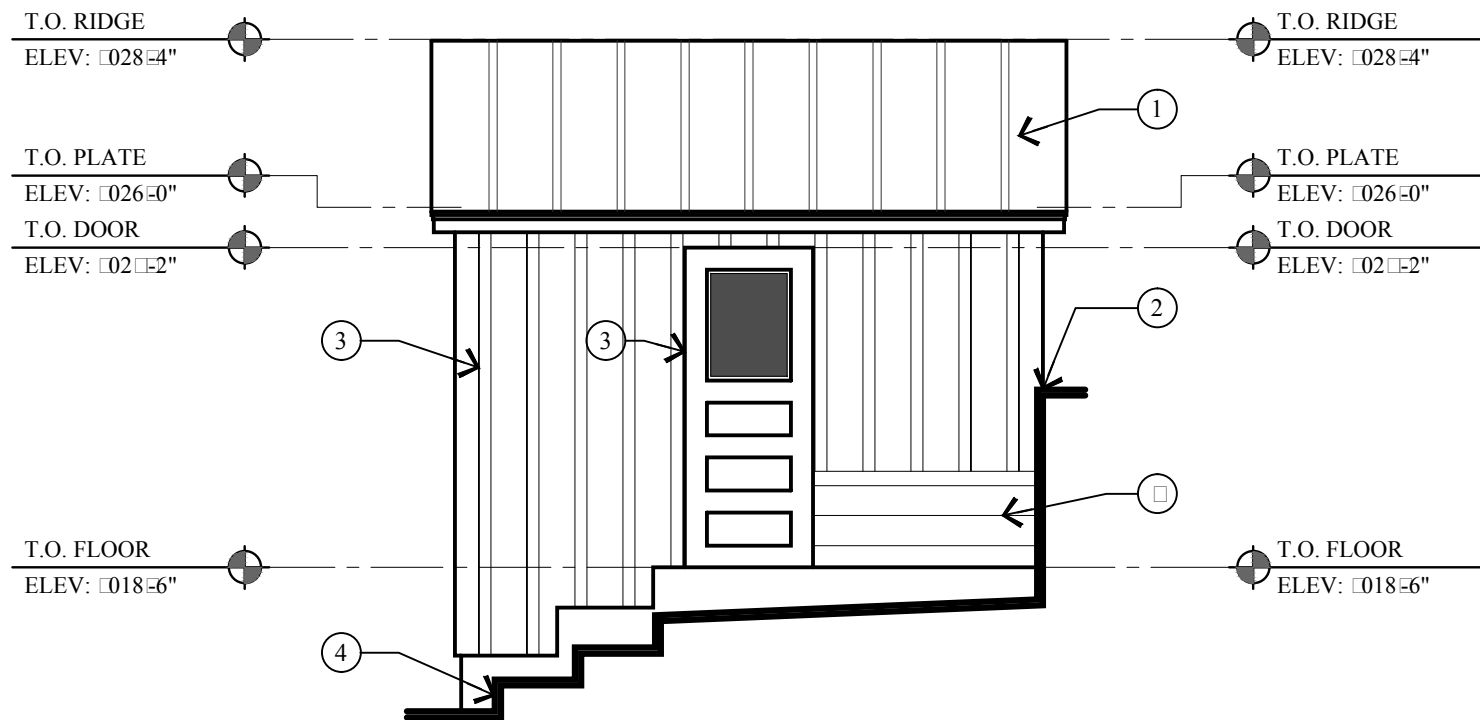
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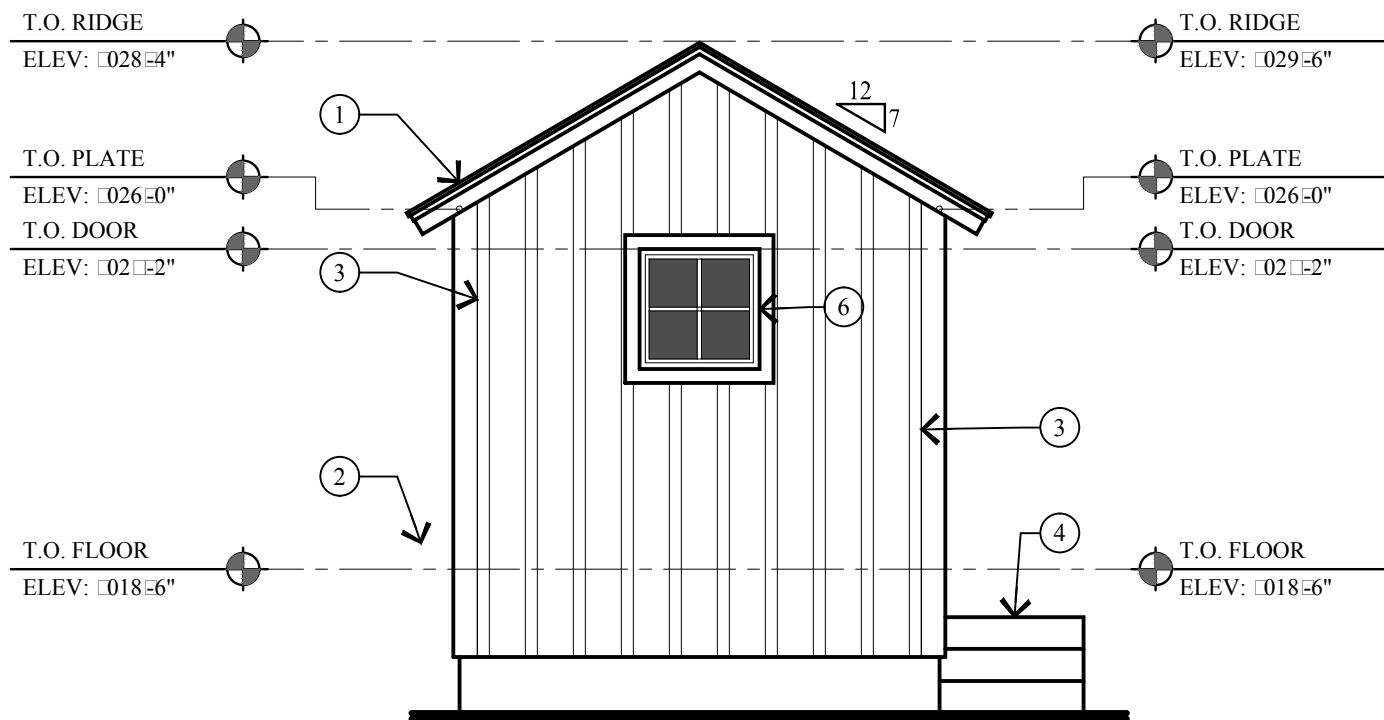
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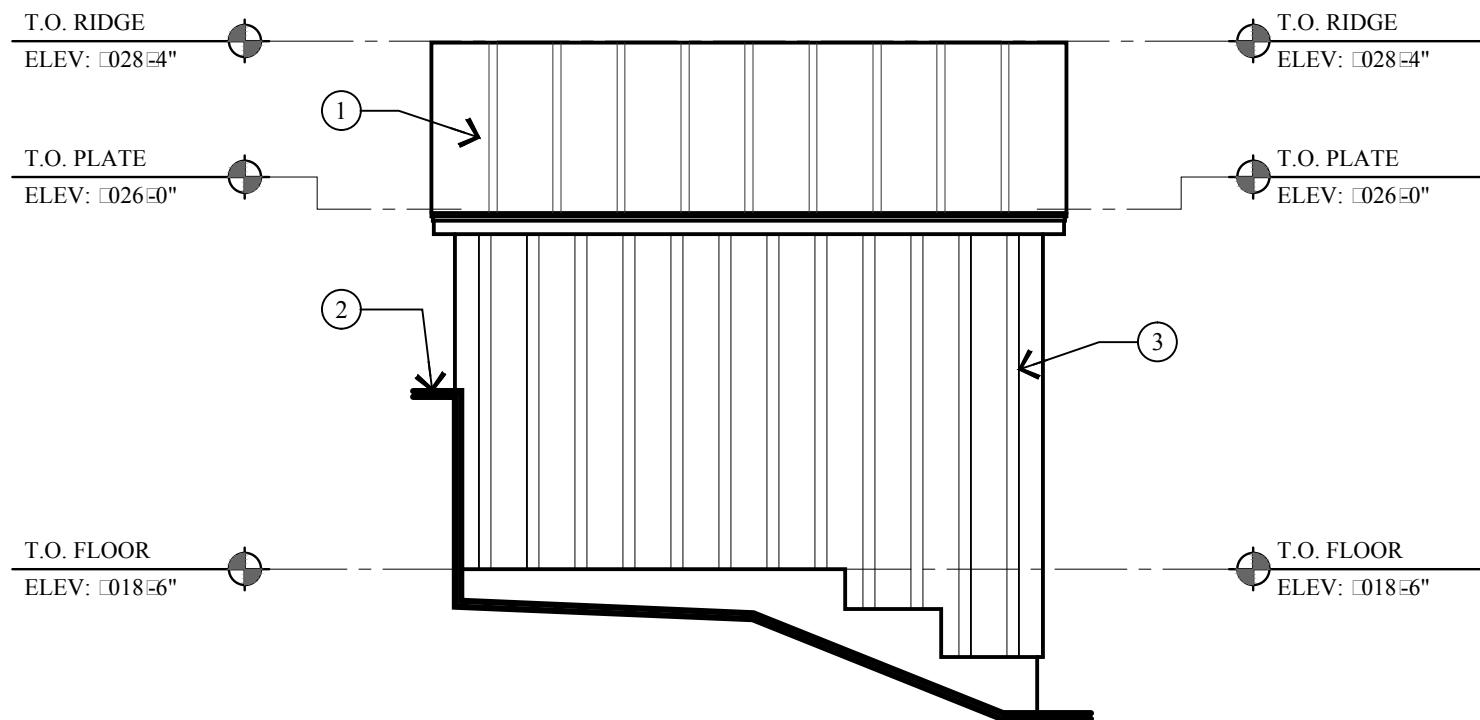
1 WEST ELEVATION
AB4.0 SCALE: 1/4" = 1'-0"



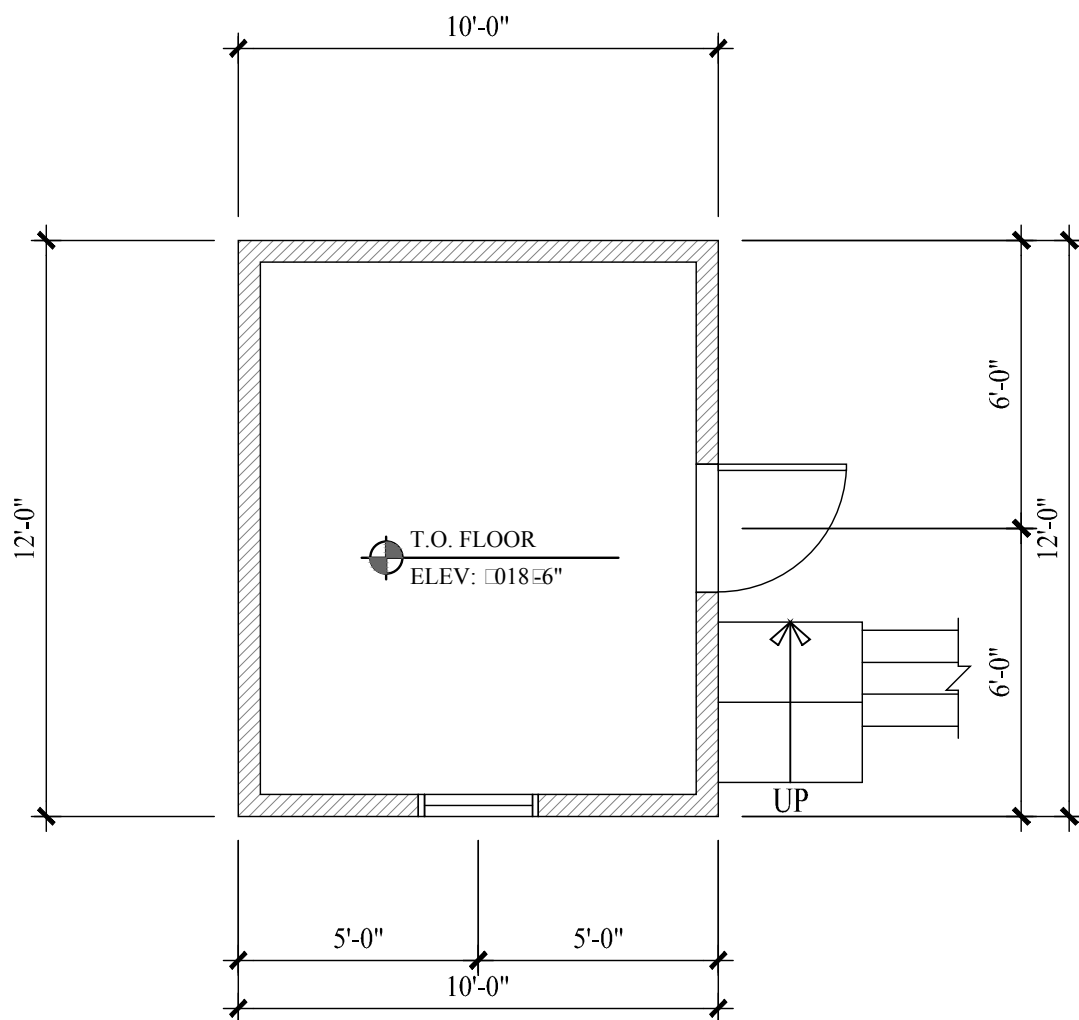
2 NORTH ELEVATION
AB4.0 SCALE: 1/4" = 1'-0"



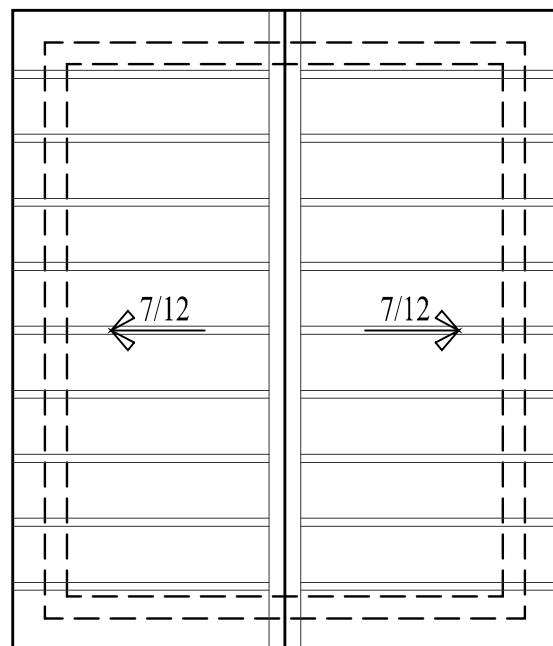
3 EAST ELEVATION
AB4.0 SCALE: 1/4" = 1'-0"



4 SOUTH ELEVATION
AB4.0 SCALE: 1/4" = 1'-0"



FLOOR PLAN
SCALE: 1/4" = 1'-0"



ROOF PLAN
SCALE: 1/4" = 1'-0"

KEY NOTES

- 1 METAL ROOF
- 2 STONE RETAINING WALL
- 3 1x BOARD AND BATTEN VERTICAL SIDING
- 4 CONCRETE STEPS
- 5 1x HORIZONTAL WOOD SIDING
- 6 30"x30" WOOD WINDOW
- 7 2'-8" x 6'-8" WOOD DOOR W/ HALF LITE

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KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

AS-BUILT SHED
FLOOR PLAN, ROOF PLAN
ELEVATIONS

REVISIONS:
AUGUST 07, 2019
HDR Review Comments

DATE:
APRIL 01, 2019

PROJECT NUMBER:
1902-01

SHEET NUMBER:

AB4.0

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EXISTING CONDITION 1



EXISTING CONDITION 2



EXISTING CONDITION 3



PROPOSED DESIGN 1



PROPOSED DESIGN 2



PROPOSED DESIGN 3

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KELLER RESIDENCE
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

PROJECT DESCRIPTION:

SHEET DESCRIPTION:

REVISIONS:

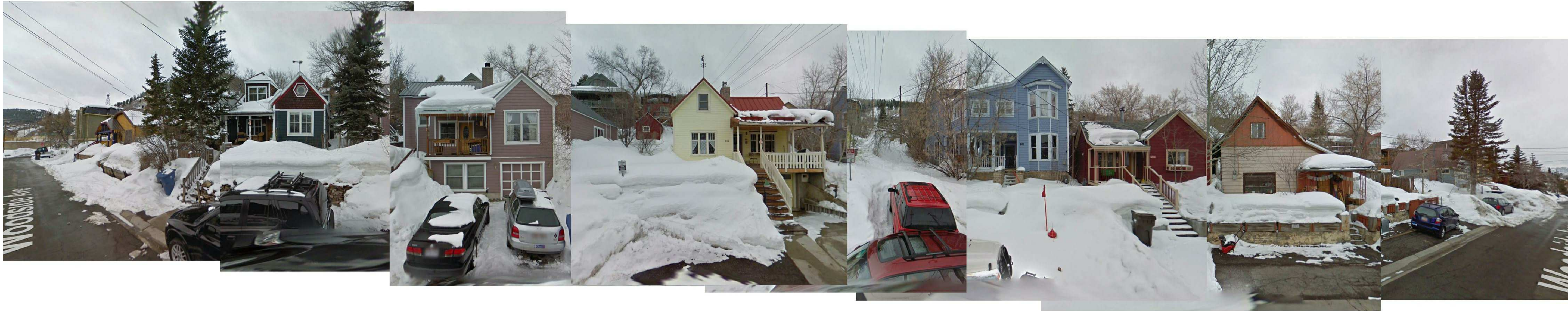
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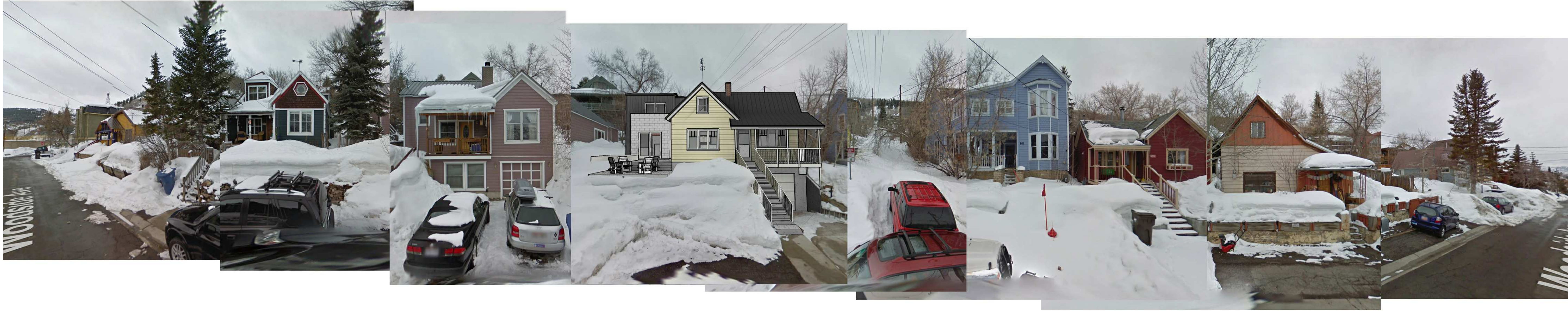
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AI-001

BEFORE / AFTER IMAGES



EXISTING STREETScape



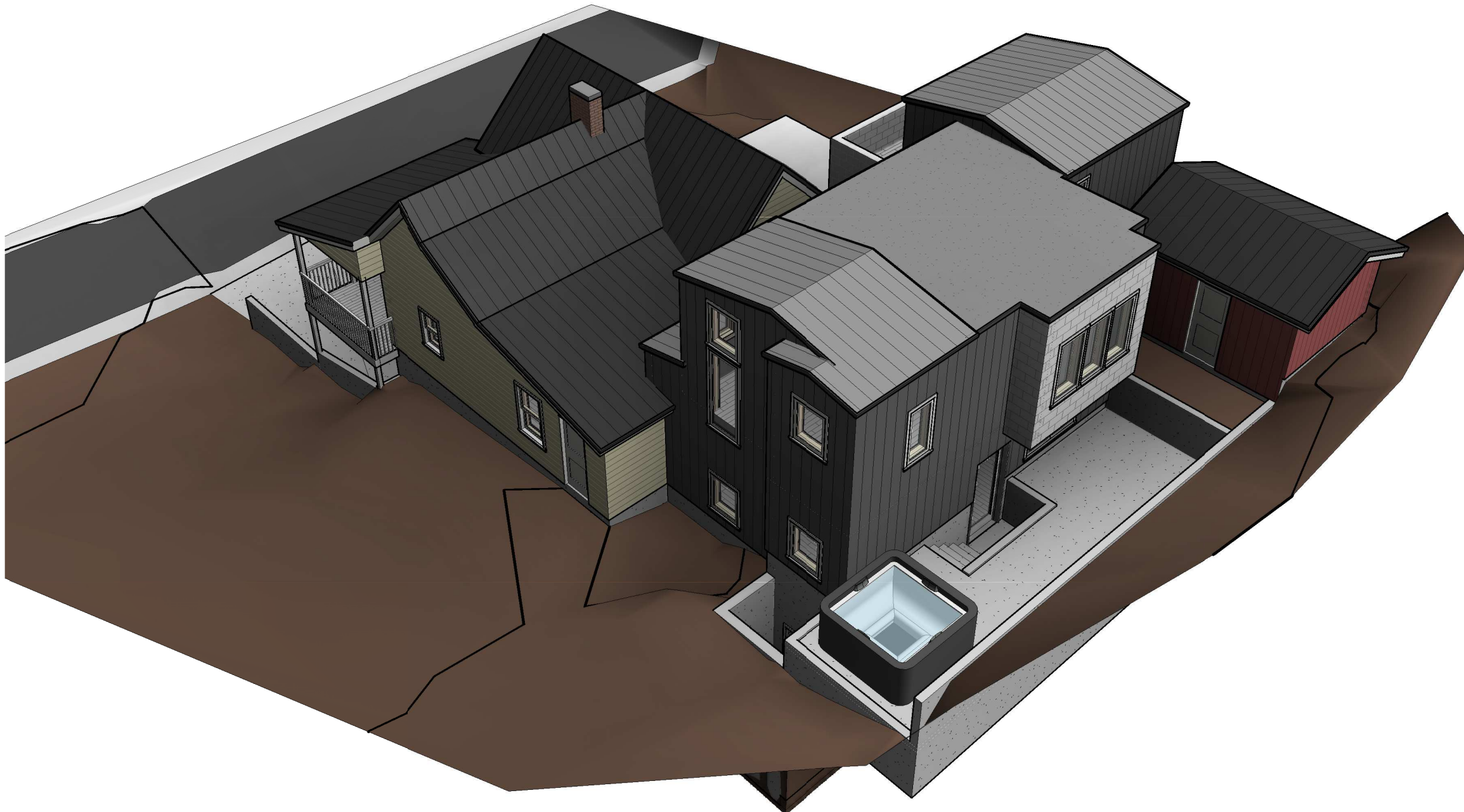
PROPOSED STREETScape

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel: 435-649-7263, E-mail: deggrayarch@qwestoffice.net

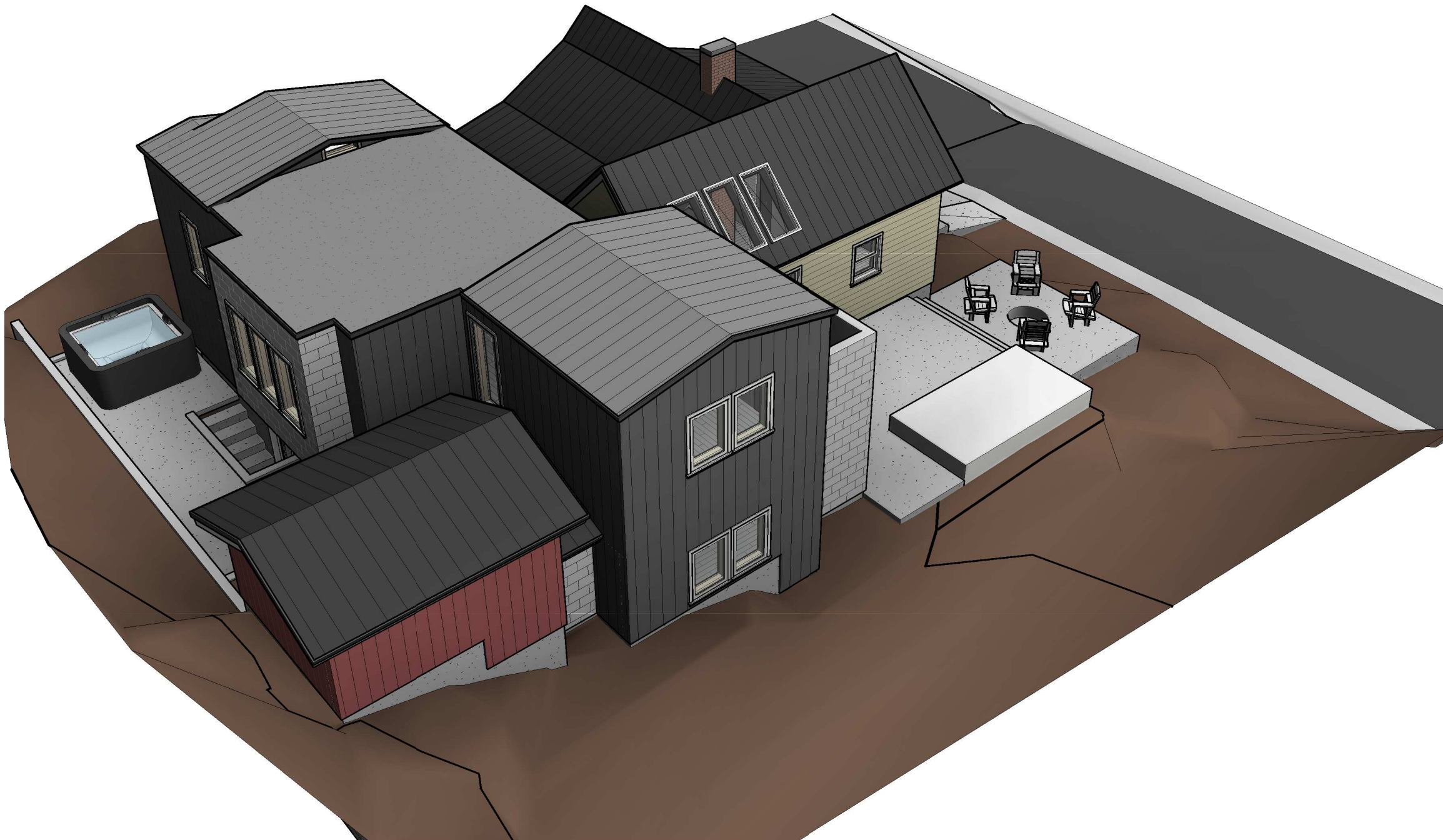
KELLER RESIDENCE
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

BEFORE/AFTER IMAGES

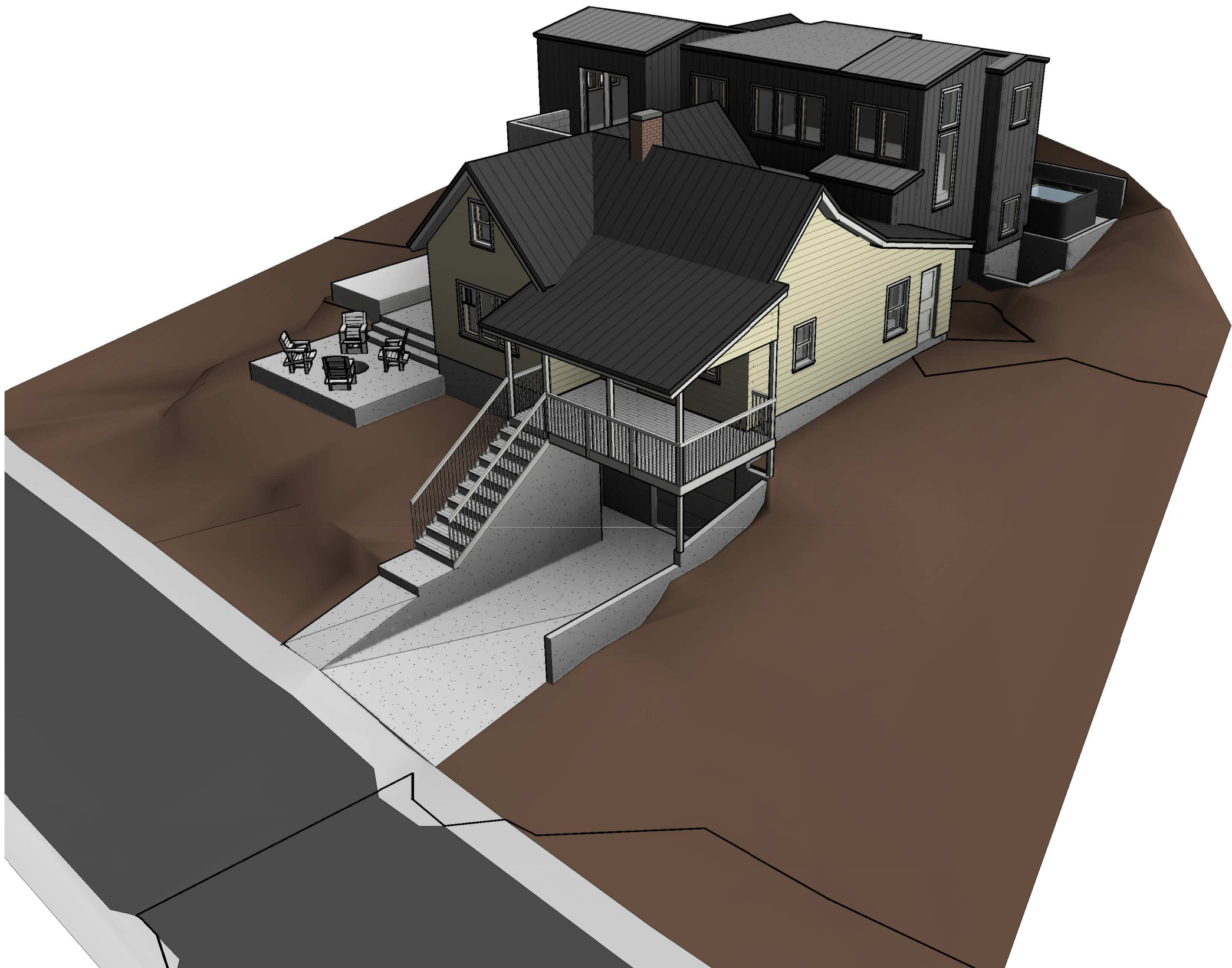
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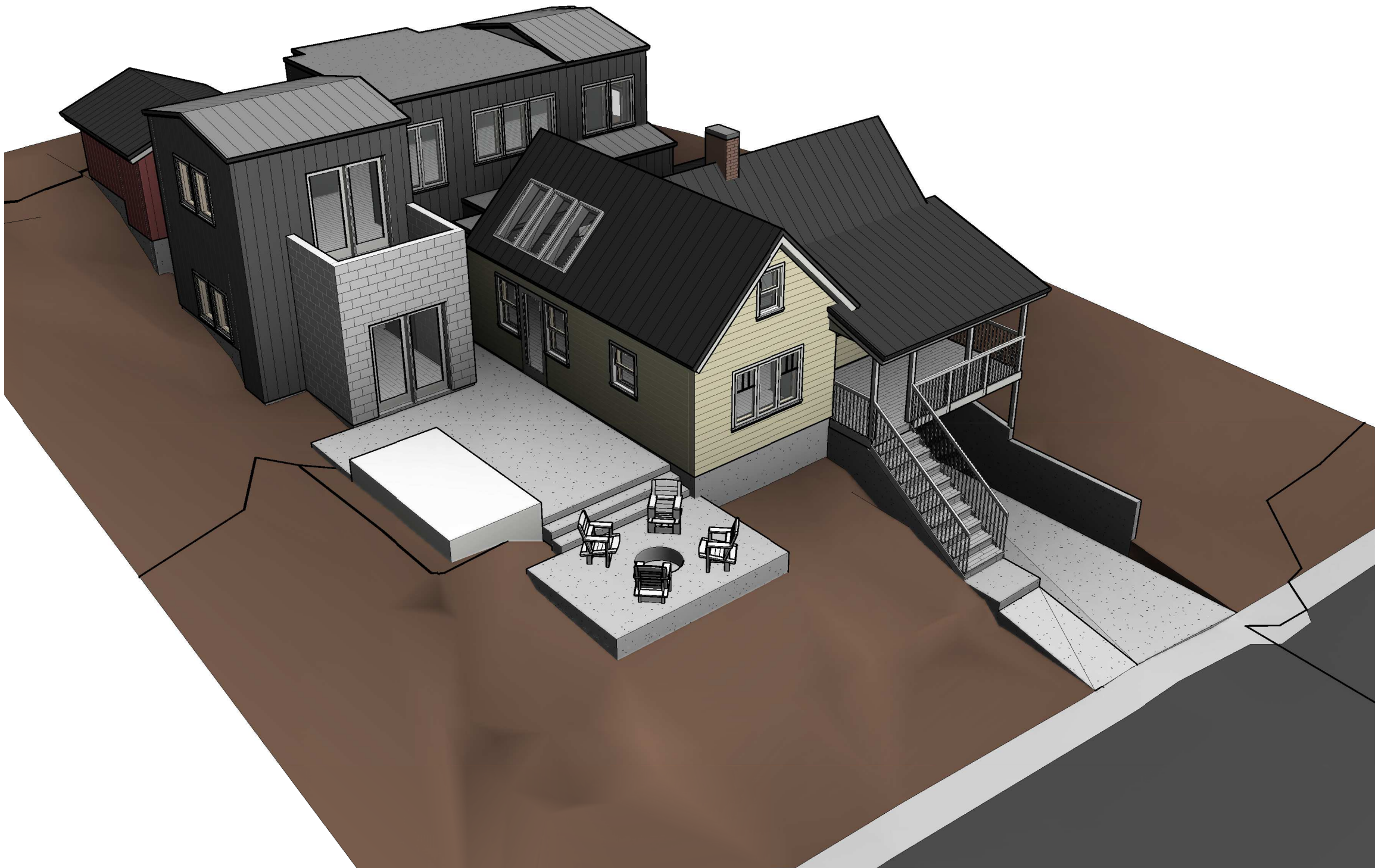
WEST BIRDSEYE



SOUTH BIRDSEYE



NORTH BIRDSEYE



EAST BIRDSEYE

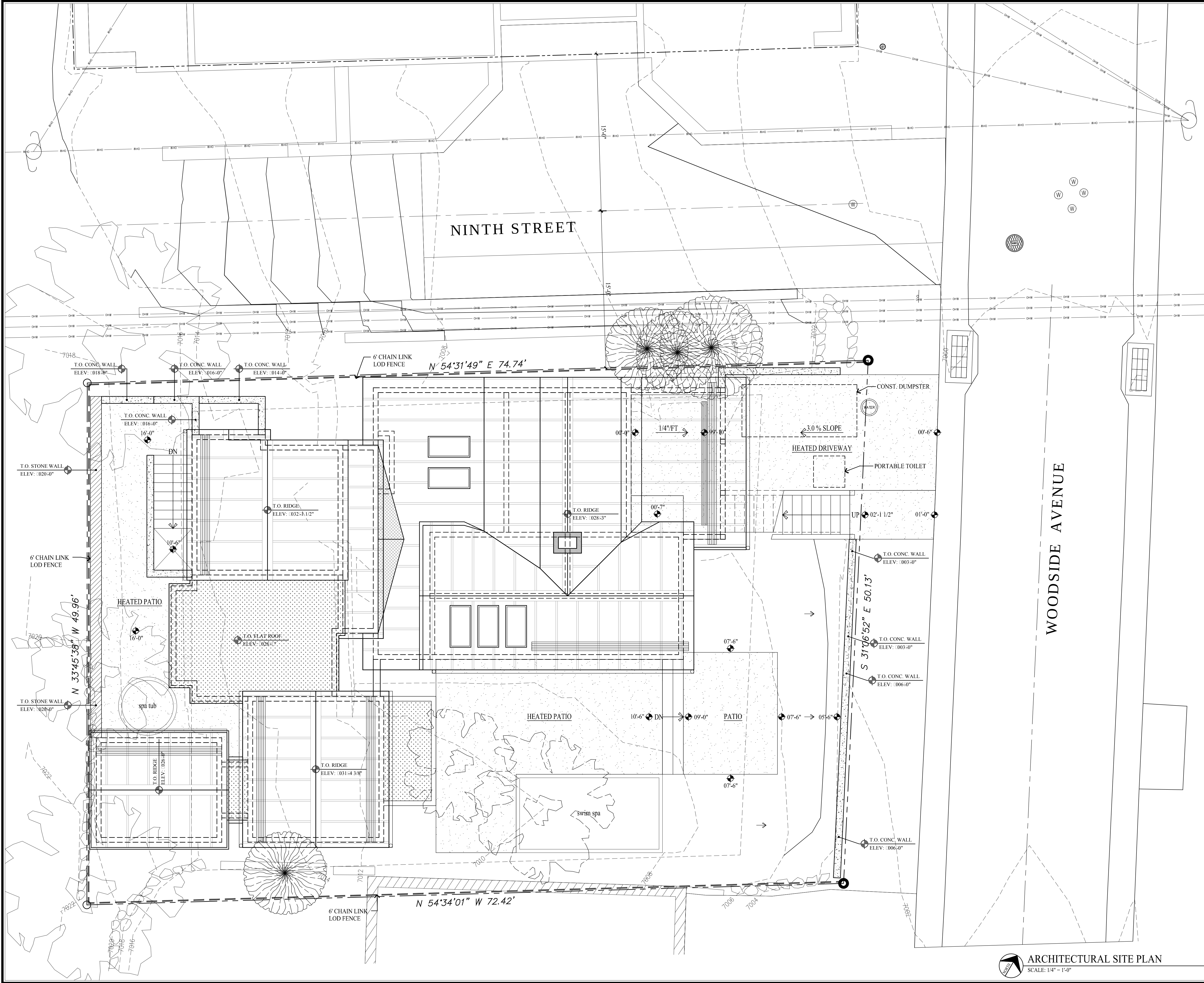
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KELLER RESIDENCE
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PARK CITY, UTAH 84060

BIRDSEYE IMAGES

AI-003

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GENERAL NOTES

SITE PLAN NOTES:

1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10 FEET. -IRC R401.3

STABILIZATION CONSTRUCTION ENTRANCE

FOR A MINIMUM OF 50' FROM ROADWAY. A FILTER FABRIC SHALL BE INSTALLED OVER A COMPACTED SUBGRADE. A 6" LAYER OF 1"-2" AGGREGATE SHALL BE PLACED OVER THIS MEMBRANE. DAILY INSPECTION FOR SEDIMENT BUILD UP AND/OR LOSS OF GRAVEL WILL BE ENFORCED, AND REMEDIED AT ONCE.

GRADING NOTES

1. DRAINAGE TO COMPLY WITH IRC CHAPTER 4
2. MAXIMUM ALTERED SLOPES AT 2:1
3. MINIMUM SLOPE FOR DRAINAGE = 2%.
4. DRAIN AWAY FROM BUILDING.
5. CONTAIN DRAINAGE ON PROPERTY.
6. BOULDER RETAINING WALLS NOT TO EXCEED 4'-0" EXPOSED HEIGHT.
7. EXCAVATION NOT TO EXCEED 2:1 SLOPE WITH OUT A SOILS REPORT.

UTILITY NOTES

1. ALL UTILITY LINES TO BE UNDERGROUND.
2. ABOVE GRADE UTILITY BOX TO BE IN SCREENED LOCATION.

SNOW REMOVAL

SNOW PLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET.

LEGEND

- WATER SERVICE LID
- UTILITY POLE
- SEWER MANHOLE
- ELECTRIC METER BOX
- GAS METER
- STORM DRAIN MANHOLE
- SEWER CLEAN OUT
- WATER VALVE
- ROAD SIGNAGE
- LOD FENCE
- SURFACE DRAINAGE FLOW
- EXISTING CONTOUR LINE
- NEW CONTOUR LINE
- WL - WATER LINE
- SL - SEWER LINE
- GL - GAS LINE
- OH - OVERHEAD UTILITY LINE
- FD - FOUNDATION DRAIN LINE
- FIRE HYDRANT

Jonathan DeGray
A r c h i t e c t

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Tel. 435-649-7263, E-mail: degrayarch@westoffice.net

KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

ARCHITECTURAL SITE PLAN

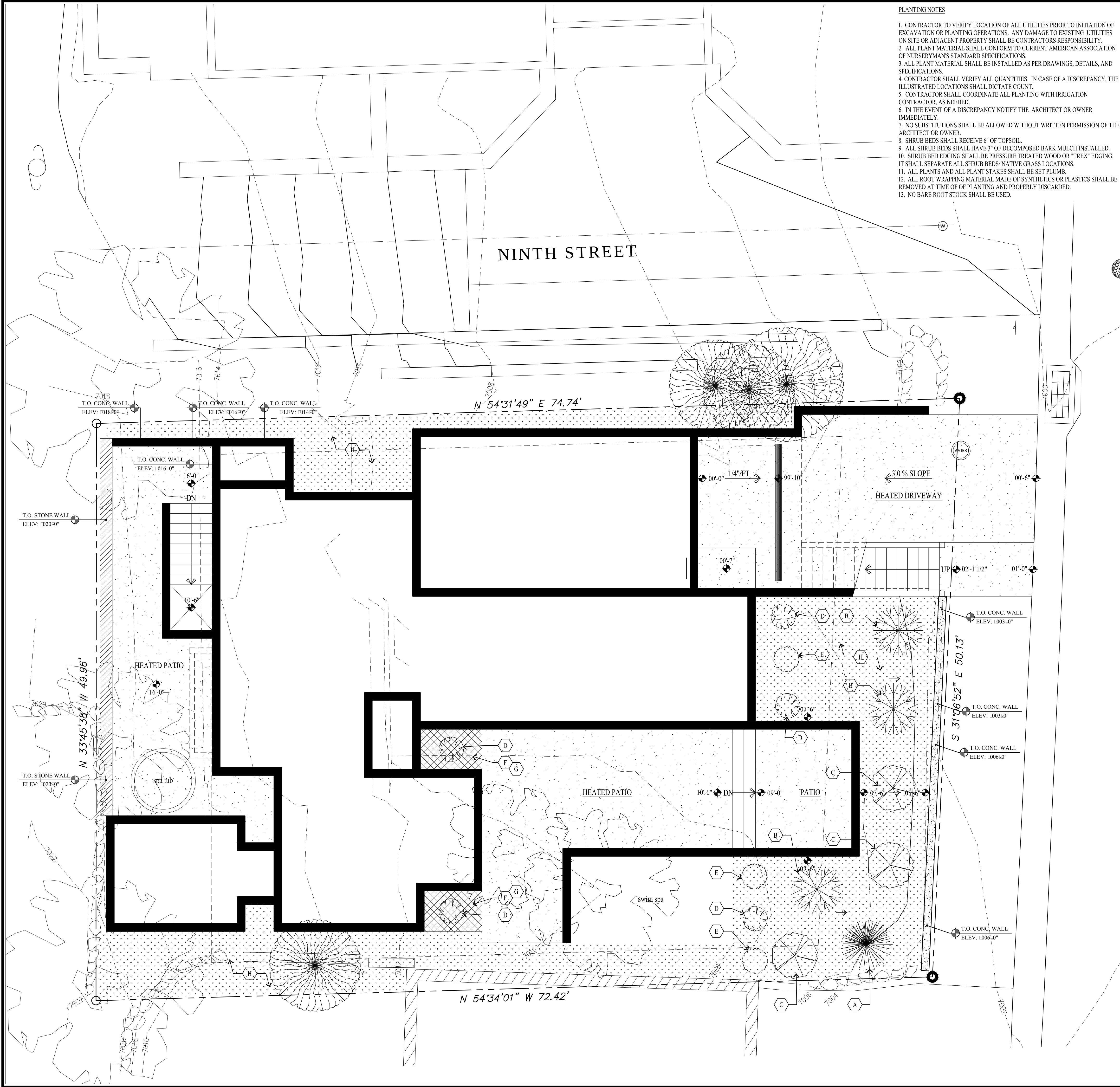
REVISIONS:
AUGUST 07, 2019
HDDR Review Comments

DATE:
APRIL 01, 2019

PROJECT NUMBER:
1902-01

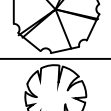
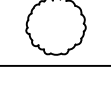
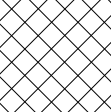
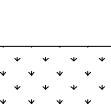
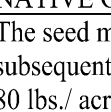
SHEET NUMBER:
A0.1

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PLANTING NOTES

PLANT SCHEDULE

SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
		1	Colorado Blue Spruce	CONIFEROUS TREES		6'-8'	15'
				Picea pungens			
		3	Rocky Mtn. Maple	DECIDUOUS TREES		3" Dia.	3'-8'
				Acer Glabrum			
		3	Aspen	Populus tremuloides		3" Dia.	6'-10'
		5	Red twig dogwood	SHRUBS		5 Gal.	Spacing as noted on plan
				Cornus sericea "baileyi"			
		3	Mountain Sage	Artemesia Tridentata Vaseyana		5 Gal.	Spacing as noted on plan
		4	Mountain Lover	GROUND COVER and HYDROSEEDING		4" Pots	12"-18"
				Pachistima Myrsinites			
		36 S/F	Creeping Mahonia	Mahonia Repens		1 Gal.	12"-18"
		765 S/F	Native Grass Seed Mix			1 lb/1500	Hydroseeded

NATIVE GRASS SEED MIX

The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeded must occur. Apply at a rate of 80 lbs./ acre on the following percentages:

20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.

* In addition, add 10 lbs./ acre each of Linum lewisii and Penstemon Eatonii with native grass seed mixture.

WOODSIDE AVENUE

NINTH STREET

Jonathan DeGray
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KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

LANDSCAPE PLAN

REVISIONS:
AUGUST 07, 2019
HDDR Review Comments

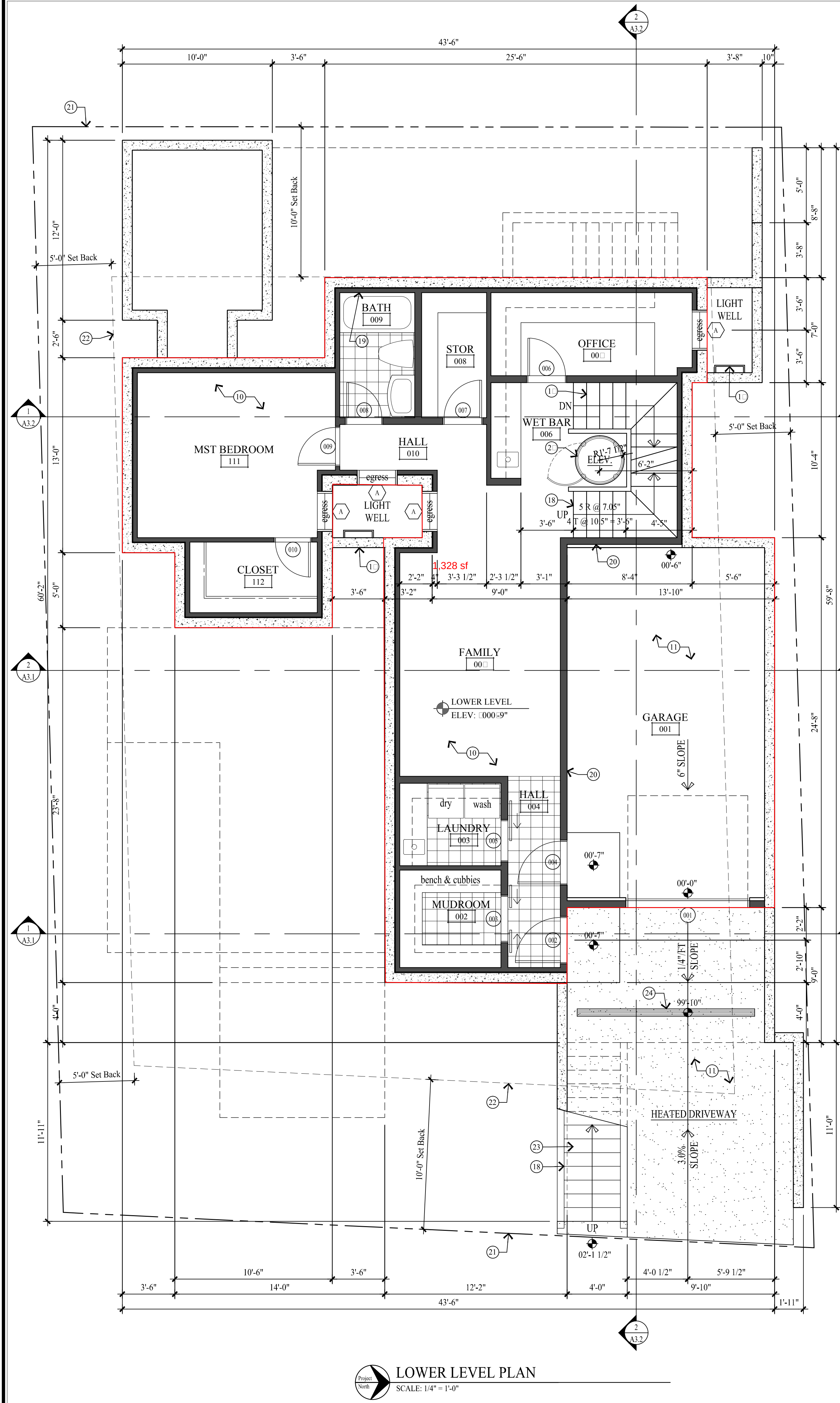
DATE:
APRIL 01, 2019

PROJECT NUMBER:
1902-01

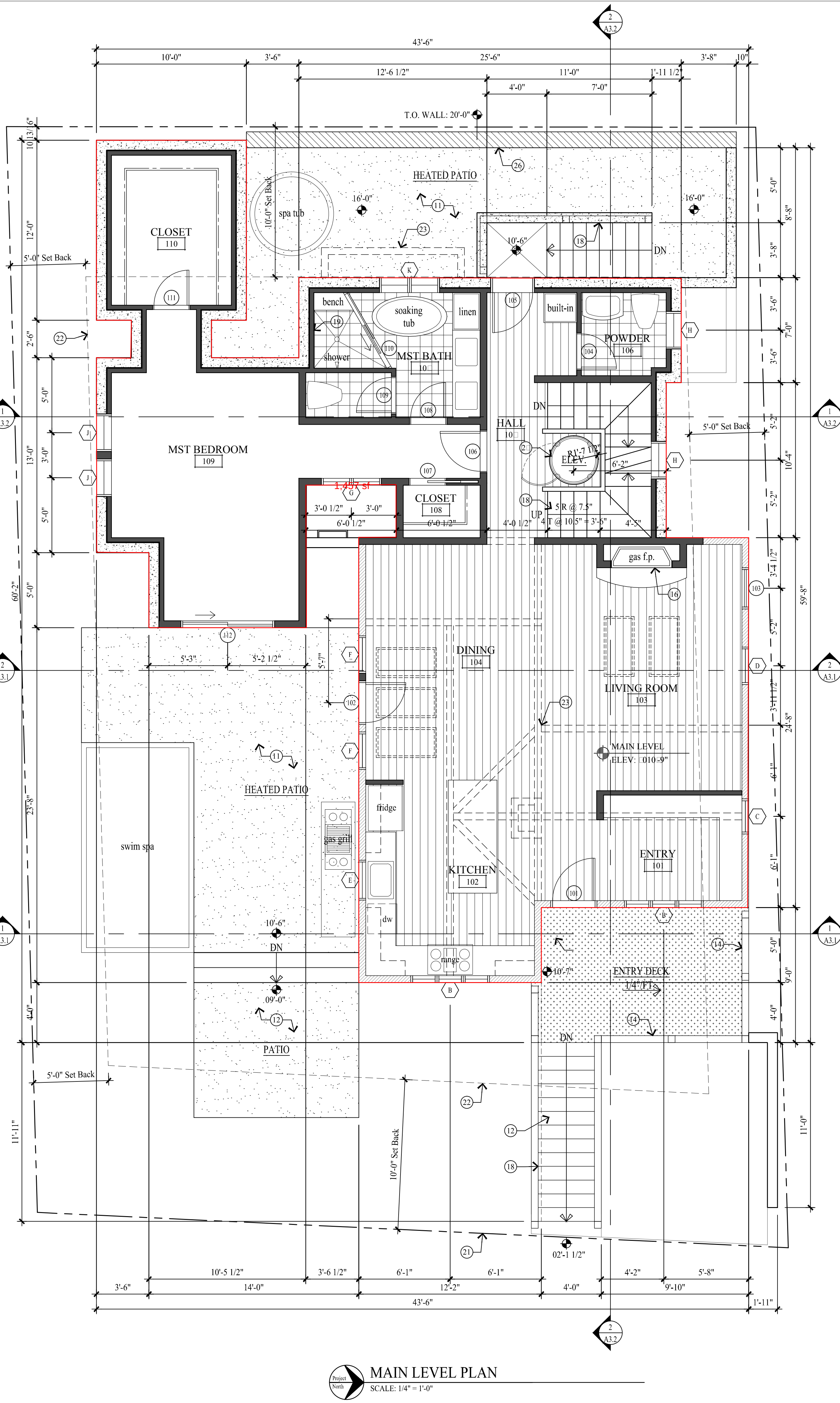
SHEET NUMBER:
A0.2

LANDSCAPE PLAN
SCALE: 1/4" = 1'-0"

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LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"



MAIN LEVEL PLAN
SCALE: 1/4" = 1'-0"

WALL LEGEND

- EXISTING 2x FRAMED WALL
- EXISTING WALL TO BE REMOVED
- NEW CONCRETE WALL
- NEW 2x FRAMED WALL
- (E) INDICATES EXISTING
- (N) INDICATES NEW

GENERAL NOTES

- ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.
- EXTERIOR WALLS TO BE 2x6 FRAMING W/ BIB INSULATION R-23 - TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMING, U.N.O. W/ BIB INSULATION R-15 - TYP. ALL INTERIOR PLUMBING AND BEARING WALLS TO BE 2x6 FRAMING, U.N.O. W/ BIB INSULATION R-23 - TYP. ALL FLOOR JOIST TO BE 9 1/2" TJI FRAMING U.N.O. W/ BIB INSULATION R-39 - TYP. ALL ROOF JOIST TO BE 7 1/4" LVL FRAMING U.N.O. W/ 7" CLOSED CELL FOAM INSULATION R-49 - TYP.
- FIRE SPRINKLERS TO BE ON THE WARM SIDE OF THE BUILDING ENVELOPE. ANTFREEZE WILL NO LONGER BE ALLOWED IN FIRE SPRINKLER SYSTEMS.
- AIR LEAKAGE: THE BUILDING THERMAL ENVELOPE SHALL BE CONSTRUCTED TO LIMIT AIR LEAKAGE IN ACCORDANCE WITH SECTIONS N1102.4.1 - N1102.4.4.
- TWO INSPECTIONS ARE REQUIRED (FOAM AND BALANCE OF INSULATION), UNVENTED CONDITIONED ATTIC ASSEMBLIES.

KEY NOTES

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- FLAT ROOF: REINFORCED WATERPROOF MEMBRANE ON RIGID INSUL. SLOPED 1/4" PER FOOT ON 3/4" PLYWOOD ON ROOF JOIST.
- HISTORIC MASONRY CHIMNEY TO BE REUSED AND REBUILT FROM ROOF STRUCTURE UP. SEE STRUCTURAL FOR SUPPORT. SEE DETAIL 16A5.2 FOR FLASHING.
- ROOF CRICKET OVER-BUILD, CONTRACTOR TO FIELD VERIFY HEIGHT AND LOCATION.
- METAL RIDGE VENT.
- SNOW RETENTION BARS; S-5 X-GARD 2.0 OR EQUAL.
- GUTTERS AND DOWNSPOUTS TO TIE INTO EXISTING FRENCH DRAIN.
- ROOF SKY LIGHT - SEE WINDOW SCHEDULE.
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- 48" DIRECT VENT FIREPLACE, FRAME ON 10" PLATFORM. SEALED GAS APPLIANCE APPROVED FOR SLEEPING AREAS.
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LOWER LEVEL PLAN
MAIN LEVEL PLAN

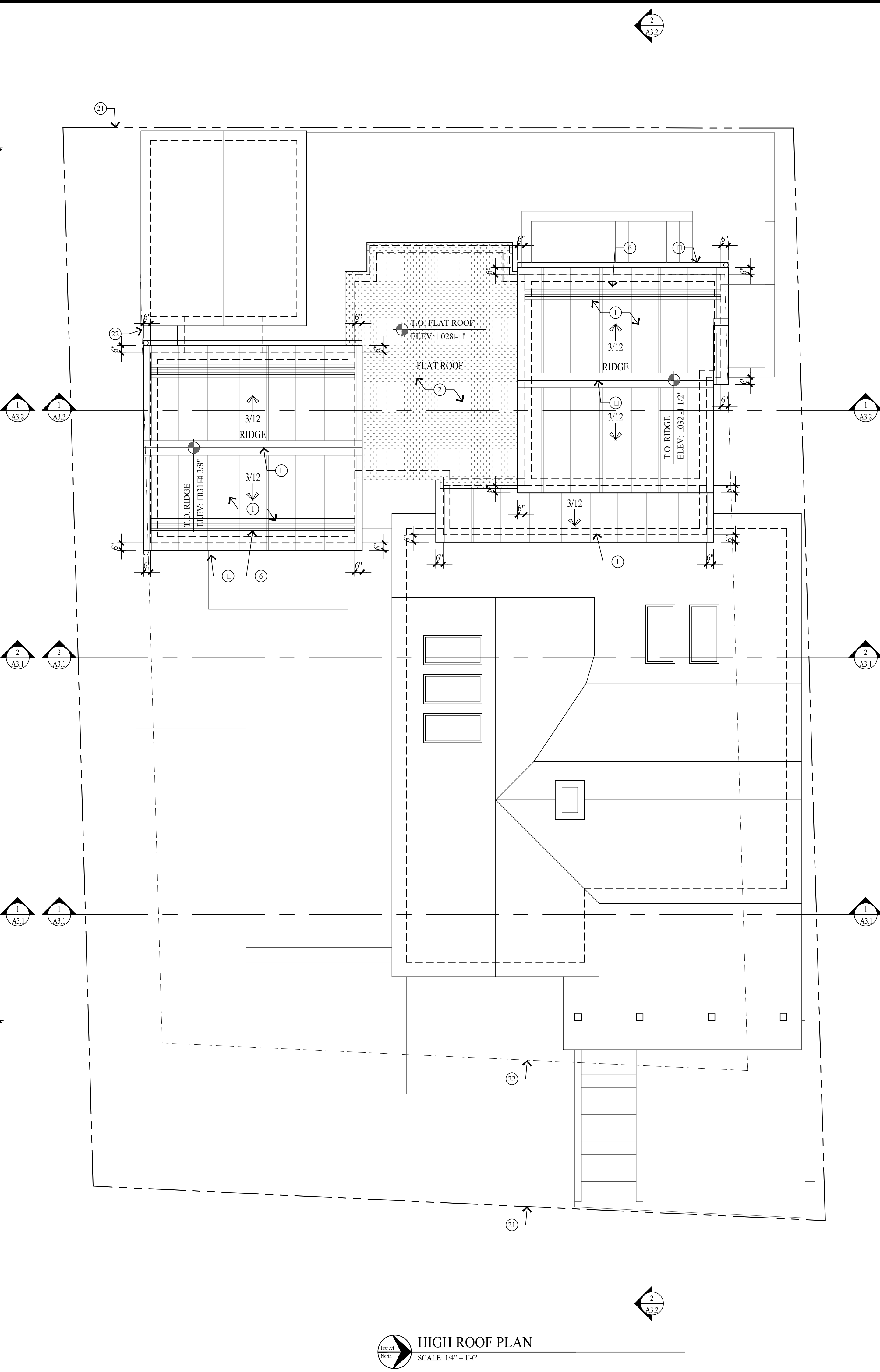
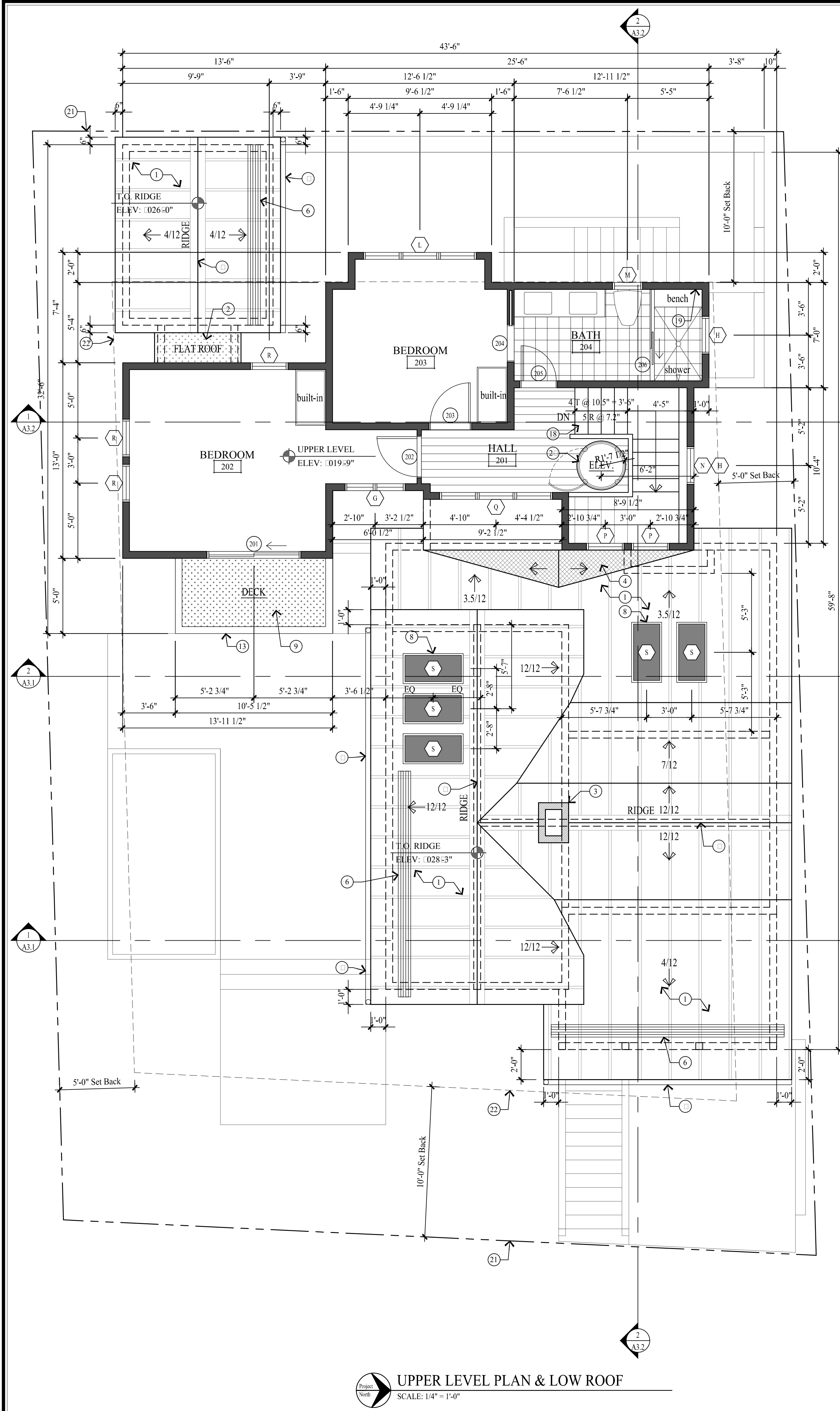
REVISIONS:
JUNE 18, 2019
HDDR Review Comments
AUGUST 07, 2019
HDDR Review Comments

DATE:
APRIL 01, 2019

PROJECT NUMBER:
1902-01

SHEET NUMBER:
A1.1

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25. PNEUMATIC VACUUM ELEVATOR.

26. STACKED STONE WALL NOT TO EXCEED 4'-0" HIGH.

Jonathan DeGray
A r c h i t e c t

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KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET

839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

UPPER LEVEL PLAN
ROOF PLAN

PROJECT DESCRIPTION

REVISIONS:

△ JUNE 18, 2019
HDDR Review Comments

△ AUGUST 07, 2019
HDDR Review Comments

DATE:

APRIL 01, 2019

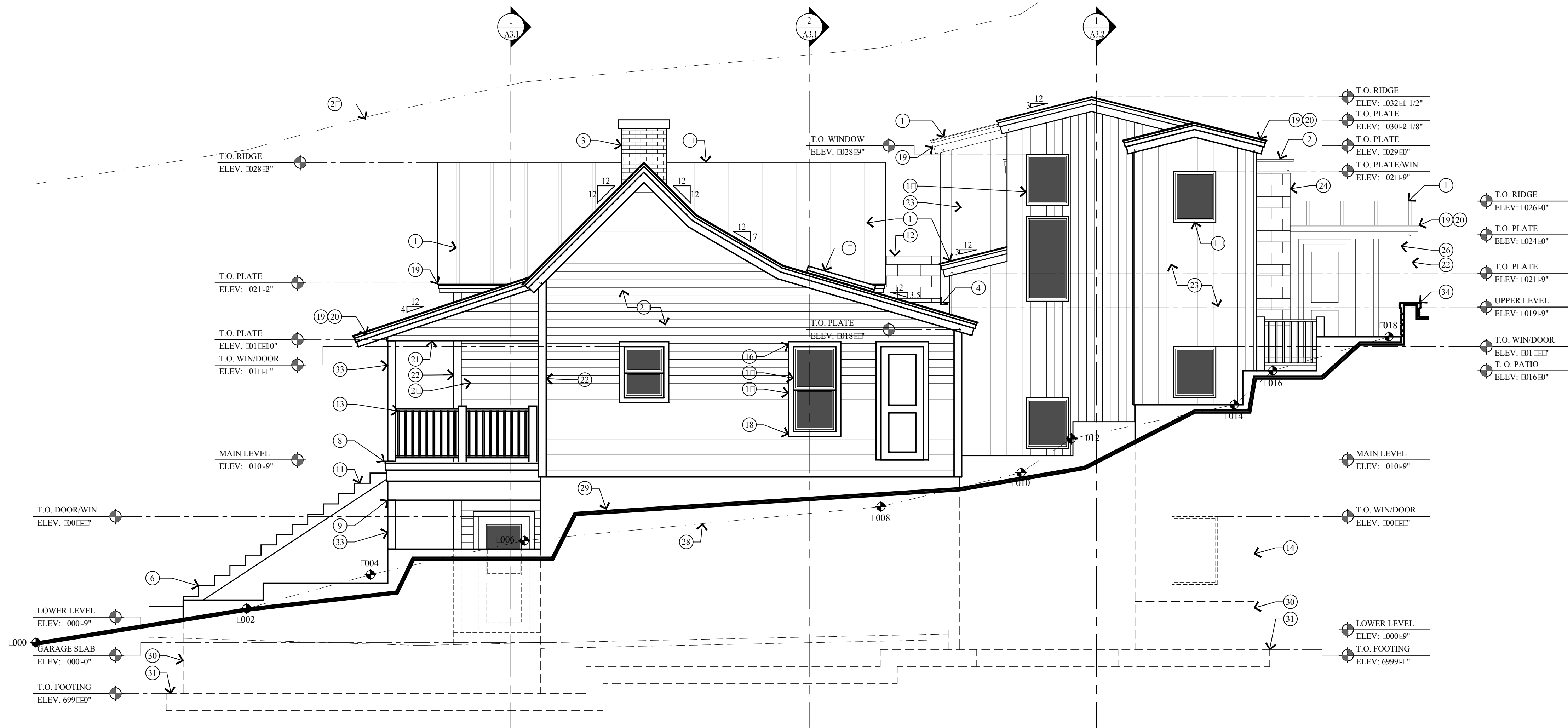
PROJECT NUMBER:

1902-01

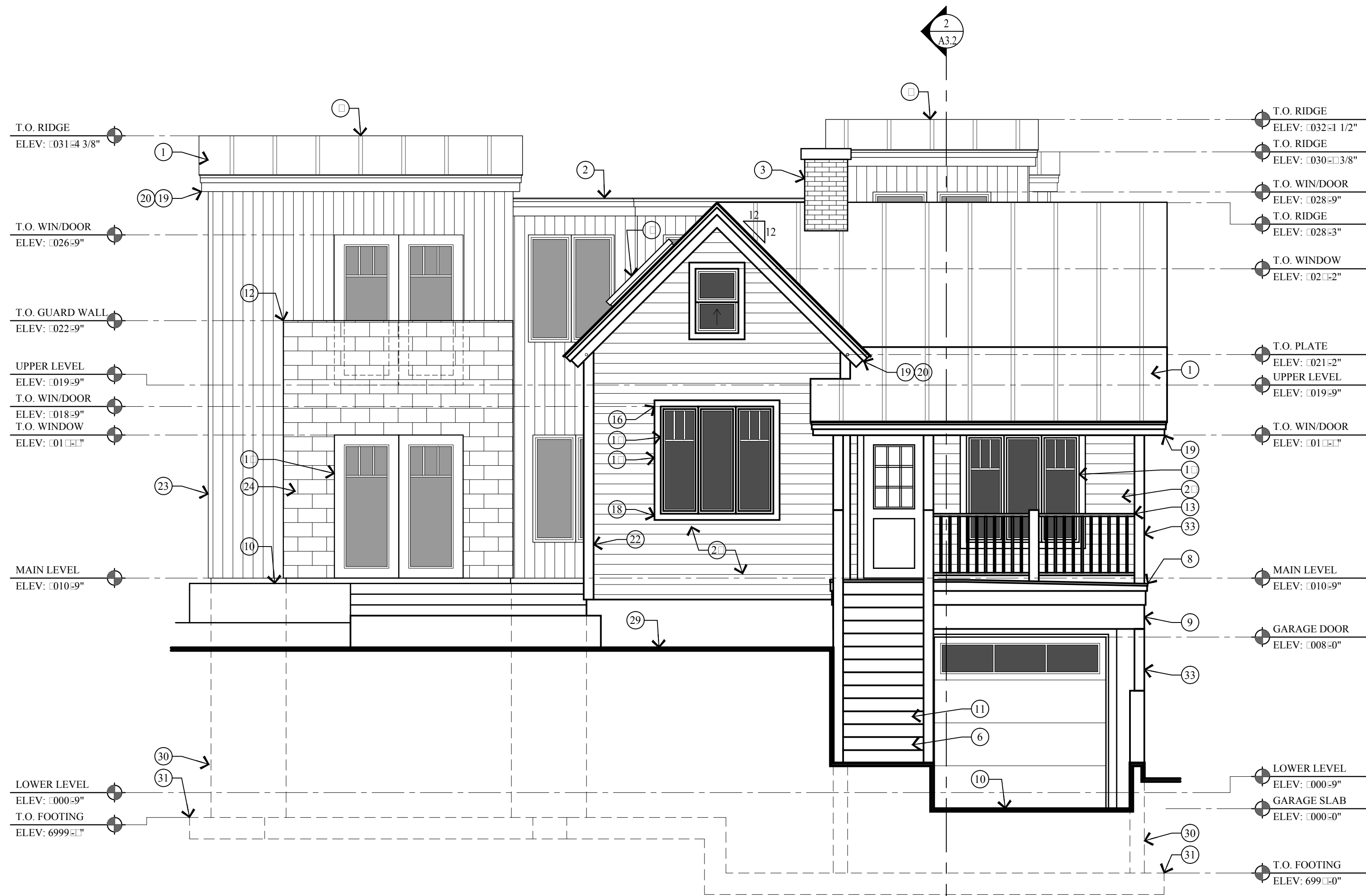
SHEET NUMBER:

A1.2 198

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1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

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- 4 ROOF CRICKET-OVER-BUILD. CONTRACTOR TO FIELD VERIFY HEIGHT AND LOCATION.
- 5 METAL RIDGE VENT.
- 6 FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS SEE SHEET A5.1.
- 7 ROOF SKY LIGHT - SEE WINDOW SCHEDULE.
- 8 WATERPROOF DECK: WATERPROOF MEMBRANE ON 3/4" PLYWOOD ON SLOPED P.T. 2x12 JOIST @ 16" O.C. DECK JOIST TO BE RIPPED 1/4" PER FOOT.
- 9 STRUCTURAL BEAM - SEE STRUCTURAL DRAWINGS FOR SIZE AND DETAILS.
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- 14 CONCRETE WINDOW WELL W/ EGRESS LADDER.
- 15 WOOD ALUMINUM CLAD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE.
- 16 2x4 WINDOW/DOOR HEAD - STAINED W/ METAL FLASHING.
- 17 2x4 WINDOW/DOOR JAMB - STAINED.
- 18 2x4 WINDOW SILL - STAINED.
- 19 1x4 ON 1x8 BUILT-UP FASCIA - STAINED
- 20 1 1/2" x 3 1/2" CONTINUOUS METAL DRIP EDGE.
- 21 1x CEDAR SOFFIT - STAINED.
- 22 2x4 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED
- 23 1x6 CEDAR T&G VERTICAL SIDING - STAINED ON TYVEK HOMEWRAP ON 1/2" EXTERIOR SHEATHING ON 2x6 STUD WALL @ 16" O.C.
- 24 ZINC INTERLOCKING SHINGLE SIDING - ON TYVEK HOMEWRAP ON 1/2" EXTERIOR SHEATHING ON 2x6 STUD WALL @ 16" O.C.
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- 27 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.
- 28 EXISTING GRADE LINE.
- 29 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. IRC R401.3
- 30 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
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KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

SHEET DESCRIPTION:
EAST AND NORTH ELEVATIONS

REVISIONS:
JUNE 18, 2019
HDDR Review Comments
AUGUST 07, 2019
HDDR Review Comments

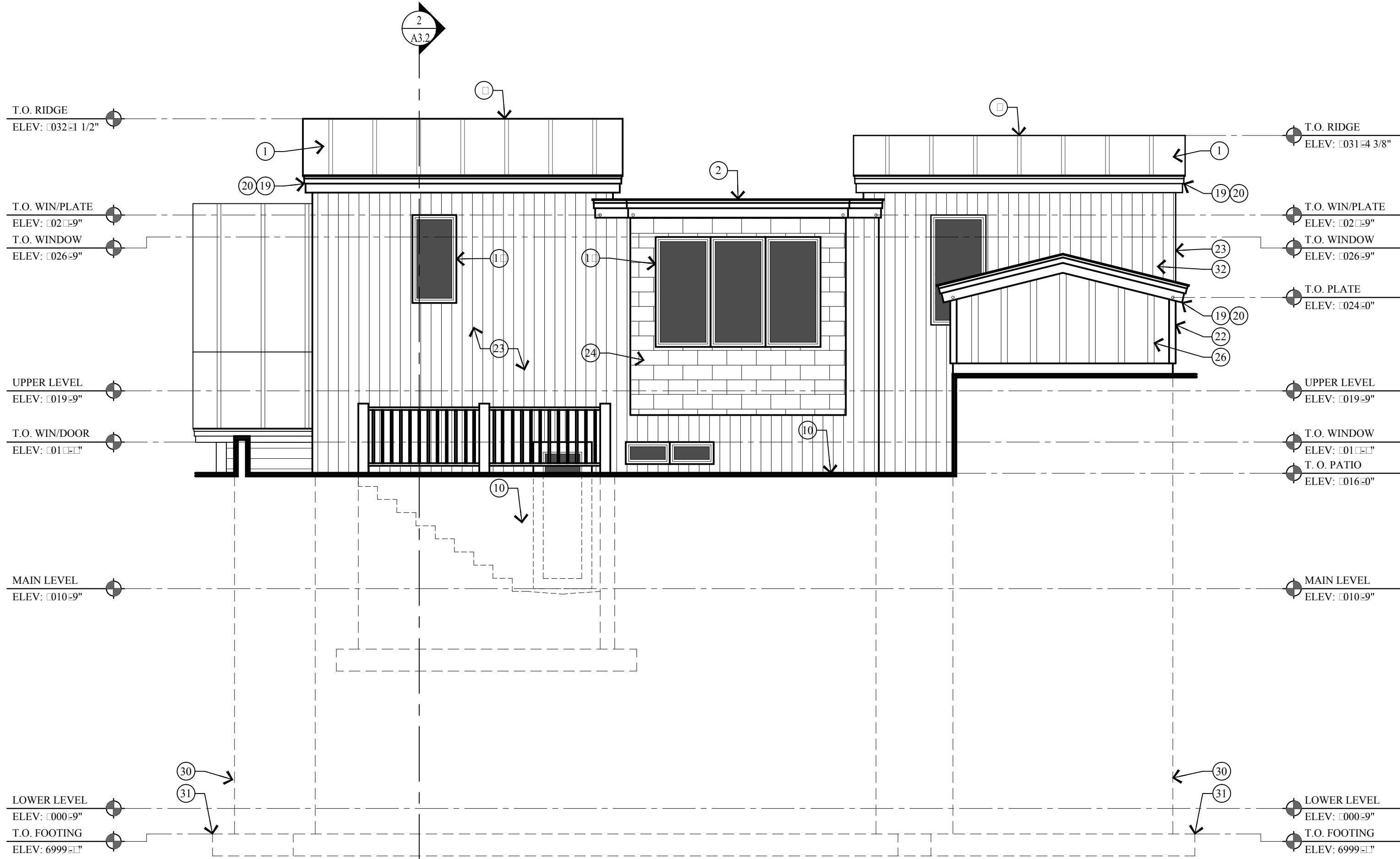
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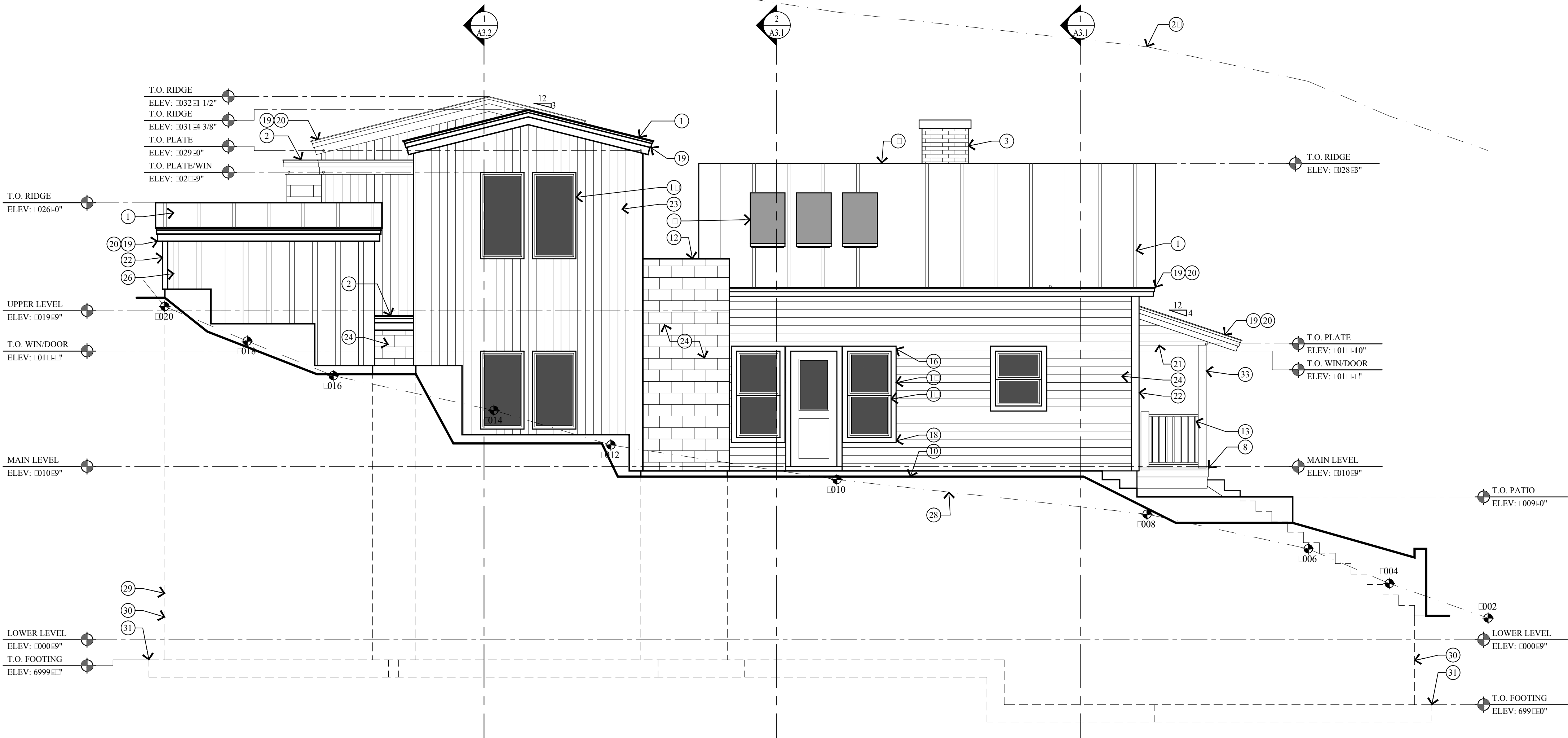
SHEET NUMBER:

A2.1 199

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1 WEST ELEVATION
A2.2 SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
A2.2 SCALE: 1/4" = 1'-0"

KEY NOTES

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PROJECT DESCRIPTION:

WEST ELEVATION
SOUTH ELEVATION

SHEET DESCRIPTION:

REVISIONS:
JUNE 18, 2019
HDDR Review Comments
AUGUST 07, 2019
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DATE:
APRIL 01, 2019

PROJECT NUMBER:
1902-01

SHEET NUMBER:

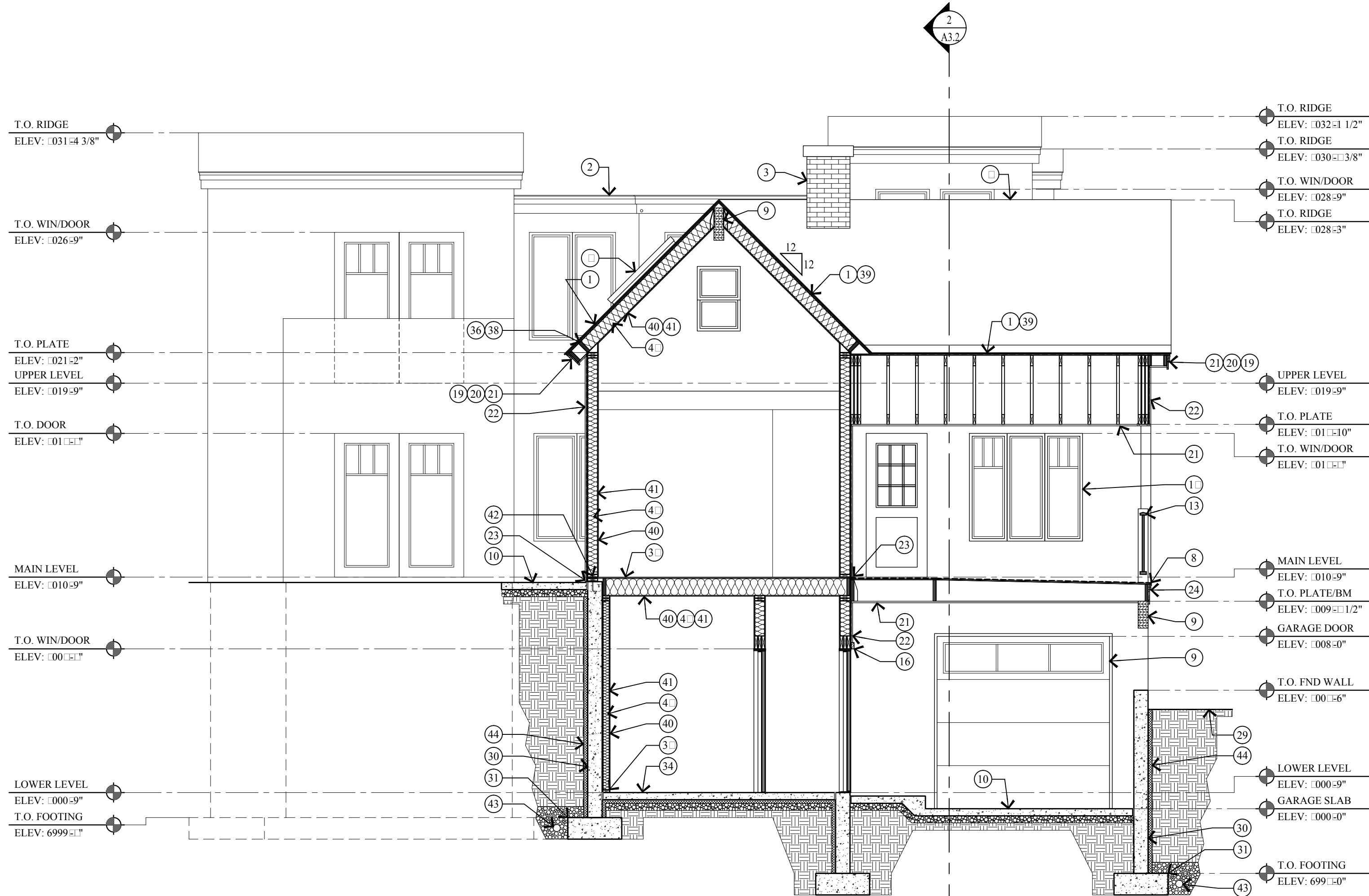
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Jonathan DeGray
A r c h i t e c t

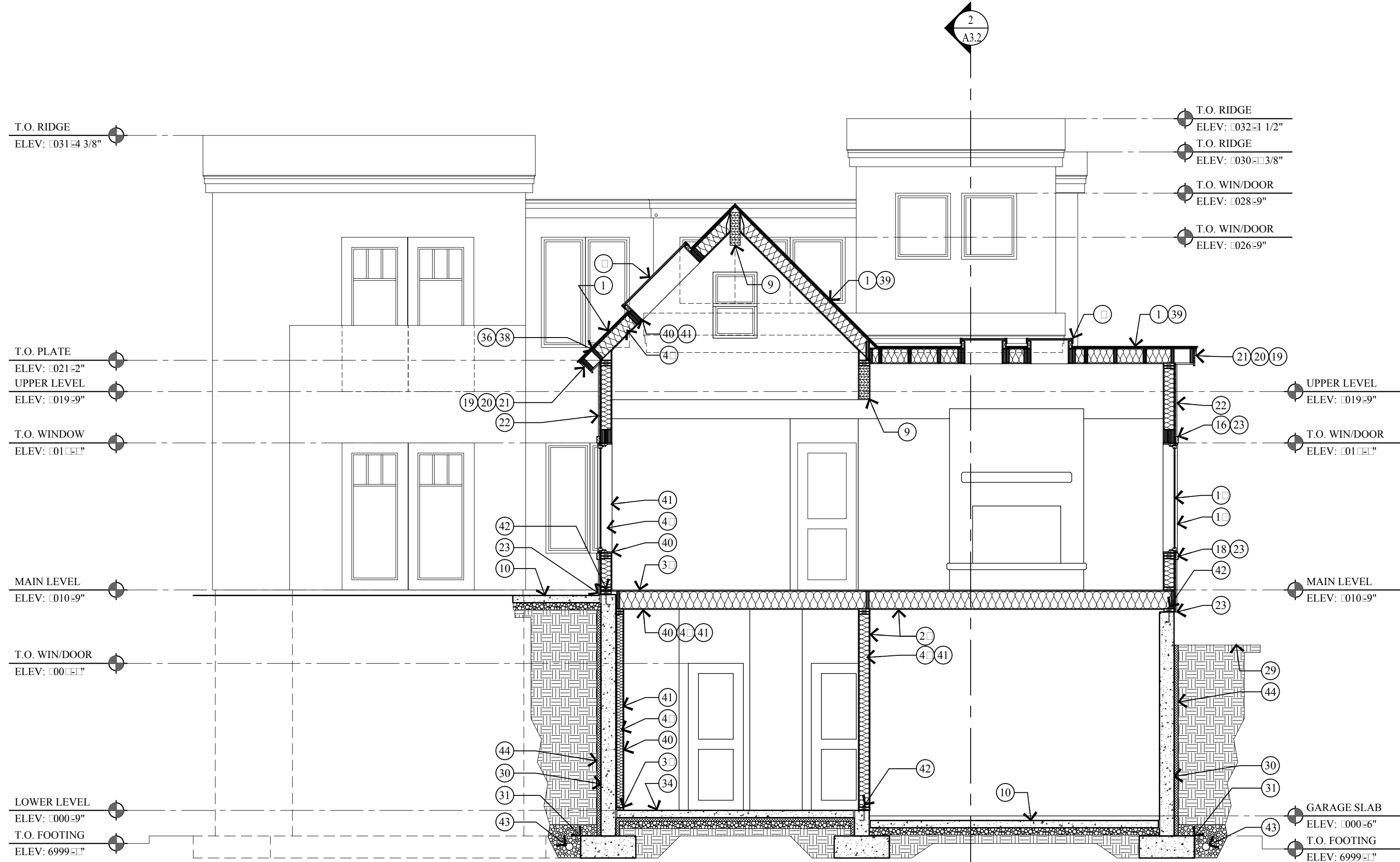
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: deggrayarch@qwestoffice.net

KELLER RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
839 WOODSIDE AVENUE
PARK CITY, UTAH 84060

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1 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"



2 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"

KEY NOTES

- NON-REFLECTIVE STANDING SEAM METAL ROOF. METAL ROOF TO BE ICC-ES APPROVED. ON ICE AND WATER MEMBRANE.
- FLAT ROOF: REINFORCED WATERPROOF MEMBRANE ON RIGID INSUL. SLOPED 1/4" PER FOOT ON 3/4" PLYWOOD ON ROOF JOIST.
- HISTORIC MASONRY CHIMNEY TO BE REUSED AND REBUILT FROM ROOF STRUCTURE UP. SEE STRUCTURAL FOR SUPPORT. SEE DETAIL 16/A5.2 FOR FLASHING.
- ROOF CRICKET/OVER-BUILD. CONTRACTOR TO FIELD VERIFY HEIGHT AND LOCATION.
- METAL RIDGE VENT.
- FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS SEE SHEET A5.1.
- ROOF SKY LIGHT - SEE WINDOW SCHEDULE.
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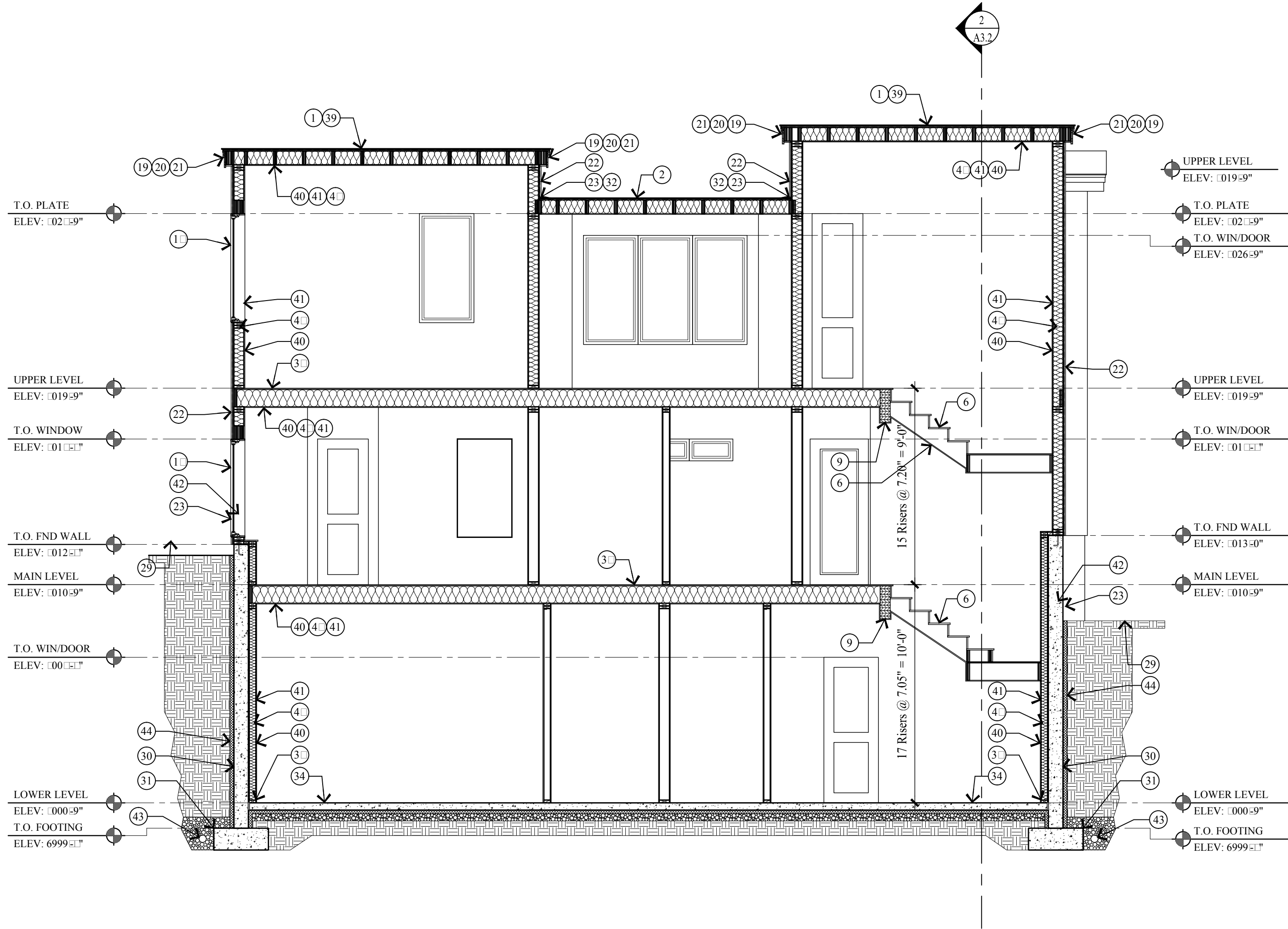
REVISIONS:
AUGUST 07, 2019
HDDR Review Comments

DATE:
APRIL 01, 2019

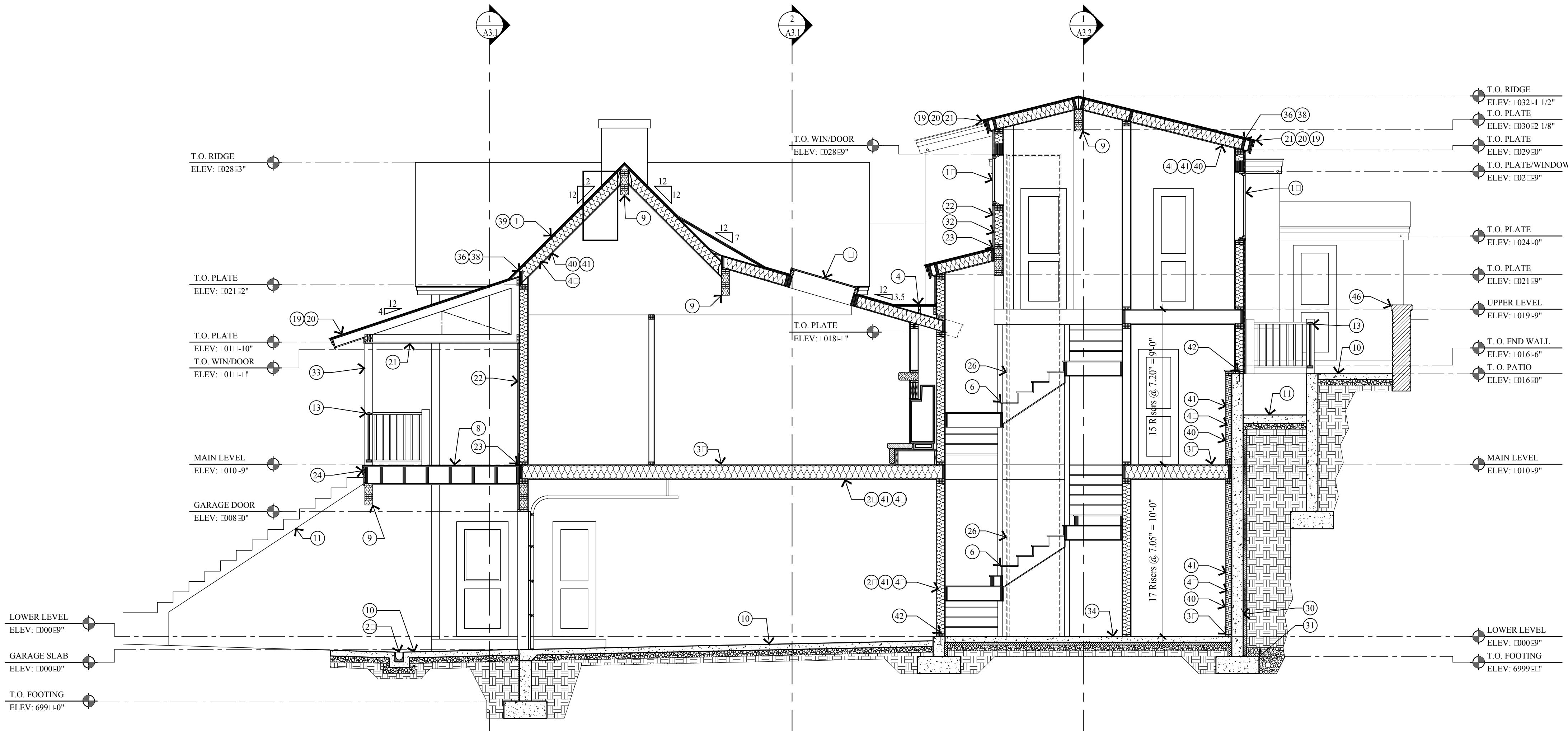
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SHEET DESCRIPTION:

BUILDING SECTIONS

REVISIONS:
AUGUST 07, 2019
HDDR Review Comments

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[illegible][illegible]

WINDOW NOTES

1. ALL WINDOWS OPENINGS TO BE FIELD VERIFIED BY CONTRACTOR BEFORE INSTALLATION.
2. GLAZING IN HAZARDOUS LOCATION IS REQUIRED TO BE GLAZED WITH SAFETY MATERIAL. IRC SECTION R308.3 AND R308.4.
3. ALL WINDOWS IN BATHROOMS MUST BE TEMPERED GLASS
4. TEMPERED GLASS SHALL BE PROVIDED IN: FRAMELESS GLASS DOORS, GLASS IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLASS WITHIN 60" ABOVE A WALKING SURFACE THAT IS WITHIN 1 FEET STAIRS, OR GLASS WITHIN 1 FEET OF SPAS OR POOLS, CERTAIN FIXED PANELS, AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT. IRC R308
- EGRESS WINDOWS: FINISH SILL HT. MIN 44" FROM FLOOR MIN. CLEAR OPENING OF □□S/F MIN NET CLEAR OPENING 20" WIDTH AND 24" HT.
6. ALL WINDOWS TO HAVE A MIN. U-VALUE OF .31

DOOR SCHEDULE

[illegible]

DOOR NOTES

1. ALL DOOR OPENINGS TO BE FIELD VERIFIED BY CONTRACTOR BEFORE INSTALLATION.
 2. ALL DOORS TO BE 1 3/4" SOLID CORE UNLESS NOTED OTHERWISE.
 3. ALL SHOWER DOORS AND GLASS SHOWER ENCLOSURES SHALL BE TEMPERED GLASS. IRC SECTION R308.3 AND R308.4
 4. FRENCH/PATIO/TERRACE/NANNA DOORS TO BE SUPPLIED BY WINDOW MANUFACTURE TO HAVE A U-VALUE OF 31 MINIMUM.
- ☐ AUTOMATIC GARAGE DOOR OPENERS SHALL BE TESTED IN ACCORDANCE WITH UL321 - IRC 309.4.

Planning Commission Staff Report

Subject: Kings Crown Resubdivision First Amended Plat
Author: Laura Kuhrmeyer, Planner
Project Number: PL-19-04305
Date: September 11, 2019
Type of Item: Legislative – Plat Amendment

Recommendation

Staff recommends that the Planning Commission review and hold a public hearing for the Kings Crown Resubdivision First Amended Plat located at located at 1271 Lowell Avenue and 1217 Rothwell Road, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: CRH Development Partners, LLC represented by Rory Murphy
Location: 1271 Lowell Avenue and 1217 Rothwell Road
Zoning: Recreation Commercial (RC) District and Recreation and Open Space (ROS) District, and Sensitive Land Overlay (SLO) Zone
Adjacent Land Uses: Trails, skiing, open space, and residential
Reason for Review: Plat Amendment applications require Planning Commission Public Hearing, review, recommendation to the City Council, and City Council Public Rearing, review, and Final Action

Proposal

The Applicant requests approval of the Kings Crown Resubdivision First Amended Plat within Kings Crown Master Planned Development to split Lot 2 into two (2) lots and allocate a portion of Lot 32 (Open Space) to Lot 30. The proposed amendment will allow the owner to sell proposed Lot 2A and Lot 2B separately and allow the proposed Ski Amenity Building to be built entirely on Lot 30. The Kings Crown Resubdivision First Amended Plat is subject to the amended Kings Crown Master Planned Development / Conditional Use Permit and amended Affordable Housing Mitigation Plan, also included in this packet (See Exhibit G and H).

Purpose

The purpose of the Recreational Commercial (RC) District is found in [Land Management Code § 15-2.16-1 Purpose](#). The purpose of the Recreation and Open Space (ROS) District is found in [Land Management Code § 15-2.7-1 Purpose](#). The purpose of the Sensitive Lands Overlay (SLO) Zone is found in [Land Management Code § 15-2.21-1 Purpose](#).

Background/Timeline

Staff has provided a Table below that outlines the background and history of related applications.

Table 1

Date	Action	Staff Report / Link(s)
January 10, 2018	Park City Planning Commission approved the Kings Crown Master Planned Development / Conditional Use Permit.	See staff report/exhibits
February 1, 2018	Park City Council approved the Kings Crown Re-Subdivision Plat.	Ordinance No. 2018-05 , and staff report/exhibits
June 13, 2018	Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development.	See staff report/exhibits
June 14, 2018	Summit County recorded the Development Agreement.	Entry No. 01093392
May 16, 2018	Summit County recorded the Plat.	Entry No. 1091847
August 30, 2018	Park City Housing Authority approved the Affordable Housing Mitigation Plan.	See staff report/exhibits and meeting minutes (page 10)
June 17, 2019	Park City Planning Department received a complete application for a Condominium Plat.	Under review tonight
May 22, 2019	Park City Planning Commission reviewed and approved the amendment to the approved Master Planned Development and Conditional Use Permit.	See staff report/exhibits (page 339) and meeting minutes (page 46)
May 22, 2019	Park City Planning Commission reviewed and approved the Kings Crown Condominium Plat for Buildings B, C, and D.	See staff report/exhibits (page 373) and meeting minutes (page 55)
August 14, 2019	Park City Planning Department received a complete application for the Kings Crown Resubdivision First Amended Plat. This amendment divides Lot 2 into two lots and allocates a portion of Lot 32 to Lot 30.	Under review tonight

Analysis

The proposed Kings Crown Resubdivision First Amended Plat affects Lots 2, 30, and 32. The proposed changes do not change the original approved Density or Unit Equivalent calculations. The first change that the Applicant is proposing is to split Lot 2 into two (2) lots (Lot 2A and Lot 2B) to allow for phasing of the Condominiums Buildings (B and C, then D).

Figure 1A: Existing Plat (Lot 2)

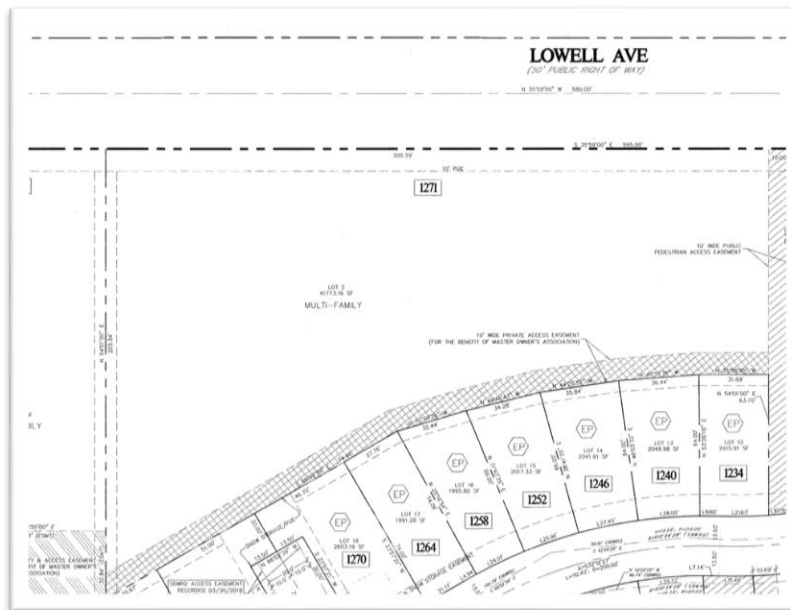
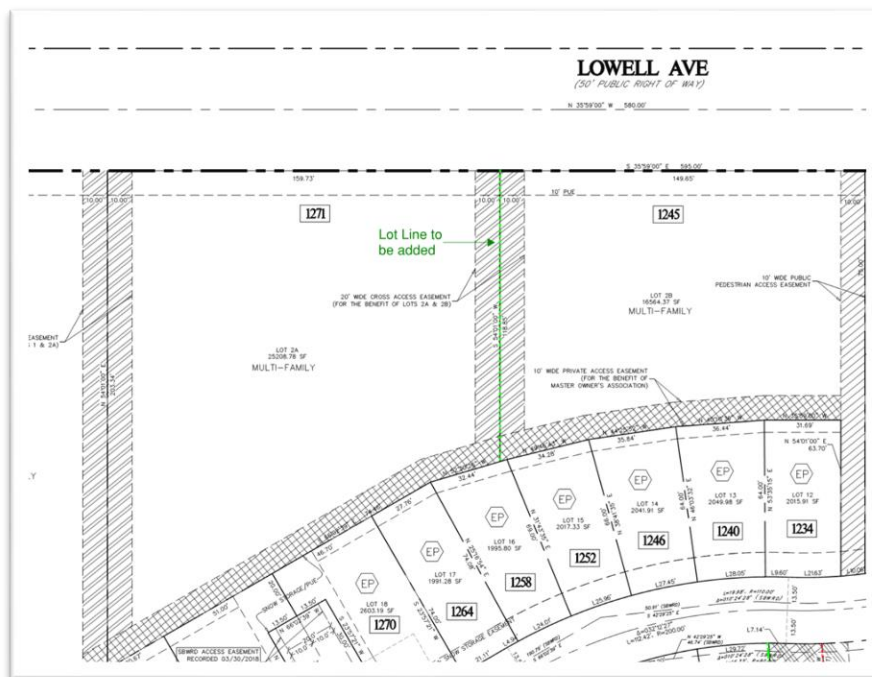


Figure 1B: Proposed Plat (Lot 2A and Lot 2B)



The second change will reallocate a portion of Lot 32 (Platted Open Space) to Lot 30 (Townhome Condominium Site). The Applicant is proposing to reallocate 1,181.43 square feet of Lot 32 to Lot 30. This change is proposed to allow for the proposed Ski Amenity building to be located entirely on Lot 30, which will help resolve Setback requirements for the Accessory Structure.

Figure 2A: Existing Lot 30

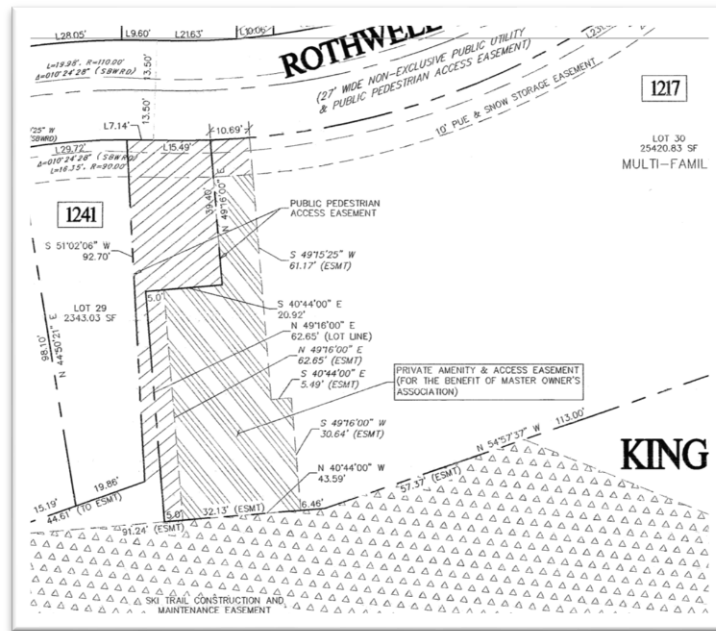
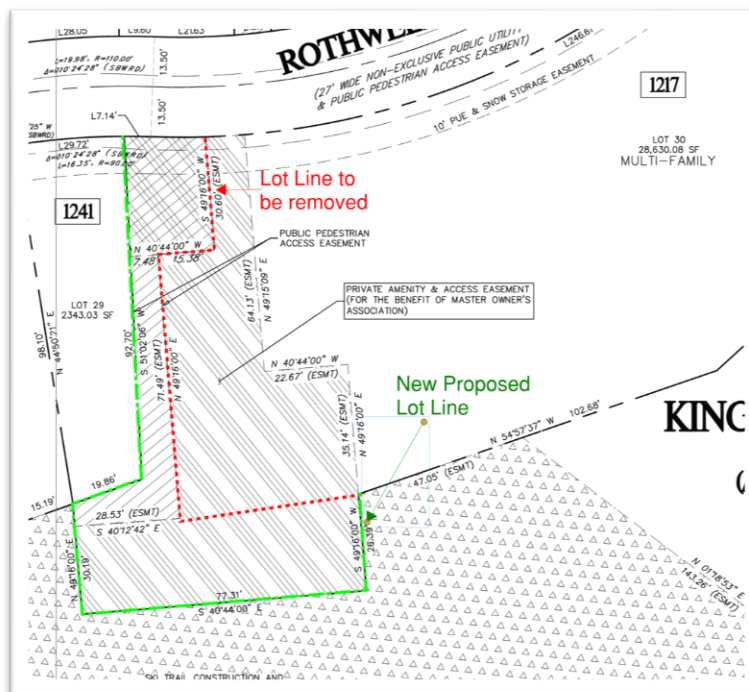


Figure 2B: Proposed Lot 30



It has been discovered that the actual square footage of Lot 32 was incorrectly Platted on the Kings Crown Resubdivision, recorded May 16, 2018. While the recorded Plat states that Lot 32 is 484,004.47 square feet, the actual square footage of the Lot is currently 482,369 square feet. The total contiguous Open Space percentage in the original proposal was 74.6%. With the corrected square footage of Lot 32, the original proposal included 73.87% contiguous Platted Open Space. As proposed, Lot 32 will be 481,187.57 square feet of platted Open Space, which brings the total percentage to 73.69%. Even with the decrease of 1,181.43 square feet of Open Space, the development will still have more than the required 60% Open Space, per [Land Management Code 15-6-5\(D\)](#).

Process

The approval of this Plat Amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code §15-1-18.

Good Cause

Staff finds good cause for this Plat Amendment as it will allow the Condominium buildings to be phased and it will resolve the issue of a building crossing property lines for the proposed Ski Amenity Building. Additionally, it reflects compliance with the amended Master Plan Development and Conditional Use Permit, and amended Affordable Housing Mitigation Plan.

Department Review

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

Notice

On August 28, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on August 28, 2019, according to requirements of the LMC.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the proposed Kings Crown Resubdivision First Amended Plat, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the proposed Kings Crown Resubdivision First Amended Plat, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the proposed Kings Crown Resubdivision First Amended Plat, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of Not Taking Recommended Action

The Applicant would not be able to phase the condominium projects in Buildings B, C, and D and the Ski Amenity building could not be constructed as proposed as it would cross property lines.

Recommendation

Staff recommends that the Planning Commission review and hold a public hearing for the Kings Crown Resubdivision First Amended Plat located at 1271 Lowell Avenue and 1217 Rothwell Road, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Attachment 1 – Proposed Plat

Exhibit B – Applicant's Project description

Exhibit C – Survey

Exhibit D – Aerial Photograph

Exhibit E – Site Photographs

Exhibit F – Current Plat

Exhibit G – Amended MPD/CUP Findings of Fact, Conclusions of Law, and Conditions of Approval

Exhibit H – Amended Housing Mitigation Plan

Exhibit A – Draft Ordinance

Ordinance No. 19-XX

AN ORDINANCE APPROVING THE KINGS CROWN RESUBDIVISION FIRST AMENDED PLAT, LOCATED AT 1271 LOWELL AVENUE AND 1217 ROTHWELL ROAD, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 1271 Lowell Avenue and 1217 Rothwell Road have petitioned the City Council for approval of the Condominium Plat; and

WHEREAS, on August 28, 2019, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on August 28, 2019, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on September 11, 2019, to receive input on the Condominium Plat; and

WHEREAS, the Planning Commission on September 11, 2019, forwarded a recommendation to the City Council; and,

WHEREAS, on October 10, 2019, the City Council held a public hearing to receive input on the Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Kings Crown Resubdivision First Amended Plat, located at 1271 Lowell Avenue and 1217 Rothwell Road.

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

SECTION 1. APPROVAL. The Kings Crown Resubdivision First Amended Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 1271 Lowell Avenue and 1217 Rothwell Road.
2. The proposed Plat Amendment affects Lots 2, 30, and 32 of the Kings Crown Resubdivision.
3. The site is located within the Recreation Commercial (RC) District and the Recreation and Open Space (ROS) District.

4. On January 10, 2018 the Park City Planning Commission approved the Kings Crown Master Planned Development (MPD) and a Conditional Use Permit for Multi-Unit Dwellings throughout the development for market rate and affordable housing units.
5. On February 1, 2018 the Park City Council approved the Kings Crown Re-Subdivision Plat, per Ordinance No. 2018-05.
6. On May 16, 2018 Summit County recorded the Kings Crown Re-Subdivision Plat – entry no. 1091847.
7. On June 13, 2018 the Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development.
8. On June 14, 2018 Summit County recorded the Development Agreement -entry no. 01093392.
9. On August 30, 2018 the Park City Housing Authority approved the Kings Crown Affordable Housing Mitigation Plan.
10. On June 17, 2019 the Park City Planning Department received a complete Condominium Plat for the Kings Crown Townhome Condominiums.
11. On May 22, 2019 the Planning Commission amended the Master Planned Development (MPD) and Conditional Use Permit (CUP).
12. The proposed Kings Crown Resubdivision First Amended Plat affects Lots 2, 30, and 32.
13. The proposed changes do not change the original approved Density or Unit Equivalent calculations.
14. The Plat Amendment proposes to split Lot 2 into two (2) lots (Lot 2A and Lot 2B) to allow for phasing of the Condominiums Buildings (B and C, then D).
15. The Plat Amendment also proposes to reallocate a portion of Lot 32 (Platted Open Space) to Lot 30 (Townhome Condominium Site).
16. The Applicant is proposing to reallocate 1,181.43 square feet of Lot 32 to Lot 30. This change is proposed to allow for the proposed Ski Amenity building to be located entirely on Lot 30, which will help resolve Setback requirements for the Accessory Structure.
17. It has been discovered that the actual square footage of Lot 32 was incorrectly Platted on the Kings Crown Resubdivision, recorded May 16, 2018. While the recorded Plat states that Lot 32 is 484,004.47 square feet, the actual square footage of the Lot is currently 482,369 square feet.
18. The total contiguous Open Space percentage in the original proposal was 74.6%. With the corrected square footage of Lot 32, the original proposal included 73.87% contiguous Platted Open Space.
19. As proposed, Lot 32 will be 481,187.57 square feet of platted Open Space, which brings the total percentage to 73.69%.
20. The applicant has indicated that they will not seek to build (sell) duplex lots on applicable lots. The note on the Plat indicating this shall remain.
21. Staff finds good cause for this Plat Amendment as it will allow the Condominium buildings to be phased and it will resolve the issue of a building crossing property lines for the proposed Ski Amenity Building. Additionally, it reflects compliance with the amended Master Plan Development and Conditional Use Permit, and amended Affordable Housing Mitigation Plan.

22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat 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 shall record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The proposed final plat shall in compliance with criteria outlined under the LMC § 15-7.3 Requirements for Improvements, Reservations, and Design which includes the following, as applicable: general subdivision requirements, general lot design requirements, road requirements and design, drainage and storm sewers, water facilities, sewer facilities, sidewalks, hiking trails, bike paths, and horse trails, public uses, preservation of natural features and amenities. All plats are reviewed by the City Engineer for these and other applicable standards.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program
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. A plat note shall state that all conditions of approval of the amended Master Planned Development, Conditional Use Permit, Kings Crown Re-Subdivision First Amended Plat, and amended Housing Mitigation Plan shall continue to apply.

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

PASSED AND ADOPTED this 10th day of October, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

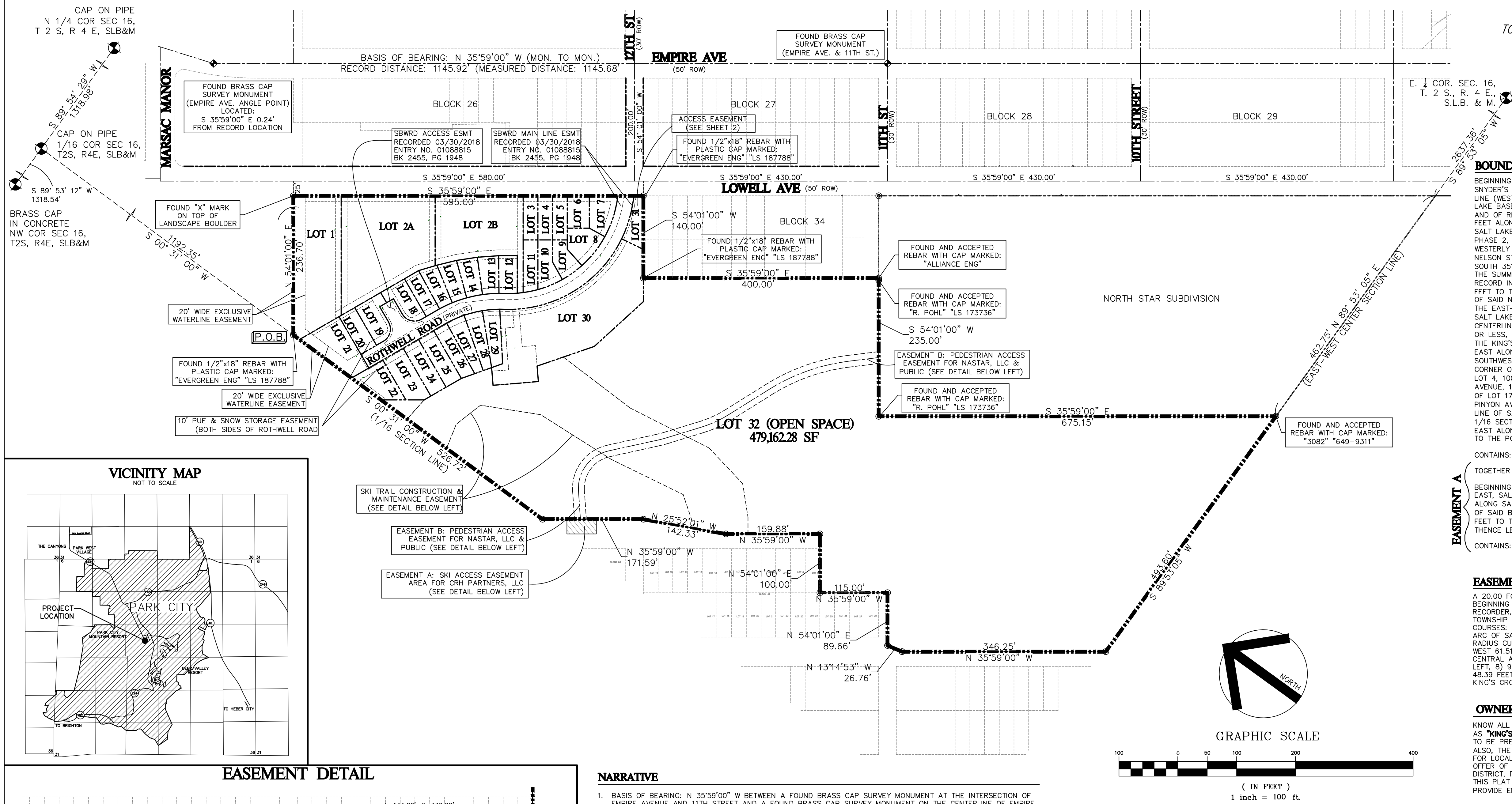
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

KING'S CROWN RE-SUBDIVISION FIRST AMENDED (A 33 LOT RESIDENTIAL SUBDIVISION)

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



BOUNDARY DESCRIPTION

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF VACATED 13TH STREET (A.K.A. CALHOUN STREET) AND THE WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY, SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SAID POINT ALSO LYING ON THE SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT OF BEGINNING IS LOCATED SOUTH 00° 31' 00" WEST, 1192.35 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 54°01'00" EAST ALONG SAID SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, 236.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE; THENCE SOUTH 35°59'00" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, 595.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF VACATED 12TH STREET (A.K.A. NELSON STREET); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, SOUTH 54°01'00" WEST, 140.00 FEET; THENCE SOUTH 35°59'00" EAST, 400.00 FEET TO THE SOUTHWEST CORNER OF BARBARA'S SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, SAID POINT ALSO BEING ON THE EAST-WEST CENTER SECTION LINE (SOUTH LINE OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°53'05" WEST ALONG SAID EAST-WEST CENTER SECTION LINE, 493.60 FEET TO THE CENTERLINE OF VACATED SUMMIT AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF SUMMIT AVENUE, 346.25 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF THE EXISTING KING'S CROWN SKI RUN; THENCE NORTH 13°14'53" WEST ALONG SAID EASTERLY EDGE OF THE KING'S CROWN SKI RUN, 26.76 FEET TO THE CENTERLINE OF VACATED 11TH STREET (A.K.A. CRESCENT STREET); THENCE NORTH 54°01'00" EAST ALONG SAID CENTERLINE OF 11TH STREET, 89.66 FEET; THENCE LEAVING SAID CENTERLINE NORTH 35°59'00" WEST ALONG THE SOUTHWESTERLY BOUNDARY OF LOTS 1 THROUGH 4 OF BLOCK 47, SNYDER'S ADDITION TO PARK CITY, 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 47, SNYDER'S ADDITION TO PARK CITY; THENCE NORTH 54°01'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, 100.00 FEET TO THE CENTERLINE OF VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF PINYON AVENUE, 159.88 FEET; THENCE LEAVING SAID CENTERLINE NORTH 25°52'01" WEST A DISTANCE OF 142.33 FEET TO THE NORTHWEST CORNER OF LOT 17, BLOCK 44, SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF SAID VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE, 171.59 FEET TO THE WEST LINE OF SAID SNYDER'S ADDITION TO PARK CITY, SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SAID SECTION 16; THENCE NORTH 00°31'00" EAST ALONG SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY, AND ALONG SAID NORTH-SOUTH 1/16 SECTION LINE, 526.72 FEET TO THE POINT OF BEGINNING.

CONTAINS: 653,761 SQUARE FEET (15.0083 ACRES) MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE SKI ACCESS EASEMENT OVER THE FOLLOWING:

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE SOUTH 35°59'00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 54°01'00" WEST, 25.00 FEET TO THE CENTERLINE OF SAID PINYON AVENUE; THENCE ALONG SAID CENTERLINE OF PINYON AVENUE NORTH 35°59'00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54°01'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC

A 20.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG AN EXISTING FOOT PATH THE FOLLOWING NINE (9) COURSES: 1) NORTH 43°02'27" WEST 52.04 FEET TO A POINT ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 144.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°02'12", 3) NORTH 68°02'39" WEST 80.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°06'27", 5) NORTH 52°56'12" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 6) 15.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°33'09", 7) NORTH 49°23'03" WEST A DISTANCE OF 84.86 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 8) 92.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°30'18", 9) SOUTH 50°06'59" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREINAFTER KNOWN AS "KING'S CROWN RE-SUBDIVISION, FIRST AMENDED", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS SUBDIVISION PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS SUBDIVISION PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL THE LAND FOR LOCAL GOVERNMENT USES, EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE PRIVATE DRIVE AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "KING'S CROWN RE-SUBDIVISION, FIRST AMENDED".

CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY, BY: RORY MURPHY, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH } ss.
COUNTY OF SUMMIT)
ON THIS _____ DAY OF _____, 2019, PERSONALLY APPEARED BEFORE ME, RORY MURPHY, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE MANAGER OF CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID RORY MURPHY ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

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.

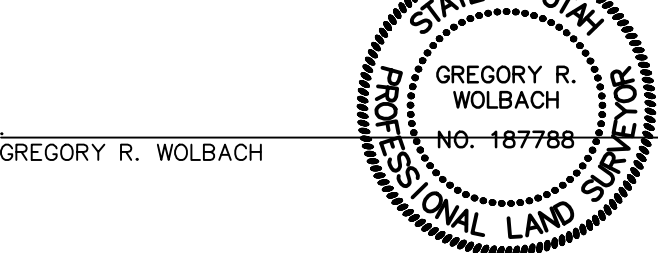
SHEET 1 OF 2
DRAWING: LOWELL-PLAT-P1-AMENDED.DWG
© 2019 Evergreen Engineering, Inc.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS: FOUND IN PLACE OR PLACED AT ALL EXTERIOR CORNERS OF THE BOUNDARY OF THE PROPERTY, AS SHOWN HEREON.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. THIS PLAT REPRESENTS AN AMENDMENT TO KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 01068815).
5. ALL LOT AND BLOCK LINES OF BLOCKS 34, 35, 38, 39, 42-45 (INCLUSIVE), 48 AND 49 SHALL BE REMOVED. LOT LINES OF BLOCK 47, LOTS 1-4 SHALL ALSO BE REMOVED.
6. VACATED ROADS (RIGHTS OF WAY) LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY, WERE VACATED BY ORDINANCE M6-418. THESE INCLUDE: 10TH STREET (HALLADAY ST.), 11TH STREET (CRESCENT ST.), 12TH STREET (NELSON ST.), 13TH STREET (CALHOUN ST.), PACIFIC AVENUE, QUAKING ASP AVENUE, PINYON AVENUE AND SUMMIT AVENUE.
7. ROTHWELL ROAD IS A PRIVATE ROAD.
8. SEE SHEET 2 FOR DETAILED INFORMATION ON LOTS 1-31, AS WELL AS ADDITIONAL EASEMENT INFORMATION.
9. UPON RECORDATION OF THIS PLAT, A RECREATION USE EASEMENT IS CREATED OVER ALL OF LOT 32 FOR TRAIL INSTALLATION & MAINTENANCE.
10. DRY UTILITY INFRASTRUCTURE MUST BE LOCATED ON THE PROPERTY AND SHOWN ON THE BUILDING PLANS PRIOR TO BUILDING PERMIT ISSUANCE TO ENSURE THAT UTILITY COMPANIES VERIFY THAT THE AREA PROVIDED FOR THEIR FACILITIES ARE VIABLE AND THAT EXPOSED METERS AND BOXES CAN BE SCREENED WITH LANDSCAPING.
11. THE PROJECT IS OVER 1.0 ACRES AND WILL BE REQUIRED TO MEET THE REQUIREMENTS OF PARK CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) STORM-WATER PROGRAM.
12. 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 TO RECORDATION.
13. DEVELOPMENT ON EACH SFD LOT IS LIMITED TO ONE (1) SINGLE-FAMILY DWELLING.
14. AT THE TIME OF RESURFACING OF ROTHWELL ROAD, THE MASTER OWNER'S ASSOCIATION SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY SBWRD IS REQUIRED.
15. LOTS 11-21 MAY REQUIRE A PRIVATELY OWNED AND OPERATED WASTEWATER EJECTOR PUMP FOR WASTEWATER SERVICE.
16. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE SURGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.

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 HEREON DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THIS SUBDIVISION PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.



GREGORY R. WOLBACH DATE: _____

Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104
P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.649.4667 • Fax: 435.649.9219
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. 2019.

CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ A.D. 2019.

BY: _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ 10TH DAY OF _____ JANUARY _____ A.D. 2019.

CHAIRMAN _____

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 2019.

CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2019

MAYOR _____

CERTIFICATE OF ATTEST

I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2019

CITY RECORDER _____

RECORDED

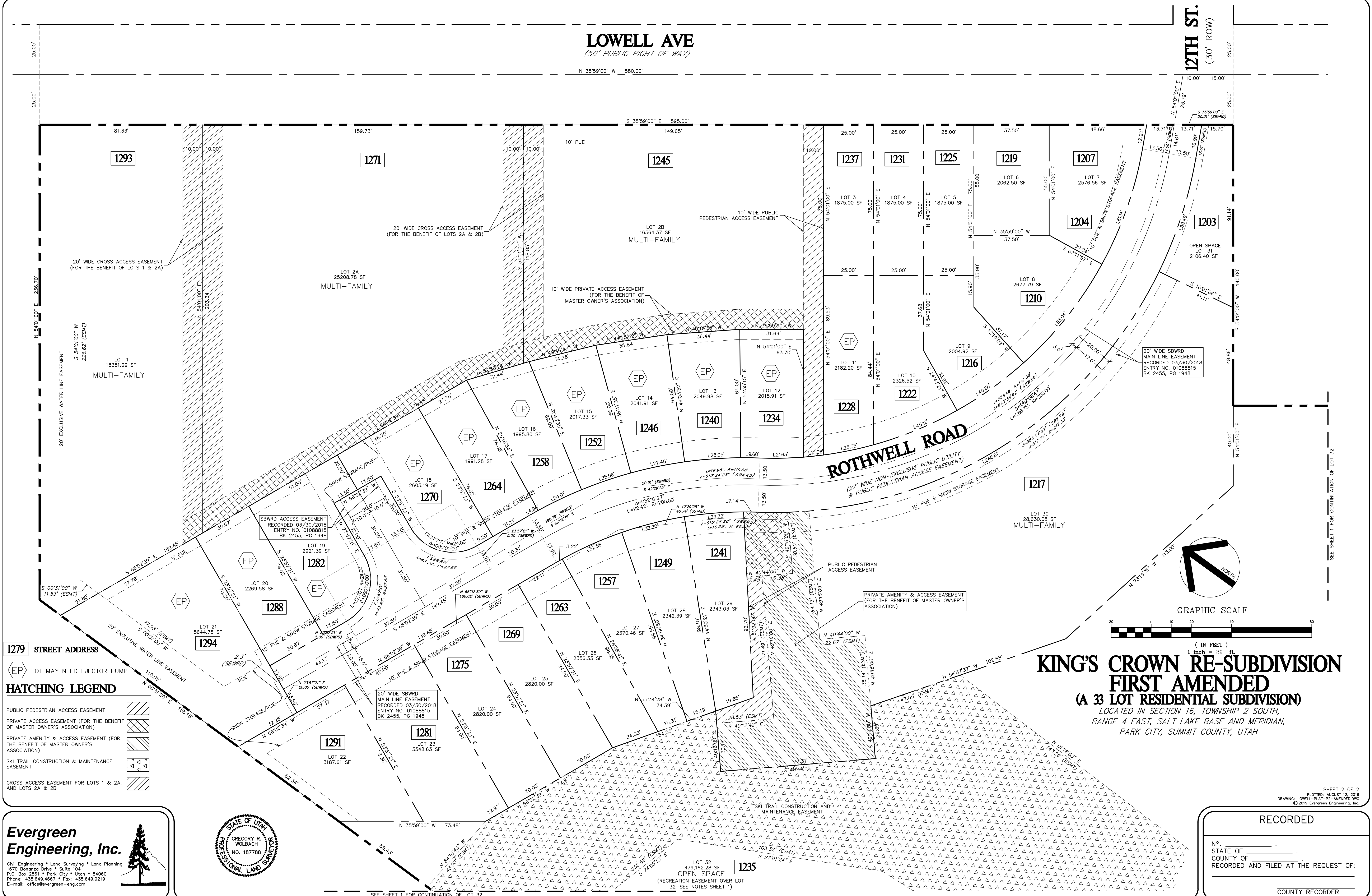
Nº. _____ STATE OF _____ COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER _____

LOWELL AVE
(50' PUBLIC RIGHT OF WAY)

N 35°59'00" W 580.00'

12TH ST.
(30' ROW)



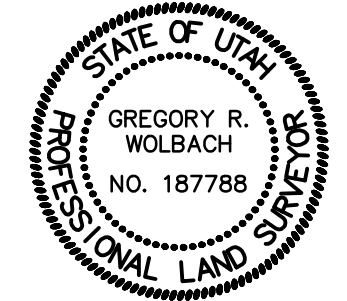
1279 STREET ADDRESS

LOT MAY NEED EJECTOR PUMP

HATCHING LEGEND

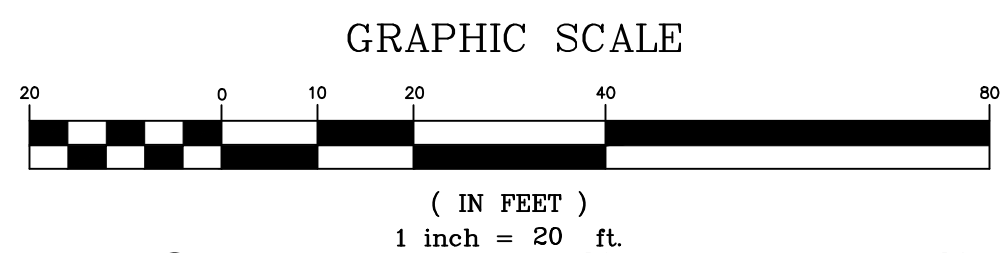
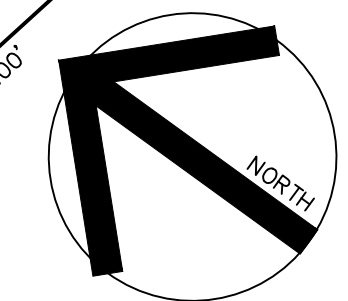
- PUBLIC PEDESTRIAN ACCESS EASEMENT
- PRIVATE ACCESS EASEMENT (FOR THE BENEFIT OF MASTER OWNER'S ASSOCIATION)
- PRIVATE AMENITY & ACCESS EASEMENT (FOR THE BENEFIT OF MASTER OWNER'S ASSOCIATION)
- SKI TRAIL CONSTRUCTION & MAINTENANCE EASEMENT
- CROSS ACCESS EASEMENT FOR LOTS 1 & 2A, AND LOTS 2A & 2B

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
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P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.649.4667 • Fax: 435.649.9219
E-mail: office@evergreen-eng.com



**KING'S CROWN RE-SUBDIVISION
FIRST AMENDED**
(A 33 LOT RESIDENTIAL SUBDIVISION)

LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 2 OF 2
PLOTTED: AUGUST 12, 2019
DRAWING: LOWELL-PLAT-P2-AMENDED.DWG
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RECORDED

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

COUNTY RECORDER

August 11, 2019

Mr. Bruce Ericksen, Planning Director
Ms. Anne Laurent, Director of Community Development
Park City Municipal Corporation
PO Box 1450
445 Marsac Avenue
Park City, UT 84060

RE: King's Crown Re-Subdivision Plat Amendment

Dear Anne and Bruce,

Please find attached to this memo our proposed Plat Amendment to the King's Crown Re-Subdivision Plat (recorded 05/16/18, entry # 1091847). The applicant is proposing two changes to its current Recorded Plat. They are a lot line adjustment to Lots 30 and 31 that place all of the area affected by the Ski Amenity Building into the Townhome Lot on Lot 30. The second proposed amendment is to parcel off Building D located on Lot 2 so that Buildings A and B are one Lot (Lot 2A) and Building D is a separate Lot (Lot 2B). There are no other proposed changes to the current entitlement. The proposed amendments do not alter the current land plan nor do they alter the current MPD and CUP in place for the King's Crown Re-Subdivision Plat. The proposed Plat Amendment is to adjust the Plat to allow for Lot 2 to become two separate parcels and to clean up the complex lot lines underlying the Ski Amenity Building.

As the King's Crown development has continued to mature, it has been determined that the King's Crown Condominiums should be phased into a Phase 1 (Buildings B&C) and Phase 2 (Building D). This has necessitated subdividing the Lot 2 parcel in order to create legal separation for legal concerns. All of the condominium buildings in King's Crown, including the Workforce Housing, were designed to work in unison with one another relative to access and walkways. For that reason, there are cross-easements between the buildings that remain in place with the proposed Plat Amendment. Nothing else changes. There is no further square footage proposed. The proposal is simply a subdivision of the current Lot 2 for legal purposes. Since the buildings are designed and intended to work in harmony with each other, we are also requesting side setback requirements be waived so that stairs and access flow seamlessly between Buildings C and D. This is similar to the Affordable Housing Building and Building B.

Upon completing Construction Drawing detail, the Ski Amenity building area has changed so that it has proven to be a challenge to make the lot lines work with setbacks and other considerations. The original complex lot lines were designed to allow for public access up the stairs on the side of the building. As this has evolved and changed to meet actual construction considerations, this has necessitated that the original concept of separating the public land from the private land be abandoned and the entire very complex lot configuration simply be incorporated into Lot 30. The original concerns can be resolved

fully through public access easements and the former configuration over-complicated the public access element of the Ski Amenity Building. This portion of the Plat Amendment is to clean up the lot lines and make for a simpler, easier to understand and workable lot configuration. The Ski Amenity Building will be made part of the Townhome Condominium Plat in its entirety and both Staff and the Applicant agree that this is the best way to achieve that goal.

Thank you sincerely for your consideration of this proposal. Please do not hesitate to contact me with any questions or concerns whatsoever concerning his application.

Sincerely,

Rory Murphy
CRH Development, LLC
CRH Partners, LLC
435-640-5068

EASEMENT DETAIL

[illegible]

SURVEYOR'S CERTIFICATE

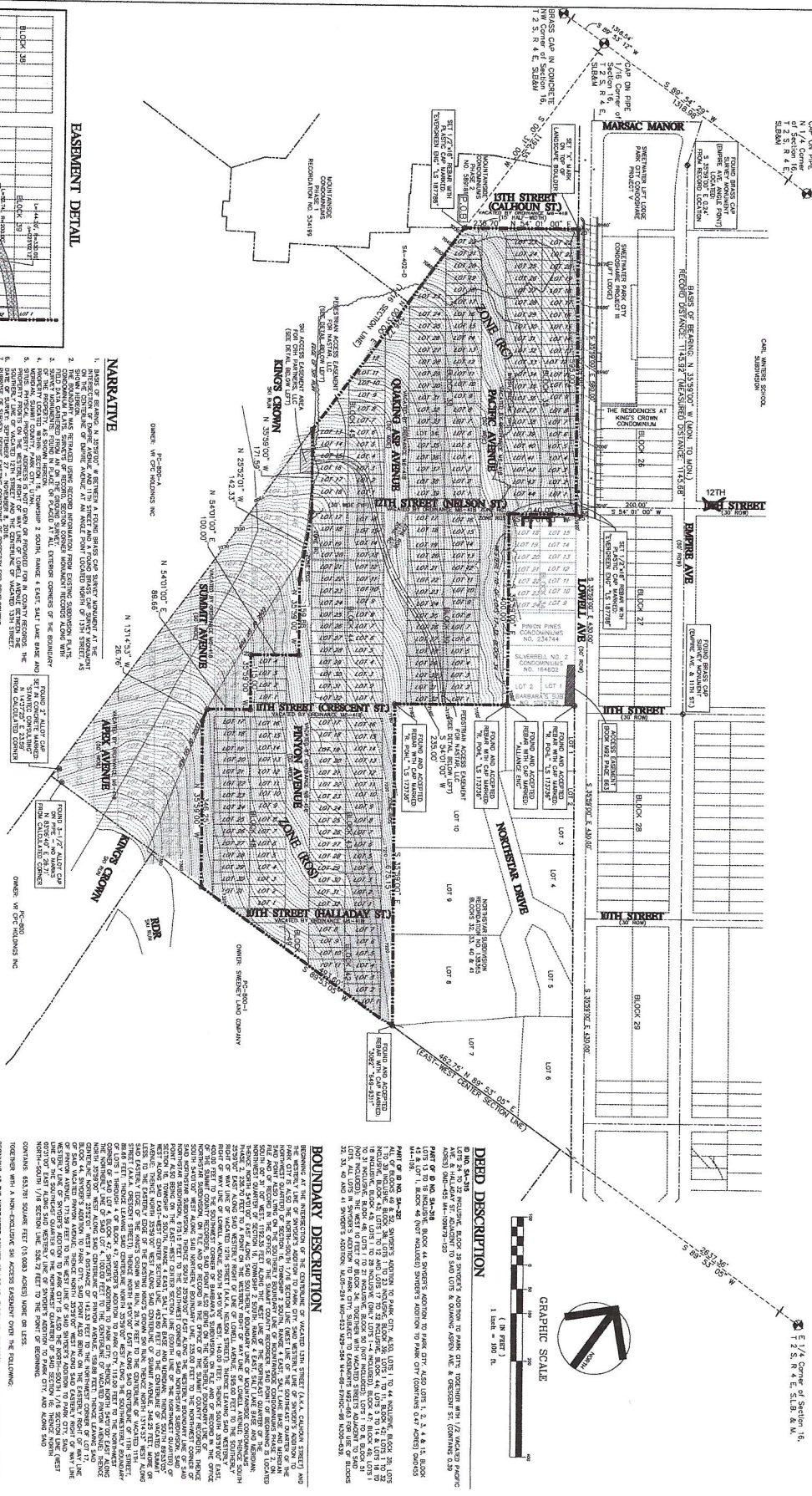
1. GREGORY R. WOLACH, OF PLAIN CITY, MISSOURI, CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MISSOURI, AS PRESCRIBED BY THE LAWS OF THE STATE OF MISSOURI, AND THAT I HAVE PERSONALLY EXAMINED THE RECORD OR SURVEY HEREIN REFERENCE TO, AND I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE RECORD OR SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MISSOURI STATUTES AND REGULATIONS OF THE STATE.

GREGORY R. WOLACH
ENGINEER
NO. 197788
PLAINTIFF

March 30, 2017
DATE



March 30, 2013
DATE



DEED DESCRIPTION

[illegible]

BOUNDARY DESCRIPTION

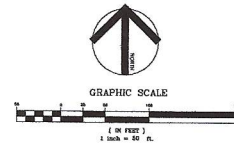
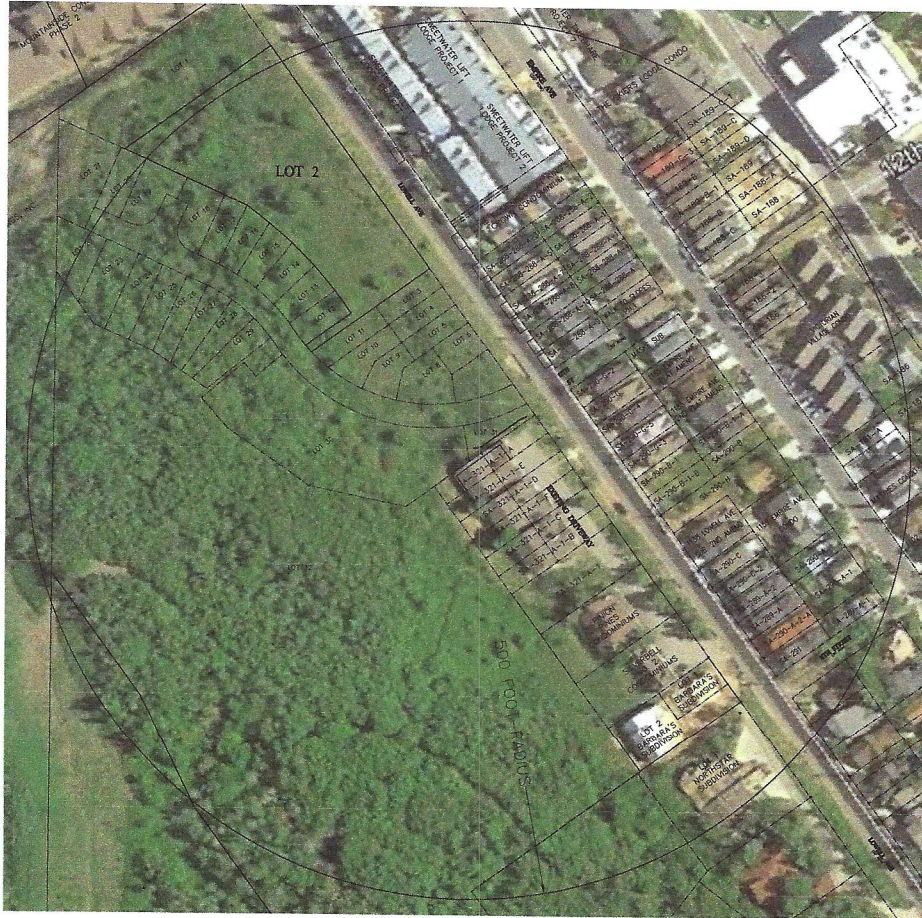
CONVENTION 66.75% VOLUME PERCENT (100.00% DRY) WORK ON LESS

CHARTERED BY A SOLARWAVE FIRM (10.00% DRY) WORK ON LESS

THE FOLLOWING

PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC

[illegible]



Evergreen Engineering, Inc.

1000 S. 10th St., Suite 200, Phoenix, AZ 85006
 Tel: 602.944.1234 Fax: 602.944.1235
 Email: info@evergreeneng.com

DATE: 04/11/11

BY: ADM

CHECKED BY: ADM

DESIGNED BY: ADM

DRAWN BY: ADM

CHECKED BY: ADM

KINGS CROWN RESUBDIVISION

EXISTING AERIAL PHOTO

PROJECT NO: 11111

DATE: 04/11/11

BY: ADM

CHECKED BY: ADM

SHEET 1 OF 1

DATE: 04/11/11

BY: ADM

CHECKED BY: ADM

From: William Garner <wpg3ut@gmail.com>

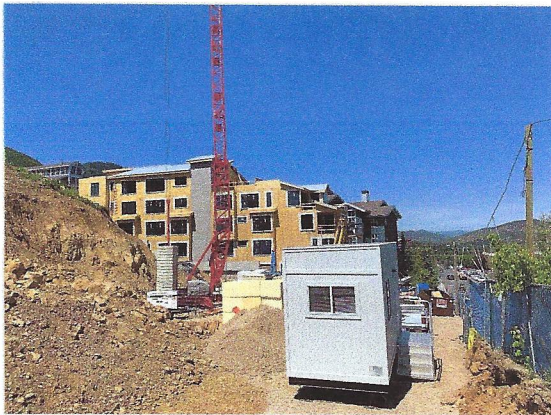
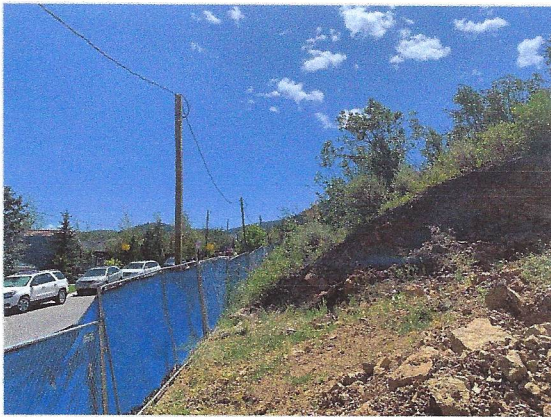
To: Rory Murphy <paladinparkcity@aol.com>

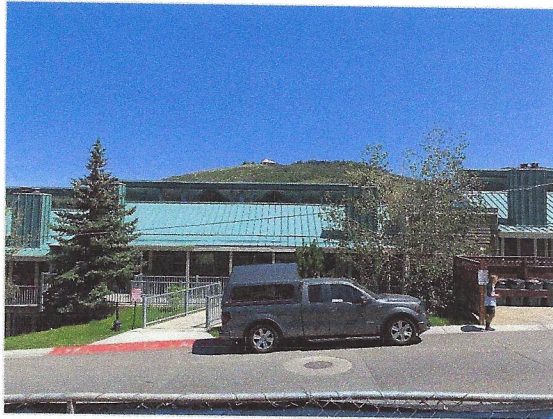
Date: Wed, Aug 14, 2019 12:50 pm

Attachments: file2-3.jpeg (3917K), file-7.jpeg (3855K), file3-2.jpeg (4386K), file1-4.jpeg (2906K)

Thank you,
Chip Garner
435-640-1299
wpg3ut@gmail.com

4Attached Images

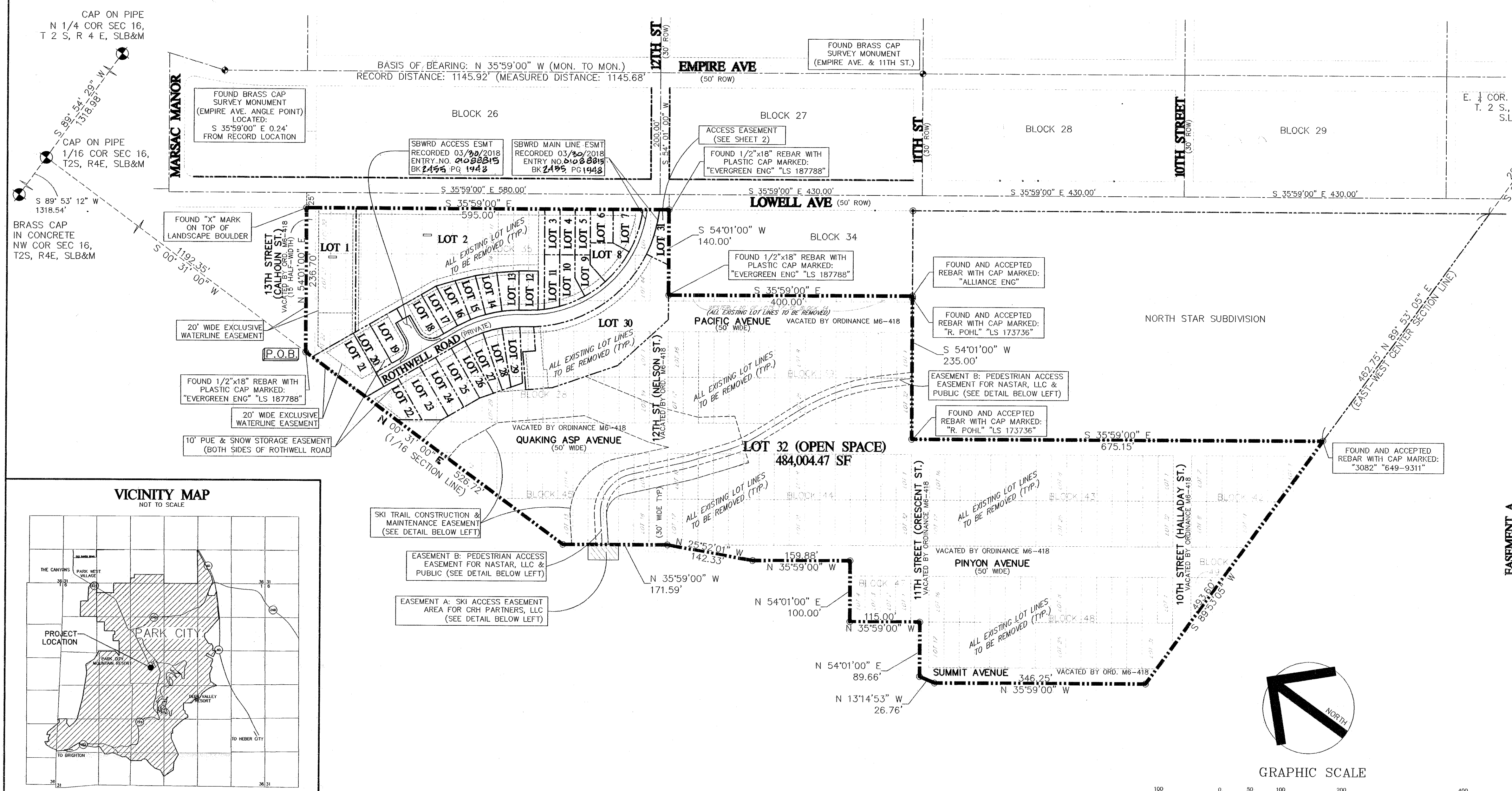




KING'S CROWN RE-SUBDIVISION

(A 32 LOT RESIDENTIAL SUBDIVISION)

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



BOUNDARY DESCRIPTION
BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF VACATED 13TH STREET (A.K.A. CALHOUN STREET) AND THE WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY, SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. SAID POINT OF BEGINNING IS LOCATED SOUTH 00° 31' 00" WEST, 1192.35 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 54° 01' 00" EAST ALONG SAID SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, 236.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE; THENCE SOUTH 35° 59' 00" EAST ALONG SAID WESTERLY RIGHT OF WAY OF LOWELL AVENUE, 595.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF VACATED 12TH STREET (A.K.A. NELSON STREET); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, SOUTH 54° 01' 00" WEST, 140.00 FEET; THENCE SOUTH 35° 59' 00" EAST, 400.00 FEET TO THE SOUTHWEST CORNER OF BARBARA'S SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; THENCE SOUTH 54° 01' 00" WEST ALONG SAID NORTHERLY BOUNDARY LINE, 235.00 FEET TO THE NORTHEAST CORNER OF SAID NORTHSTAR SUBDIVISION; THENCE SOUTH 35° 59' 00" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID NORTHSTAR SUBDIVISION, 675.15 FEET TO THE SOUTHWEST CORNER OF SAID NORTHSTAR SUBDIVISION, SAID POINT ALSO BEING ON THE EAST-WEST CENTER SECTION LINE (SOUTH LINE OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89° 53' 05" WEST ALONG SAID EAST-WEST CENTER SECTION LINE, 493.60 FEET TO THE CENTERLINE OF VACATED SUMMIT AVENUE; THENCE NORTH 35° 59' 00" WEST ALONG SAID CENTERLINE OF SUMMIT AVENUE, 346.25 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF THE EXISTING KING'S CROWN SKI RUN; THENCE NORTH 13° 14' 53" WEST ALONG SAID EASTERLY EDGE OF THE KING'S CROWN SKI RUN, 26.76 FEET TO THE CENTERLINE OF VACATED 11TH STREET (A.K.A. CRESCENT STREET); THENCE NORTH 54° 01' 00" EAST ALONG SAID CENTERLINE OF 11TH STREET, 89.66 FEET; THENCE LEAVING SAID CENTERLINE NORTH 35° 59' 00" WEST ALONG THE SOUTHWESTERLY BOUNDARY OF LOTS 1 THROUGH 4 OF BLOCK 47, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE, 171.59 FEET TO THE WEST LINE OF SAID SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, 159.88 FEET; THENCE LEAVING SAID CENTERLINE NORTH 25° 52' 01" WEST A DISTANCE OF 142.33 FEET TO THE NORTHEAST CORNER OF LOT 17, BLOCK 44, SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF SAID VACATED PINYON AVENUE; THENCE NORTH 35° 59' 00" WEST ALONG SAID CENTERLINE OF PINYON AVENUE, 50.00 FEET TO THE NORTHEAST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, 171.59 FEET TO THE WEST LINE OF SAID SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, 159.88 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 35° 59' 00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54° 01' 00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 653,761 SQUARE FEET (15,008.3 ACRES) MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE SKI ACCESS EASEMENT OVER THE FOLLOWING:

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, SOUTH 35° 59' 00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, 171.59 FEET TO THE WEST LINE OF SAID SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, 159.88 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 35° 59' 00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54° 01' 00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS.

EASEMENT A: SKI ACCESS EASEMENT AREA FOR CRH PARTNERS, LLC
A 20.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG AN EXISTING FOOT PATH THE FOLLOWING NINE (9) COURSES: 1) NORTH 43° 00' 27" WEST 52.04 FEET TO A POINT ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 144.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 02' 12" WEST 80.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 3) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15° 06' 27" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15° 06' 27" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 5) 15.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 33' 03" WEST 15.89 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 6) 82.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81° 30' 18" SOUTH 50° 06' 39" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC
A 20.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG AN EXISTING FOOT PATH THE FOLLOWING NINE (9) COURSES: 1) NORTH 43° 00' 27" WEST 52.04 FEET TO A POINT ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 144.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 02' 12" WEST 80.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 3) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15° 06' 27" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15° 06' 27" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 5) 15.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 33' 03" WEST 15.89 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 6) 82.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81° 30' 18" SOUTH 50° 06' 39" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

OWNERS DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "KING'S CROWN RE-SUBDIVISION", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS SUBDIVISION PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS SUBDIVISION PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL THE LAND FOR LOCAL GOVERNMENT USES, EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE PRIVATE DRIVE AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "KING'S CROWN RE-SUBDIVISION".

Rory Murphy
CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY, BY: RORY MURPHY, MANAGER

ACKNOWLEDGMENT
STATE OF UTAH)
COUNTY OF SUMMIT) ss.
COUNTY OF SUMMIT)
I, *Gregory R. Wolbach*, 2018, PERSONALLY APPEARED BEFORE ME, RORY MURPHY, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE IS THE MANAGER OF CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT SAID DOCUMENT WAS SIGNED BY HIM ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID RORY MURPHY ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

Gregory R. Wolbach
NOTARY PUBLIC

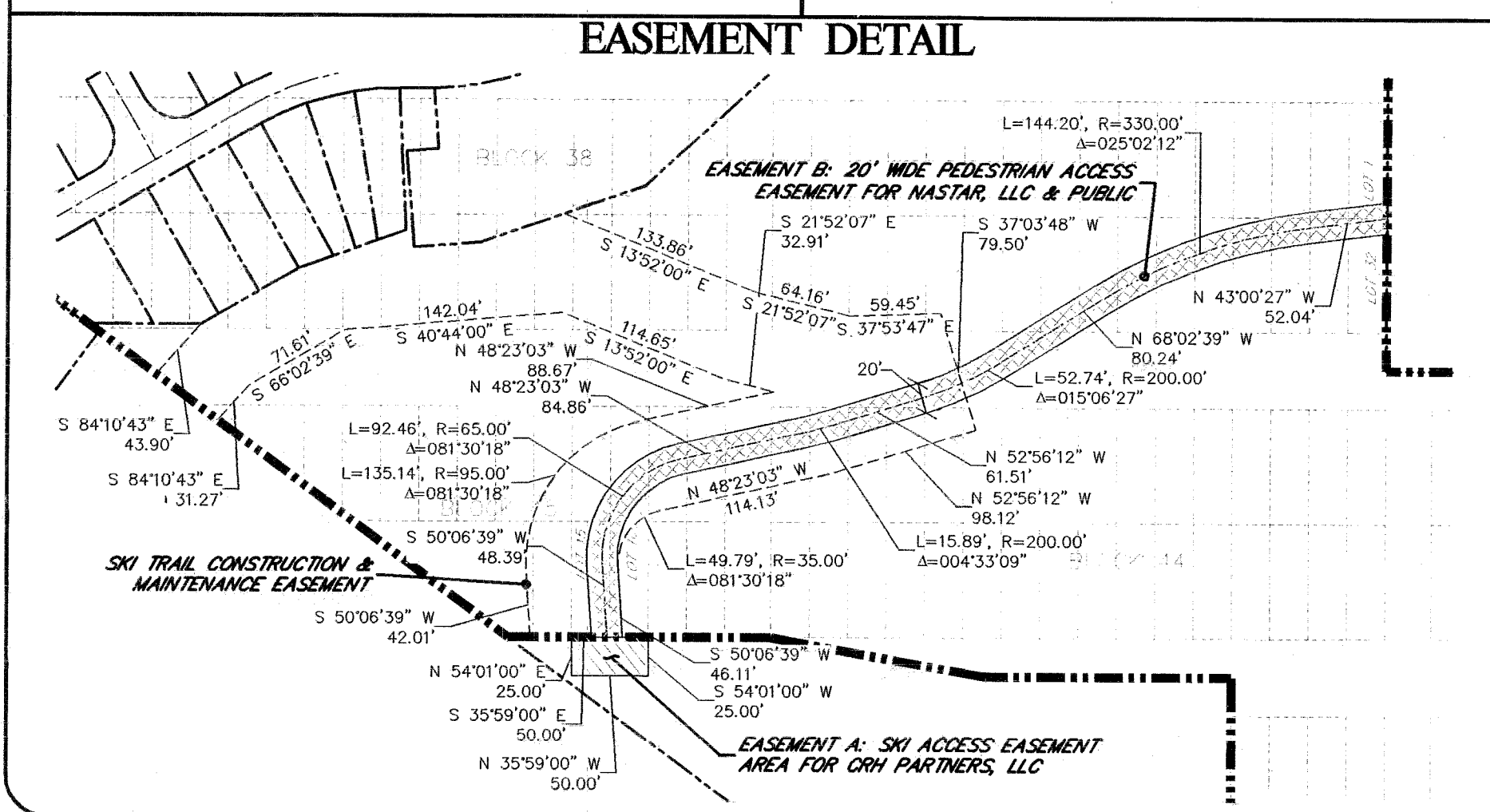
MY COMMISSION EXPIRES: 4/8/2019
RESIDING IN: SUMMIT COUNTY, UTAH

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 2
PLOTTED: MARCH 29, 2018
DRAWING: LOWELL-PLAT-PLDWG
© 2018 Evergreen Engineering, Inc.

RECORDED
No. 1091847 Date: 5/16/18
STATE OF UT TIME - 1:16 pm
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
REAL ADVANTAGE TITLE
Fee: \$92.00
C. Willoughby, deputy
COUNTY CLERK



NARRATIVE

1. BASIS OF BEARING: N 35° 59' 00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS: FOUND IN PLACE OR PLACED AT ALL EXTERIOR CORNERS OF THE BOUNDARY OF THE PROPERTY, AS SHOWN HEREON.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. ALL LOT AND BLOCK LINES OF BLOCKS 34, 35, 38, 39, 42-45 (INCLUSIVE), 48 AND 49 SHALL BE REMOVED. LOT LINES OF BLOCK 47, LOTS 1-4 SHALL ALSO BE REMOVED.
5. VACATED ROADS (RIGHTS OF WAY) LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY, WERE VACATED BY ORDINANCE M6-418. THESE INCLUDE: 10TH STREET (HALLADAY ST.), 11TH STREET (CRESCENT ST.), 12TH STREET (NELSON ST.), 13TH STREET (CALHOUN ST.), PACIFIC AVENUE, QUAKING ASP AVENUE, PINYON AVENUE AND SUMMIT AVENUE.
6. ROTHWELL ROAD IS A PRIVATE ROAD.
7. SEE SHEET 2 FOR DETAILED INFORMATION ON LOTS 1-31, AS WELL AS ADDITIONAL EASEMENT INFORMATION.
8. UPON RECORDATION OF THIS PLAT, A RECREATION USE EASEMENT IS CREATED OVER ALL OF LOT 32 FOR TRAIL INSTALLATION & MAINTENANCE.
9. DRY UTILITY INFRASTRUCTURE MUST BE LOCATED ON THE PROPERTY AND SHOWN ON THE BUILDING PLANS PRIOR TO BUILDING PERMIT ISSUANCE TO ENSURE THAT UTILITY COMPANIES VERIFY THAT THE AREA PROVIDED FOR THEIR FACILITIES ARE Viable AND THAT EXPOSED METERS AND BOXES CAN BE SCREENED WITH LANDSCAPING.
10. THE PROJECT IS OVER 1.0 ACRES AND WILL BE REQUIRED TO MEET THE REQUIREMENTS OF PARK CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) STORM-WATER PROGRAM.
11. 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 TO RECORDATION.
12. DEVELOPMENT ON EACH SFD LOT IS LIMITED TO ONE (1) SINGLE-FAMILY DWELLING.
13. AT THE TIME OF RESURFACING OF ROTHWELL ROAD, THE MASTER OWNER'S ASSOCIATION SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MAINHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY SBWRD IS REQUIRED.
14. LOTS 11-21 MAY REQUIRE A PRIVATELY OWNED AND OPERATED WASTEWATER EJECTOR PUMP FOR WASTEWATER SERVICE.
15. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE STORAGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1670 Bonanza Drive * Suite 104
P.O. Box 2861 * Park City * Utah * 84060
Phone: 435.649.4667 * Fax: 435.649.9219
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 9th DAY OF May A.D. 2018.
[Signature]
CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 2nd DAY OF April A.D. 2018.
BY: *[Signature]*
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS 10th DAY OF JANUARY A.D. 2018.
[Signature]
CHAIRMAN

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS 16th DAY OF May A.D. 2018.
[Signature]
CITY ATTORNEY

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 1ST DAY OF FEBRUARY A.D. 2018.
[Signature]
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS 1ST DAY OF FEBRUARY A.D. 2018.
[Signature]
CITY RECORDER

RECORDED
No. 1091847 Date: 5/16/18
STATE OF UT TIME - 1:16 pm
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
REAL ADVANTAGE TITLE
Fee: \$92.00
C. Willoughby, deputy
COUNTY CLERK

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes eight (8) deed restricted affordable housing condominium units (8.85 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
13. The MPD includes 25 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
14. Building A is a multi-unit dwelling, listed as a conditional use.
15. Building A has 15 residential affordable housing units.
16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
17. Building A has 18 parking spaces located in an enclosed underground parking garage.
18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
19. Building A has 5 stories above the parking garage.
20. Building A is on proposed lot 1.

21. Affordable housing residential units do not count towards residential Unit Equivalents.
22. Building B/C is a multi-unit dwelling, listed as a conditional use.
23. Building B/C has 14 residential units.
24. Building B/C has the following square footage:
 - a. Residential: 27,218 (13.61 residential Unit Equivalents)
 - b. Mechanical: 957
 - c. Internal circulation (hallways, stairs, and elevator): 2,664
 - d. Parking and vehicular circulation: 10,593
 - e. Common area/pool: 5,822
 - f. Owners storage (platted common): 1,310
 - g. Affordable housing unit (platted common): 717
 - h. Overall: 49,281
25. Building B/C has 25 parking spaces located in enclosed underground parking garages.
26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
27. Building B/C has 4 stories above the parking garage.
28. Building B/C is on proposed lot 2.
29. Building D is a multi-unit dwelling, listed as a conditional use.
30. Building D has 11 residential units.
31. Building D has the following square footage:
 - a. Residential: 24,250 (12.13 residential Unit Equivalents)
 - b. Mechanical: 528
 - c. Internal circulation (hallways, stairs, and elevator): 2,252
 - d. Parking and vehicular circulation: 7,865
 - e. Owner's storage (platted common): 724
 - f. Overall: 35,619
32. Building D has 22 parking spaces located in an enclosed underground parking garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
34. Building D has 4 stories above the parking garage.
35. Building D is on proposed lot 2.
36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
37. Townhomes Building has 7 residential units
38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
41. Townhomes Building has 3 stories above the garage level.
42. Townhomes Building is on proposed lot 30
43. Single-family dwellings are an allowed use within the District.

44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
48. The single family lots are on proposed lots 3-29.
49. The applicant proposed two (2) lots to be re-platted as open space.
50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
53. The proposed accessory building on Lot 32 is located on the RC District.
54. Accessory buildings are an allowed use with the RC District.
55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
60. The RC District does not provide a FAR standard for single-family dwelling lots, but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 ($80,963 \div 199,867$) for multi-unit dwellings.
62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density ($199,867 - 80,963$).

63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
65. A residential Unit Equivalent is 2,000 square feet.
66. The applicant proposes the construction of the following 32 residential units and the allotment of 27 lots:
 - a. 14 flats within the multi-unit Building B/C totaling 27,218 square feet (13.61 residential Unit Equivalents).
 - b. 11 flats within the multi-unit Building D totaling 24,250 square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwellings on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:
 - a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
70. The proposed setback reductions are in compliance with LMC MPD provisions.
71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15.
72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See

building by building requirement:

- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires 24 parking spaces based on the size of the units. The proposed building contains 25 parking spaces.
 - c. Building D requires 20 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § [15-2.16-4 Building Height](#) and single-family dwellings listed under LMC § [15-2.16-5 Special Requirements For Single Family And Duplex Dwellings \(subsection L-M\)](#), including all applicable height exceptions as allowed in the LMC.
 76. The applicant does not seek additional height under the MPD parameters listed under LMC § [15-6-5 MPD Requirements, Sub-section F](#).
 77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
 78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
 79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
 80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
 81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.

82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
85. There are no commercial or non-residential uses with this project, and all off-street parking requirements are met within the project. The bus stop/transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.
86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
92. The proposal does not create additional demands for child care.
93. An environmental survey ([Exhibit P - Environmental Survey](#)) was prepared revealing no environmental contaminants on the property.
94. A mine site study ([Exhibit Q - Mine Site Studies](#)) was conducted and determined that there were no mining related activities on the property.
95. The proposal fulfills the following goals and objectives of the General Plan.
96. A cultural survey ([Exhibit O - Cultural Survey](#)) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and

- shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission.
98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
 99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
 100. There are certain uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
 101. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.
 102. The project is located on Lowell Avenue, between 12th and 13th Street.
 103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
 104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
 105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
 106. Utilities necessary for these proposed uses are available at or near the site.
 107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
 108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
 109. The proposed conditional use meets all LMC parking regulations.
 110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
 111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
 112. The project has been designed to mirror the existing neighborhood development patterns.
 113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the

townhomes continuing the townhome pattern as well.

114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
124. The site is within steep slopes found throughout the site.
125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.
126. The Applicant provided [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the](#) placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock.
127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
128. [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#) also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction)

covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.

130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
139. The Chief Building official has studied the applicant's preliminary Construction Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.
140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.
141. The applicant stipulates to the conditions of approval.
142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5

herein;

3. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
4. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
5. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
6. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
7. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
8. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
10. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
11. The MPD has been noticed and public hearing held in accordance with this Code.
12. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
13. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
14. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
15. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditional Use Permit Conclusions of Law:

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.
9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.

11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.
22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.

24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.



May 8, 2019 Amendment Subject to Housing Authority Approval

CRH Partners, LLC
1887 Gold Dust Lane
Park City, UT 84060
Attn: Hans Fuegi

NOTICE OF CITY COUNCIL ACTION – AMENDED

Description: Affordable Housing Mitigation Plan – Amended
Project Title: Kings Crown at Park City
Date of Action: May 30, 2019

Summary of Recommendation

On August 30, 2018, Park City Housing Authority approved a recommendation made by the Planning Commission to approve a Housing Mitigation Plan proposed by CRH Partners, LLC. The Mitigation Plan proposes the construction and sale of 15 affordable/attainable deed restricted condominiums at Kings Crown at Park City. Seven units priced affordable to households earning an average of 76% of AMI are in fulfillment of the affordable housing obligation at Kings Crown at Park City. Eight attainable units priced affordable to 150% of AMI (in accordance with HUD Income Limits) are in excess of the generated housing obligation. Completed units will include one 1-bedroom unit, eight 2-bedroom units and six 3-bedroom units.

Findings of Fact:

1. The applicable Development Agreement was recorded June 14, 2018 for the Kings Crown Master Planned Development (MPD).
2. Housing Resolution 03-2017 Section 8 requires that affordable housing shall be provided equal to 15% of the market residential units in an MPD. The total residential units proposed in the MPD are fifty-seven (57), 15% of which equals 8.55 Affordable Unit Equivalents (AUEs). This requirement is met by providing 9.38 AUEs (8,438 SF) of affordable housing averaging less than 80% of AMI. Each AUE is measured as 900 square feet of interior space.
3. The Housing Mitigation Plan was recommended for approval by the Planning Commission to the Park City Housing Authority on August 8, 2018. The plan was modified slightly after Planning Commission but the terms are substantially the

- same. The final version for approval is attached as Exhibit A with red-lined amendments to correct square footage and approved changes in the agreement.
4. The Applicant proposes a plan to build 8,438 SF of affordable housing comprised on seven (7) two and three bedroom units varying in size from 997 SF to 1,377 SF all within one building. In addition, the Applicant proposes to build an additional eight (8) attainable units (150% AMI, HUD Income Limits) in the same building of one to three units. In addition, one unit of 717 SF will be included in a second building.
 5. The Applicant proposes to price the seven affordable units at an average household AMI of 76% (\$57,834 to \$85,680 annual household income based on the Resolution definition of household size) and the remaining eight units attainable to 150% to 200% AMI depending on HUD defined household size (\$128,520 to \$219,600 annual household income). The 717 SF one-bedroom unit in Building B will be platted as common area and rent will be set affordable to a household at 50% of AMI (\$43,920 maximum income for a family of two and \$1,098 monthly rent in 2019).
 6. Under Section 9 of the Housing Resolution, Applicant is requesting to use Alternative Distribution Ratios so that instead of building 4 townhomes, 1 single family home and 3.5 condominiums, they build 16 affordable/attainable Units in two buildings.
 7. Housing Resolution 03-2017 allows for waivers by the Housing Authority.
 8. Unit descriptions as required by Housing Resolution 03-2017, Section 13 are attached here as Exhibit C.
 9. The Applicant has requested the Housing Authority waive pursuant to Section 19 of Housing Resolution 03-2017 requirements related to construction timing and delivery of the affordable housing units, specifically Sections 11 (Timing of Occupancy) which states that the affordable units must be delivered in proportional timing to the market units & 14A (Construction of Market Units) which states that Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy ... for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units.
 10. The waiver provision states that the City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development).
 11. Applicant proposes 8 additional attainable units in order to enhance project affordability, pricing the affordable units with an overall average of 76% of AMI. The Applicant will build the affordable/attainable building to green building standards in compliance with Section 9.B.5 of Housing Resolution 03-2017.
 12. In addition, in order to meet the spirit of the housing resolution timing requirements, applicant proposes that:
 - a. CRH will post a Performance Bond in an amount equal to the construction cost and in a form acceptable to the City for the completion of the Affordable Housing building.
 - b. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear

before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.

Conclusions of Law:

1. The conditions of the Development Agreement between CRH Partners, LLC and Park City Municipal Corporation recorded on June 14, 2018 related to Affordable Housing has been met by this plan.
2. This plan complies with Park City Housing Resolution 03-2017.
3. Housing Authority approves a waiver of the Housing Resolution timing of construction and delivery of the affordable housing units.

Conditions of Approval:

1. The Affordable Housing building will be the first building to draw a building permit.
2. No Certificate of Occupancy will be granted for the Crown Homes (market townhomes) prior to receiving the CO for the affordable/attainable building.
3. CRH will post a Performance Bond equal to the cost of construction and in a form acceptable to the City for the construction of the Affordable Housing building.
4. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.
5. Units will be sold at pricing as follows:

Unit #	Sq Ft	# of Bedrms	Sales Price	Max Hshold
A-101	1,349	3	\$ 303,647	\$ 85,680
A-102 ADA	1,000	2	\$ 197,881	\$ 57,834
A-201	1,000	2	\$ 239,122	\$ 67,473
A-202	998	2	\$ 239,122	\$ 67,473
A-203	1,377	3	\$ 303,647	\$ 85,680
A-303	1,000	2	\$ 263,841	\$ 77,112
A-304	997	2	\$ 263,841	\$ 77,112
Affordable units total	7,721		\$ 1,811,101	
Max total sales price @ 80% AMI			\$ 1,901,120	
Average % AMI Sales Price			76%	
A-301	989	2	\$ 512,404	\$ 144,585

A-302	987	2	\$ 512,404	\$ 175,680
A-401	671	1	\$ 455,470	\$ 153,720
A-402	959	2	\$ 512,404	\$ 175,680
A-403	1,174	3	\$ 569,338	\$ 219,600
A-404	1,189	3	\$ 569,338	\$ 219,600
A-501	1,160	3	\$ 569,338	\$ 219,600
A-502	1,163	3	\$ 569,338	\$ 219,600
Attainable units total @ 150% Ami per HUD Income Limits	8,292		\$ 4,270,034	
Additional Storage	736			
Total	16,749			

6. Deed Restrictions shall be recorded against all 16 units in a form approved by the City Attorney.
7. CCRs for the Affordable/Attainable building will include a provision that HOA fees won't increase more than three percent (3%) per year.
8. Initial HOA dues shall not exceed an average of \$250 per month per unit excluding utilities and internet and/or an average of \$370 per month per unit including utilities and internet.
9. Units within Building A, the affordable/attainable building shall be sold and the one unit in Building B will be rented to eligible households defined in the recorded Deed Restrictions.
10. All sales shall be approved in writing by the City Affordable Housing Office.
11. Housing Authority waived the Housing Resolution 03-2017 construction timing and delivery of the affordable housing units Sections 11 and 14.A.

Attached:

Exhibit A: Housing Mitigation Plan proposed by CRH Partners LLC., dated July 16, 2018 and amended with agreed-upon changes in red as well as proposed 2019 amendment dated April 25, 2019.

Exhibit B: Project Site Plan – Affordable Housing Building is Building A on Lot 1

Exhibit C: Floor Plans for Building A, Affordable and Attainable Housing Building

Exhibit D: Floor Plans for Building B identifying the 717 SF AUE platted as common area.

Sincerely,

Rhoda Stauffer
Affordable Housing Program

Planning Commission Staff Report

Subject: Kings Crown Townhome Condominiums
Author: Laura Kuhrmeyer, Planner
Project Number: PL-19-04240
Date: September 11, 2019
Type of Item: Legislative – Condominium Plat

Recommendation

Staff recommends that the Planning Commission review and hold a public hearing for the Kings Crown Townhome Condominiums located at 1217 Rothwell Road, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: CRG Development Partners, LLC represented by Rory Murphy
Location: 1217 Rothwell Road
Zoning: Recreation Commercial (RC) District
Adjacent Land Uses: Trails, skiing, open space, and residential.
Reason for Review: Condominium Plat applications require Planning Commission public hearing / review / recommendation to the City Council, and City Council public hearing / review / final action

Proposal

The Applicant requests approval of the Kings Crown Townhome Condominiums within Kings Crown Master Planned Development to plat seven (7) private market rate residential townhome condominium units, as well as accompanying mechanical space, internal circulation, parking, storage, etc., all to be designated common space. The Condominium Plat would allow the applicant to sell each unit individually and is subject to the amended Kings Crown Master Planned Development / Conditional Use Permit, also included in this packet.

Purpose

The purpose of the Recreational Commercial District is found in [Land Management Code § 15-2.16-1 Purpose](#).

Background/Timeline

Staff has provided a Table below that outlines the background and history of related applications.

Table 1

Date	Action	Staff Report / Link(s)
January 10, 2018	Park City Planning Commission approved the Kings Crown Master Planned Development / Conditional Use Permit.	See staff report/exhibits
February 1, 2018	Park City Council approved the Kings Crown Re-Subdivision Plat.	Ordinance No. 2018-05 , and staff report/exhibits
June 13, 2018	Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development.	See staff report/exhibits
June 14, 2018	Summit County recorded the Development Agreement.	Entry No. 01093392
May 16, 2018	Summit County recorded the Plat.	Entry No. 1091847
August 30, 2018	Park City Housing Authority approved the Affordable Housing Mitigation Plan.	See staff report/exhibits and meeting minutes (page 10)
June 17, 2019	Park City Planning Department received a complete application for this Condominium Plat.	Under review tonight
May 22, 2019	Park City Planning Commission reviewed and approved the amendment to the approved Master Planned Development.	See staff report/exhibits (page 339) and meeting minutes (page 46)
May 22, 2019	Park City Planning Commission reviewed and approved the Kings Crown Condominium Plat for Buildings B, C, and D.	See staff report/exhibits (page 373) and meeting minutes (page 55)
August 14, 2019	Park City Planning Department received a complete application for the Kings Crown Resubdivision First Amended Plat. This amendment divides Lot 2 into two lots and allocates a portion of Lot 32 to Lot 30 (subject Site).	Under review tonight

Analysis

The proposed Townhome Condominium Plat memorializes private, common, and limited common area that would that allows the units (townhomes) to be sold individually. The proposed Condominium Plat consists of seven (7) market-rate

townhomes within the Kings Crown Master Planned Development, to be platted as the Kings Crown Townhome Condominiums. The unit boundaries of each private unit will be set forth on the recorded plat.

The size of the units range from 4,037 to 4,138 square feet. See table below showing the dwelling unit (townhome) number, private square footage, and limited common area:

Unit #	Unit Square Footage	Limited Common Area Appurtenant With Each Private Unit (deck)
101	4,037	830
102	4,136	856
103	4,114	859
104	4,132	837
105	4,121	840
106	4,131	857
107	4,138	1,247
Total Private	28,809	

Common areas include exterior walls and internal bearing walls/columns, footing and foundation, roof, etc. Limited common areas include several exterior decks as well as elevators for each unit.

Process

The approval of this Condominium Plat application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code §15-1-18.

Good Cause

Staff finds good cause for this Condominium Plat as it reflects compliance with the amended Master Plan Development and Conditional Use Permit, approved Re-Subdivision Plat, and amended Affordable Housing Mitigation Plan.

Department Review

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

Notice

On August 28, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on August 28, 2019, according to requirements of the LMC.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the proposed Condominium Plat, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the proposed Condominium Plat, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the proposed Condominium Plat, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of Not Taking Recommended Action

Once the building is finished the property owner would not be able to sell each unit (townhome) individually.

Recommendation

Staff recommends that the Planning Commission review and hold a public hearing for the Kings Crown Townhome Condominiums located at 1217 Rothwell Road, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Attachment 1 – Proposed Condominium Plat

Exhibit B – Applicant's Project description

Exhibit C – Survey

Exhibit D – Aerial Photograph

Exhibit E – Site Photographs

Exhibit F – Current Recorded Plat (Kings Crown Resubdivision)

Exhibit G – Proposed Kings Crown Resubdivision First Amended

Exhibit A – Draft Ordinance

Ordinance No. 19-XX

AN ORDINANCE APPROVING THE KINGS CROWN TOWNHOME CONDOMINIUMS, LOCATED AT 1217 ROTHWELL ROAD, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 1217 Rothwell Road have petitioned the City Council for approval of the Condominium Plat; and

WHEREAS, on August 28, 2019, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on August 28, 2019, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on September 11, 2019, to receive input on the Condominium Plat; and

WHEREAS, the Planning Commission on September 11, 2019, forwarded a recommendation to the City Council; and,

WHEREAS, on October 10, 2019, the City Council held a public hearing to receive input on the Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Kings Crown Townhome Condominiums Plat, located at 1217 Rothwell Road.

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

SECTION 1. APPROVAL. The Kings Crown Townhome Condominiums Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 1217 Rothwell Road, Lot 30 of the Kings Crown Re-Subdivision.
2. The site is located within the Recreation Commercial (RC) District.
3. On January 10, 2018 the Park City Planning Commission approved the Kings Crown Master Planned Development (MPD) and a Conditional Use Permit for Multi-Unit Dwellings throughout the development for market rate and affordable housing units.
4. On February 1, 2018 the Park City Council approved the Kings Crown Re-Subdivision Plat, per Ordinance No. 2018-05.

5. On June 13, 2018 the Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development.
6. On June 14, 2018 Summit County recorded the Development Agreement -entry no. 01093392.
7. On May 16, 2018 Summit County recorded the Kings Crown Re-Subdivision Plat – entry no. 1091847.
8. On August 30, 2018 the Park City Housing Authority approved the Kings Crown Affordable Housing Mitigation Plan.
9. On June 17, 2019 the Park City Planning Department received a complete Condominium Plat for the Kings Crown Townhome Condominiums.
10. On May 22, 2019 the Planning Commission amended the MPD and CUP.
11. On September 11, 2019, the Planning Commission reviewed the Kings Crown Resubdivision First Amended Plat.
12. The City Council is scheduled to review the Kings Crown Resubdivision First Amended Plat on October 10, 2019.
13. The proposed Condominium Plat memorializes common, limited common, and private areas that would that allows the units to be sold individually.
14. The proposed Condominium Plat consists of seven (7) market rate units within the Kings Crown Master Planned Development, to be platted as Kings Crown Townhome Condominiums.
15. The unit boundaries of each private unit would be set forth on the recorded plat.
16. The size of the private units ranges from 4,037 – 4,138 square feet.
17. Common areas include exterior walls and internal bearing walls/columns, footing and foundation, roof, etc.
18. Limited common areas include several exterior decks as well as elevators for each unit.
19. The recordation of this Condominium Plat would allow the applicant to sell each unit individually.
20. There is Good Cause for this Condominium Plat as it reflects compliance with the amended Master Plan Development and Conditional Use Permit, approved Re-Subdivision Plat, and amended Affordable Housing Mitigation Plan.

Conclusions of Law:

1. There is good cause for this Condominium Plat.
2. The 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.
4. Approval of the 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat 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 shall record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The Kings Crown Townhome Condominiums Plat shall not be recorded until the Kings Crown Resubdivision First Amended Plat is approved and recorded, correcting the property lines between Lot 30 and Lot 32.
4. A plat note shall state that all conditions of approval of the amended Master Planned Development, Conditional Use Permit, Kings Crown Re-Subdivision First Amended Plat, and amended Housing Mitigation Plan shall continue to apply.

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

PASSED AND ADOPTED this 10th day of October, 2019.

PARK CITY MUNICIPAL CORPORATION

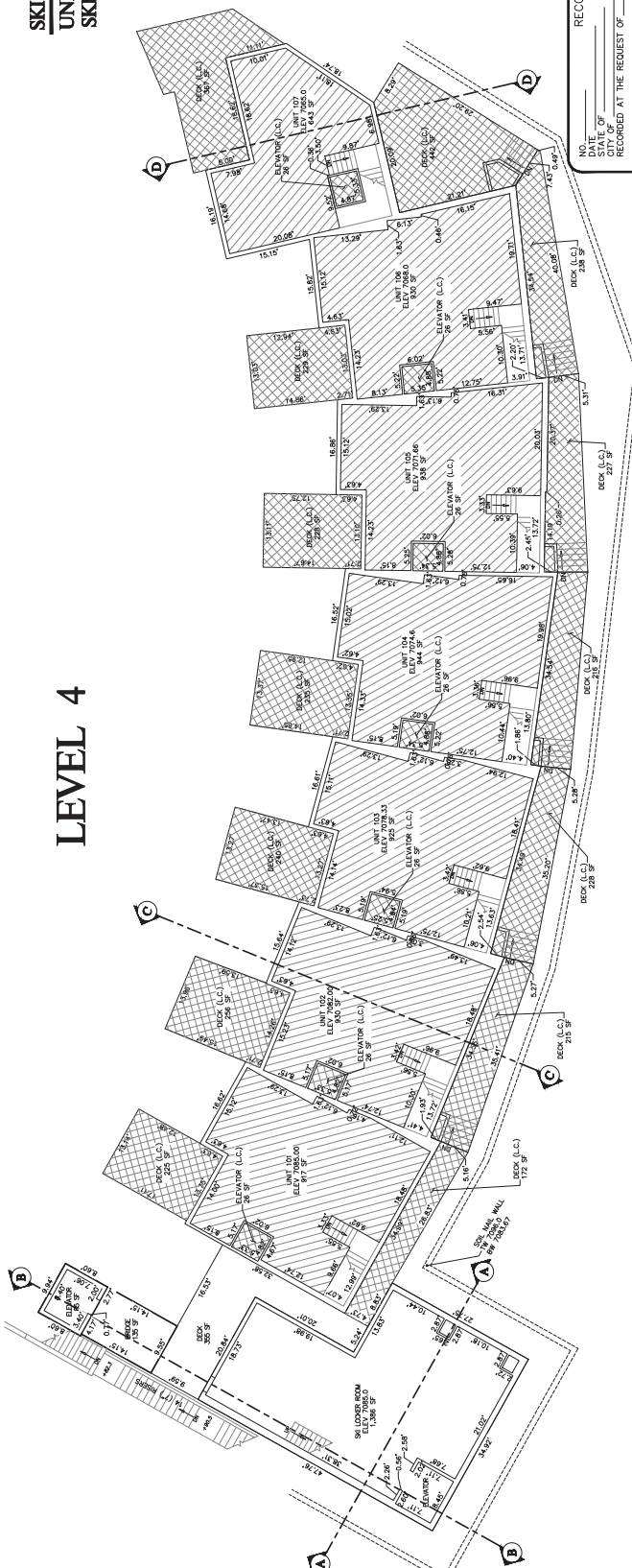
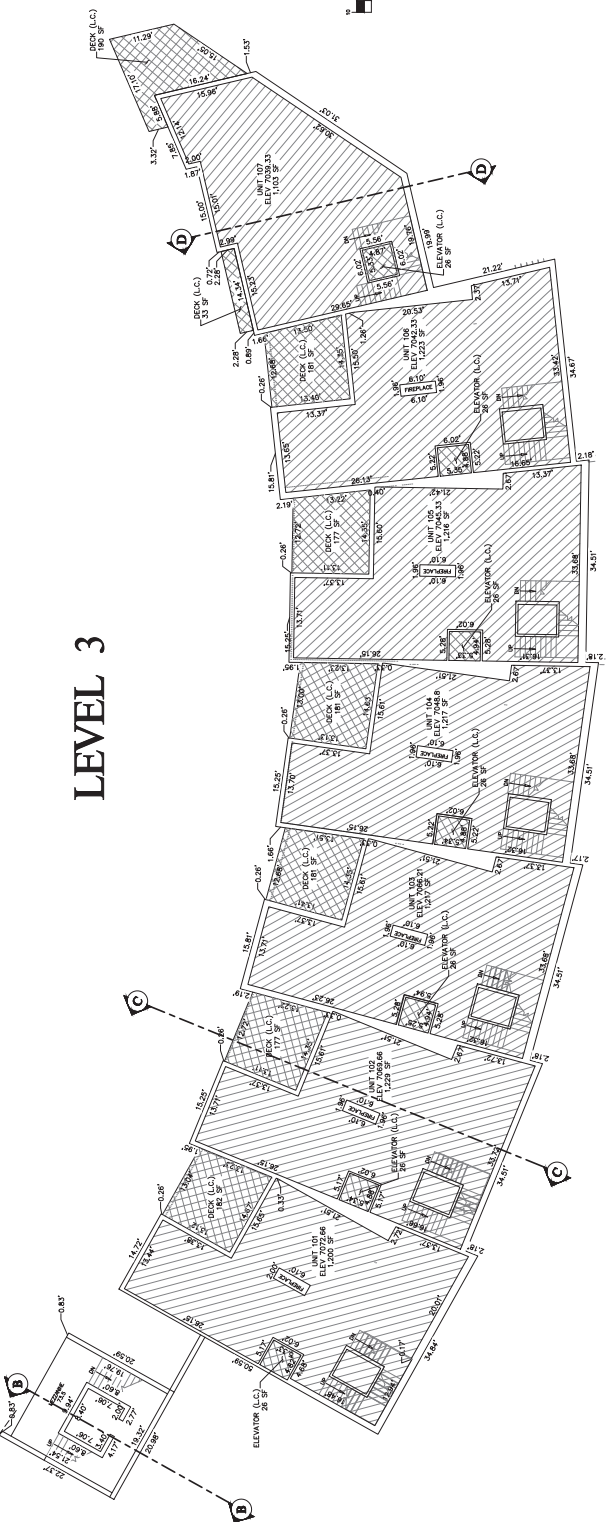
Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



June 3, 2019

Mr. Francisco Astorga, Senior Planner
Mr. Bruce Ericksen, Planning director
Park City Planning Department
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1450
Park City, UT 84060

RE: Narrative for Townhome Plat Submittal

Dear Francisco and Bruce,

Please find attached to this narrative a full submittal package for the Townhomes at King's Crown. The submittal identifies seven total townhomes with a total square footage, including garages, of 28,809 square feet. The Conditional Use Permit for the Kings Crown Townhomes allows for 29,005 square feet, so the proposal in front of you is less than what was approved in the MPD/CUP process. The number of units is identical to the MPD/CUP approval and there are no height variances nor setback variances proposed with this plat submittal.

Given that there are no substantial or even incidental deviations from the MPD/CUP approval, there is very little information to add to this narrative that the Planning Department has not seen and analyzed previously. As mentioned above, the unit count stands at seven, the square footage is slightly less and the condominium has been organized by the accompanying Condominium Declaration that is part of the submittal. The color palette will be the same as was identified in the MPD/CUP and there is no off-street parking proposed as part of this submittal.

The access to the condominiums will be from Rothwell Road and from there all traffic will enter onto and exit onto Lowell Avenue. The traffic impacts are not expected to be significant and there will be easy pedestrian access to the resort as well as the Main Street core area of Park City. Additionally, there is easy pedestrian access to retail, parks, libraries and a host of other Park City amenities.

In addition to the condominiums, the proposed plat includes the ski access amenity building identified in the MPD/CUP. This ski amenity building is exclusive to the homeowners at King's Crown and will be the primary access to skiing from the project. The amenity building provides elevator access to a dedicated resort ski run that accesses the King's crown property. Included in the ski amenity building are ski

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PARK CITY
PLANNING DEPT.

lockers for the owners to use and a lounge area to relax before, during and after skiing. There is also a hot tub and a fire pit (gas, enclosed) to enhance the experience. We also picture lounge chairs and seating similar to Silver Star so that the owners and guests can relax and enjoy the views when the weather is nice. In addition, we have included a pedestrian access stairway that continues a similar set of stairs that comes up from Lowell Avenue. This is a public right-of-way and fulfills a promise made to give the public a route through the project to access the ski resort. This should help with the current difficult pedestrian situation that exists at the lower part of Lowell Avenue during the winter.

We appreciate the opportunity to submit this plat proposal to you. Please do hesitate to contact us with any questions or comments you may have concerning this proposal. Thank you for your consideration of this application and we look forward to hearing your comments.

Sincerely,

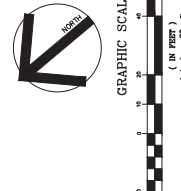
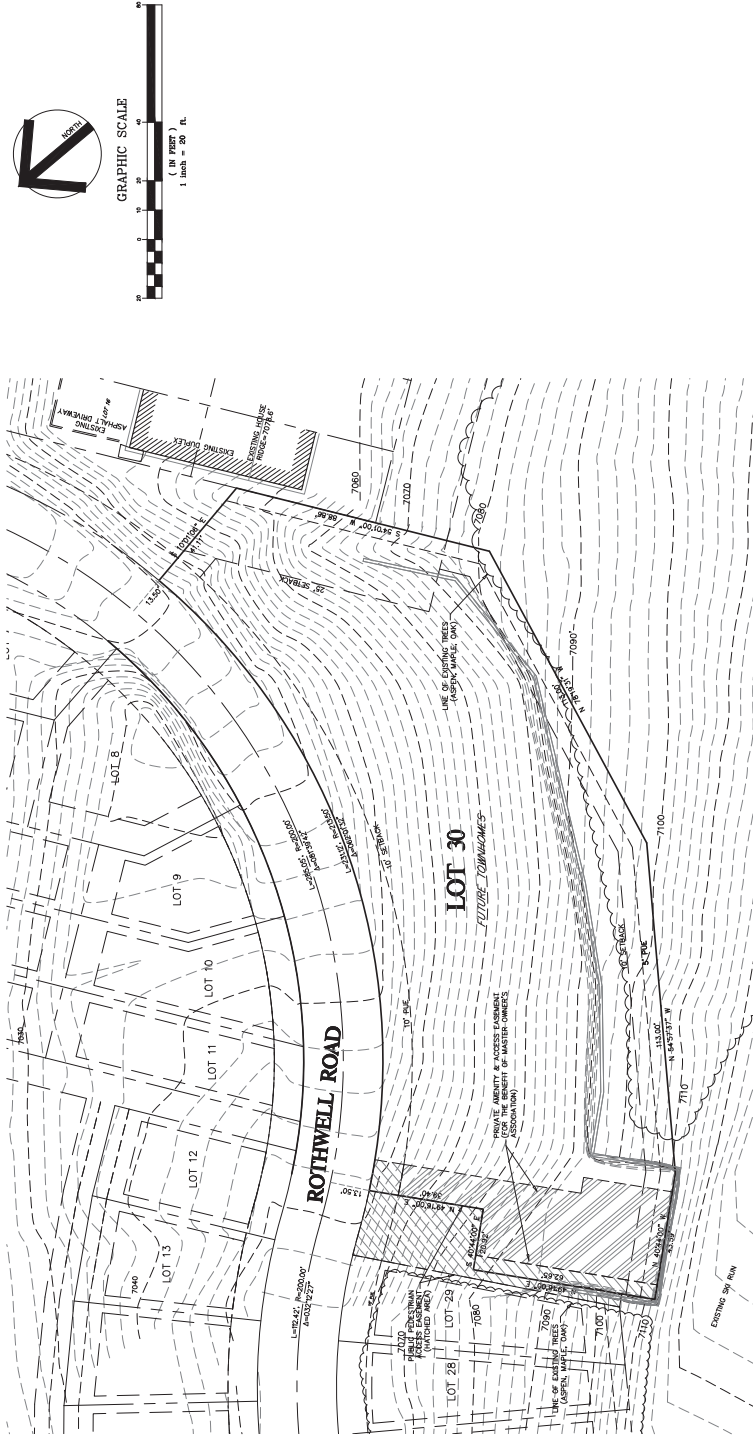


Rory Murphy
Managing Partner
CRH Partners, LLC

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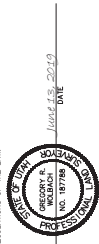


LEGAL DESCRIPTION

LOT 30, KING'S CROWN RESUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (ENTRY #1094147).

SURVEYOR'S CERTIFICATE

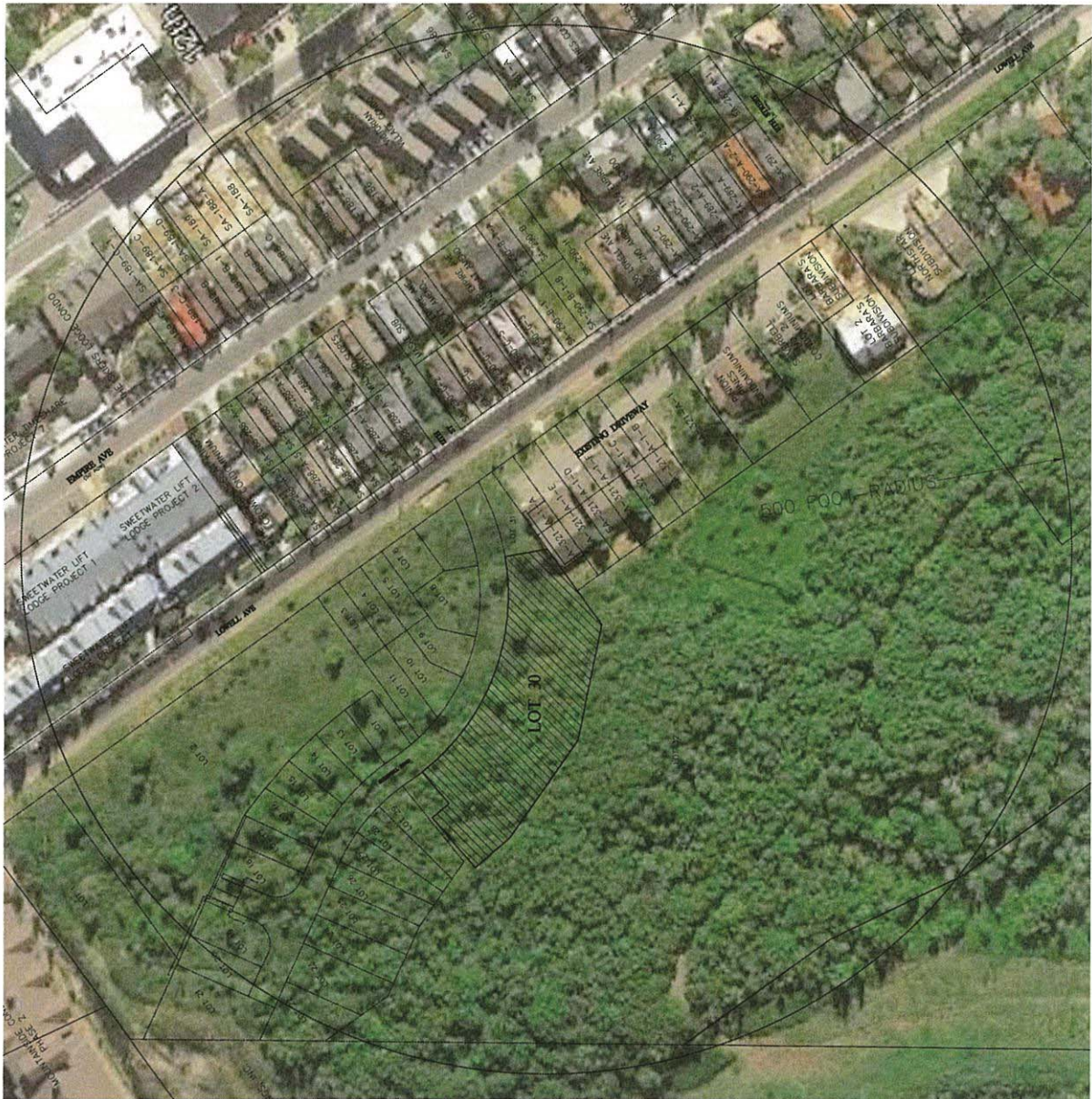
I, GEORGE R. WILSON, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, LICENSE NO. 10774. I HAVE CONDUCTED A SURVEY OF THE HEREIN DESCRIBED PROPERTY, AND THIS I HAVE PERFORMED IN ACCORDANCE WITH THE UTAH SURVEYING ACT, UTAH CODE ANNOTATED, TITLE 19, CHAPTER 1, AND THE UTAH SURVEYING BOARD RULES AND REGULATIONS. I AM A CORRESPONDENT OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND REGULATIONS.



GEORGE R. WILSON
 1/16/2019
 DATE

NARRATIVE

1. BASE OF BEARING N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. PROPERTY LOCATED WITHIN SECTION 16, T4N, R10E, S10W, 10TH TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
3. PURPOSE OF SURVEY: DEFINE EXISTING CONDITIONS OF PROPERTY FOR DEVELOPMENT.
4. DAILY BASIS: INCLUDED IN THE CONSTRUCTION ACTIVITIES IS A SHORING WALL FOR THE FUTURE CONDOMINIUMS PROPOSED ON LOT 30.
5. THE SURVEY WAS CONDUCTED FROM FIELD DATA OBTAINED BY EVERGREEN ENGINEERING IN 2017 - 2018. SOME CONSTRUCTION STAKING DATA HAS BEEN USED TO INTERPOLATE BETWEEN CURRENT SITE LOCATIONS AND THE SURVEY MONUMENTS.
6. SURVEY REQUESTED BY: MR. BOBBY MURPHY.
7. SETBACKS PER MPD APPROVAL: ON FILE WITH PARK CITY MUNICIPAL CORPORATION PLANNING DEPARTMENT.
8. ANNUAL CHANCE FLOODPLAIN, FEMA FLOOD INSURANCE RATE MAP NUMBER 4904020919C.
9. THERE ARE NO BUILDINGS, STRUCTURES OR ABOVE GRADE IMPROVEMENTS, LOCATED WITHIN THE BOUNDARIES OF THE SURVEYED PROPERTY.
10. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES.
11. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES.
12. INVALIDATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYOR'S CONSENT MAKES THIS SURVEY INVALID.



From: William Garner <wpg3ut@gmail.com>

To: Rory Murphy <paladinparkcity@aol.com>

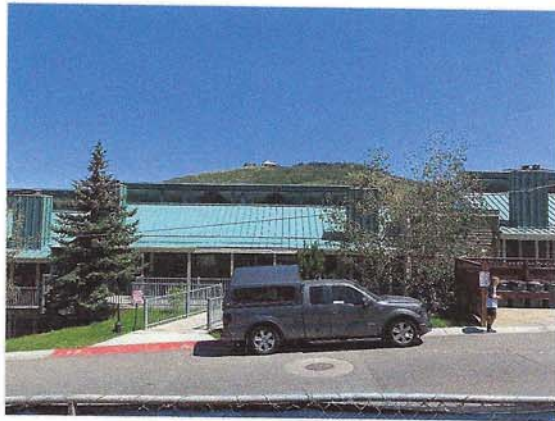
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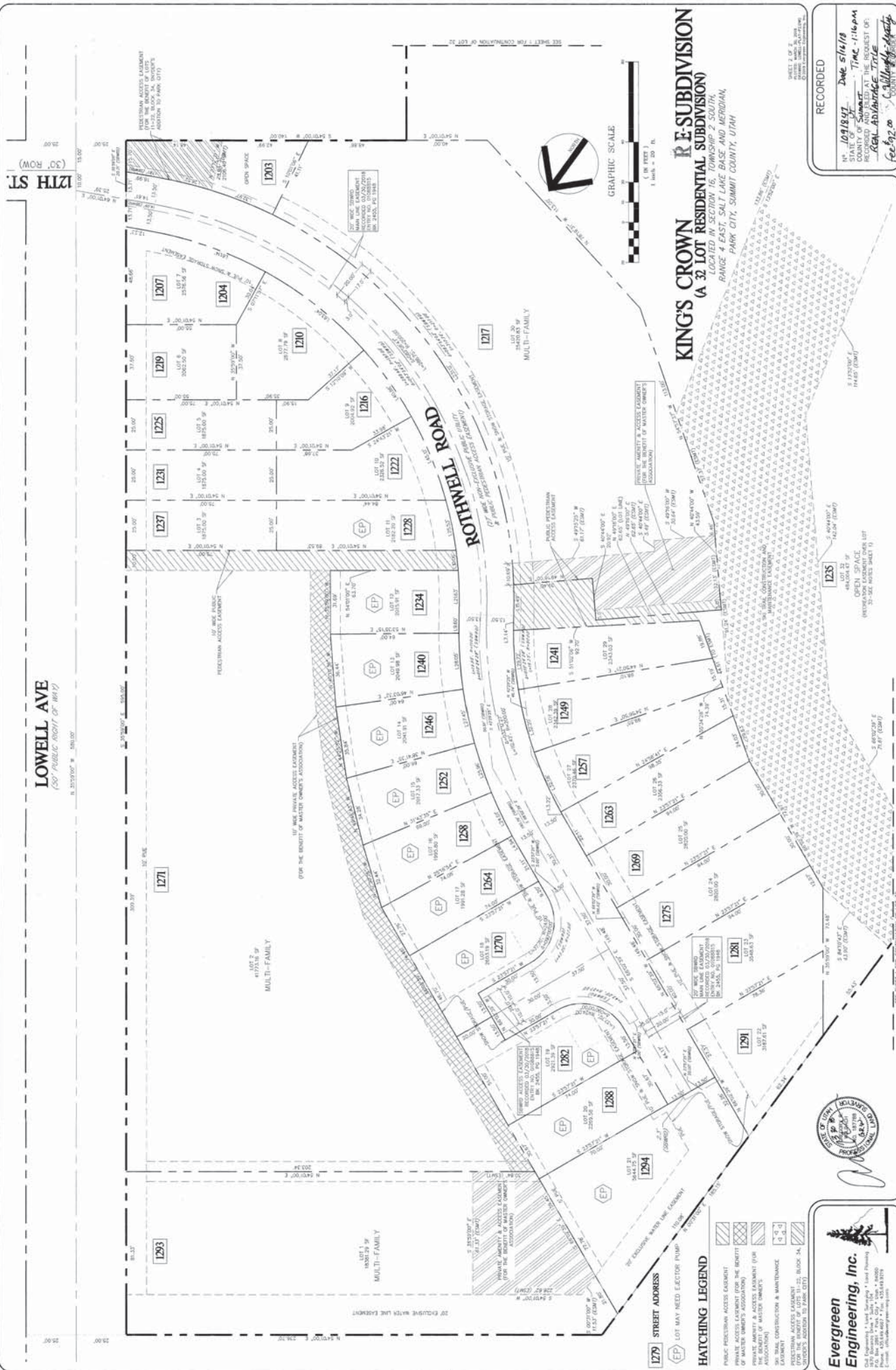
Attachments: file2-3.jpeg (3917K), file-7.jpeg (3855K), file3-2.jpeg (4386K), file1-4.jpeg (2906K)

Thank you,
Chip Garner
435-640-1299
wpg3ut@gmail.com

4Attached Images

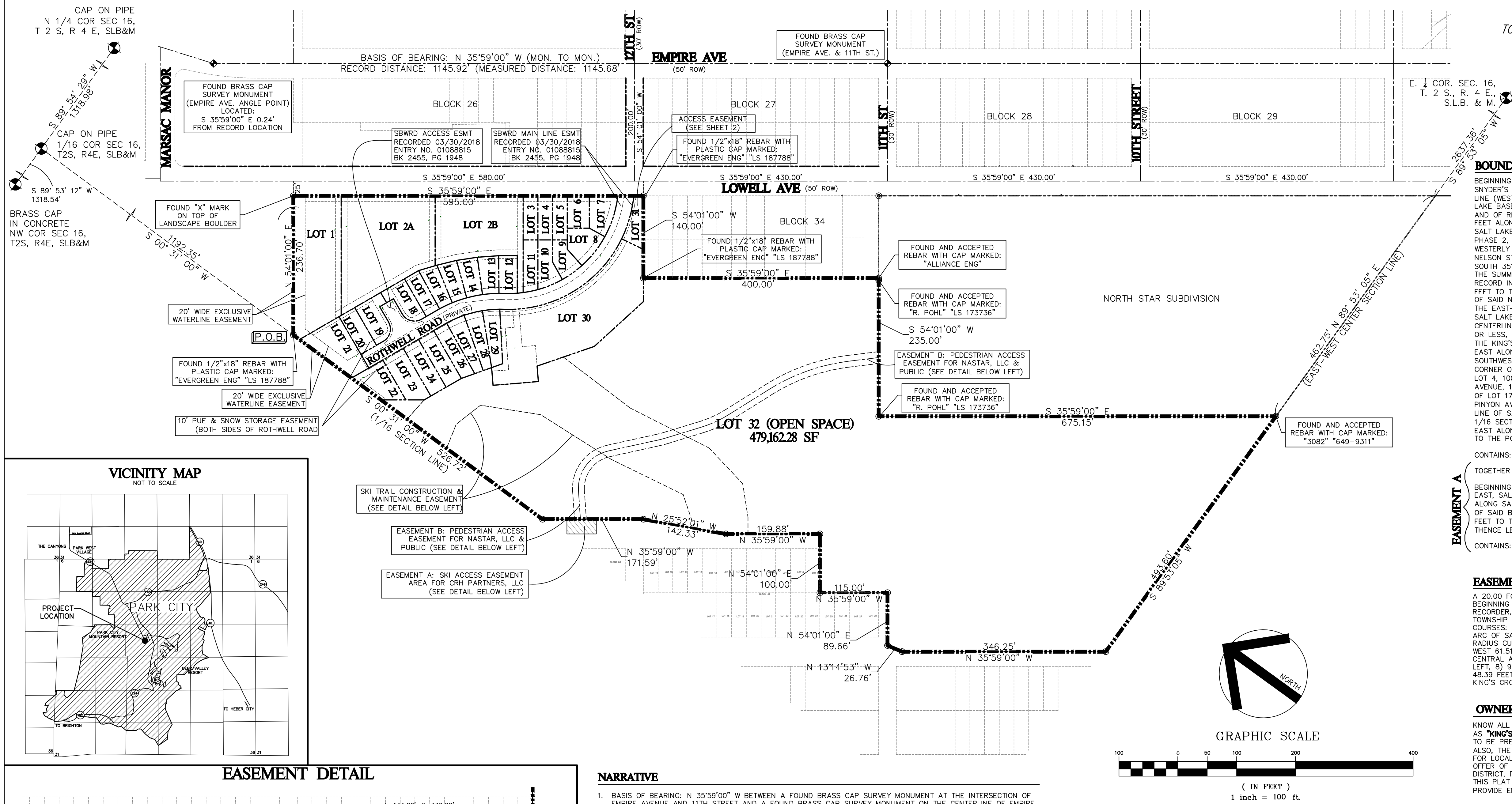






KING'S CROWN RE-SUBDIVISION FIRST AMENDED (A 33 LOT RESIDENTIAL SUBDIVISION)

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



BOUNDARY DESCRIPTION

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF VACATED 13TH STREET (A.K.A. CALHOUN STREET) AND THE WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY, SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SAID POINT ALSO LYING ON THE SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT OF BEGINNING IS LOCATED SOUTH 00° 31' 00" WEST, 1192.35 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 54°01'00" EAST ALONG SAID SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, 236.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE; THENCE SOUTH 35°59'00" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, 595.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF VACATED 12TH STREET (A.K.A. NELSON STREET); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, SOUTH 54°01'00" WEST, 140.00 FEET; THENCE SOUTH 35°59'00" EAST, 400.00 FEET TO THE SOUTHWEST CORNER OF BARBARA'S SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, SAID POINT ALSO BEING ON THE EAST-WEST CENTER SECTION LINE (SOUTH LINE OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°53'05" WEST ALONG SAID EAST-WEST CENTER SECTION LINE, 493.60 FEET TO THE CENTERLINE OF VACATED SUMMIT AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF SUMMIT AVENUE, 346.25 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF THE EXISTING KING'S CROWN SKI RUN; THENCE NORTH 13°14'53" WEST ALONG SAID EASTERLY EDGE OF THE KING'S CROWN SKI RUN, 26.76 FEET TO THE CENTERLINE OF VACATED 11TH STREET (A.K.A. CRESCENT STREET); THENCE NORTH 54°01'00" EAST ALONG SAID CENTERLINE OF 11TH STREET, 89.66 FEET; THENCE LEAVING SAID CENTERLINE NORTH 35°59'00" WEST ALONG THE SOUTHWESTERLY BOUNDARY OF LOTS 1 THROUGH 4 OF BLOCK 47, SNYDER'S ADDITION TO PARK CITY, 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 47, SNYDER'S ADDITION TO PARK CITY; THENCE NORTH 54°01'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, 100.00 FEET TO THE CENTERLINE OF VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF PINYON AVENUE, 159.88 FEET; THENCE LEAVING SAID CENTERLINE NORTH 25°52'01" WEST A DISTANCE OF 142.33 FEET TO THE NORTHWEST CORNER OF LOT 17, BLOCK 44, SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF SAID VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE, 171.59 FEET TO THE WEST LINE OF SAID SNYDER'S ADDITION TO PARK CITY, SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SAID SECTION 16; THENCE NORTH 00°31'00" EAST ALONG SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY, AND ALONG SAID NORTH-SOUTH 1/16 SECTION LINE, 526.72 FEET TO THE POINT OF BEGINNING.

CONTAINS: 653,761 SQUARE FEET (15.0083 ACRES) MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE SKI ACCESS EASEMENT OVER THE FOLLOWING:

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE SOUTH 35°59'00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 54°01'00" WEST, 25.00 FEET TO THE CENTERLINE OF SAID PINYON AVENUE; THENCE ALONG SAID CENTERLINE OF PINYON AVENUE NORTH 35°59'00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54°01'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC

A 20.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG AN EXISTING FOOT PATH THE FOLLOWING NINE (9) COURSES: 1) NORTH 43°02'27" WEST 52.04 FEET TO A POINT ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 144.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°02'12", 3) NORTH 68°02'39" WEST 80.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°06'27", 5) NORTH 52°56'12" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 6) 15.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°33'09", 7) NORTH 49°23'03" WEST A DISTANCE OF 84.86 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 8) 92.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°30'18", 9) SOUTH 50°06'59" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREINAFTER KNOWN AS "KING'S CROWN RE-SUBDIVISION, FIRST AMENDED", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS SUBDIVISION PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS SUBDIVISION PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL THE LAND FOR LOCAL GOVERNMENT USES, EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE PRIVATE DRIVE AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "KING'S CROWN RE-SUBDIVISION, FIRST AMENDED".

CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY, BY: RORY MURPHY, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH } ss.
COUNTY OF SUMMIT)
ON THIS _____ DAY OF _____, 2019, PERSONALLY APPEARED BEFORE ME, RORY MURPHY, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE MANAGER OF CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID RORY MURPHY ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

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.

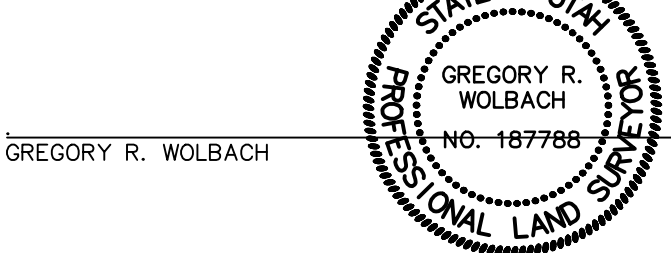
THE NOTARY MUST REQUIRE THE SIGNER TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE AND ADMINISTER AN OATH OR AFFIRMATION.

NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS: FOUND IN PLACE OR PLACED AT ALL EXTERIOR CORNERS OF THE BOUNDARY OF THE PROPERTY, AS SHOWN HEREON.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. THIS PLAT REPRESENTS AN AMENDMENT TO KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 01068815).
5. ALL LOT AND BLOCK LINES OF BLOCKS 34, 35, 38, 39, 42-45 (INCLUSIVE), 48 AND 49 SHALL BE REMOVED. LOT LINES OF BLOCK 47, LOTS 1-4 SHALL ALSO BE REMOVED.
6. VACATED ROADS (RIGHTS OF WAY) LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY, WERE VACATED BY ORDINANCE M6-418. THESE INCLUDE: 10TH STREET (HALLADAY ST.), 11TH STREET (CRESCENT ST.), 12TH STREET (NELSON ST.), 13TH STREET (CALHOUN ST.), PACIFIC AVENUE, QUAKING ASP AVENUE, PINYON AVENUE AND SUMMIT AVENUE.
7. ROTHWELL ROAD IS A PRIVATE ROAD.
8. SEE SHEET 2 FOR DETAILED INFORMATION ON LOTS 1-31, AS WELL AS ADDITIONAL EASEMENT INFORMATION.
9. UPON RECORDATION OF THIS PLAT, A RECREATION USE EASEMENT IS CREATED OVER ALL OF LOT 32 FOR TRAIL INSTALLATION & MAINTENANCE.
10. DRY UTILITY INFRASTRUCTURE MUST BE LOCATED ON THE PROPERTY AND SHOWN ON THE BUILDING PLANS PRIOR TO BUILDING PERMIT ISSUANCE TO ENSURE THAT UTILITY COMPANIES VERIFY THAT THE AREA PROVIDED FOR THEIR FACILITIES ARE Viable AND THAT EXPOSED METERS AND BOXES CAN BE SCREENED WITH LANDSCAPING.
11. THE PROJECT IS OVER 1.0 ACRES AND WILL BE REQUIRED TO MEET THE REQUIREMENTS OF PARK CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) STORM-WATER PROGRAM.
12. 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 TO RECORDATION.
13. DEVELOPMENT ON EACH SFD LOT IS LIMITED TO ONE (1) SINGLE-FAMILY DWELLING.
14. AT THE TIME OF RESURFACING OF ROTHWELL ROAD, THE MASTER OWNER'S ASSOCIATION SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY SBWRD IS REQUIRED.
15. LOTS 11-21 MAY REQUIRE A PRIVATELY OWNED AND OPERATED WASTEWATER EJECTOR PUMP FOR WASTEWATER SERVICE.
16. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE SURGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.

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 HEREON DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THIS SUBDIVISION PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.



GREGORY R. WOLBACH _____ DATE: _____

Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104
P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.649.4667 • Fax: 435.649.9219
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. 2019.

CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ A.D. 2019.

BY: _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ 10TH DAY OF _____ JANUARY _____ A.D. 2019.

CHAIRMAN _____

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 2019.

CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2019

MAYOR _____

CERTIFICATE OF ATTEST

I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2019

CITY RECORDER _____

RECORDED

Nº. _____

STATE OF _____

COUNTY OF _____

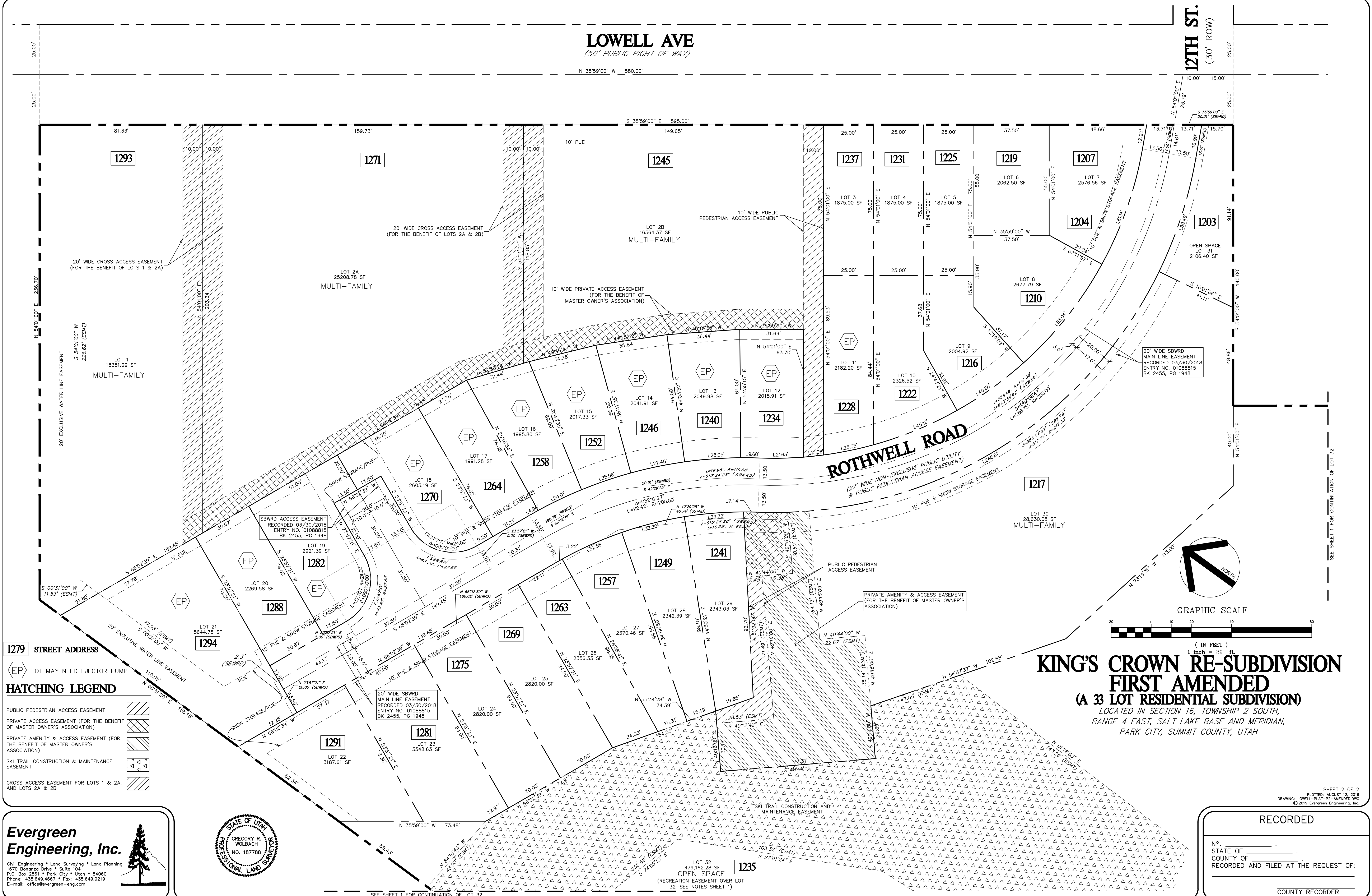
RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER _____

LOWELL AVE
(50' PUBLIC RIGHT OF WAY)

N 35°59'00" W 580.00'

12TH ST.
(30' ROW)



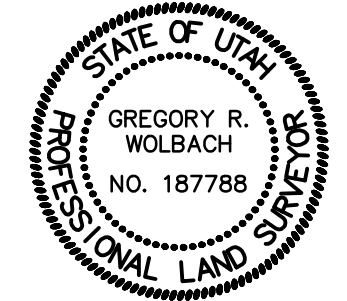
1279 STREET ADDRESS

LOT MAY NEED EJECTOR PUMP

HATCHING LEGEND

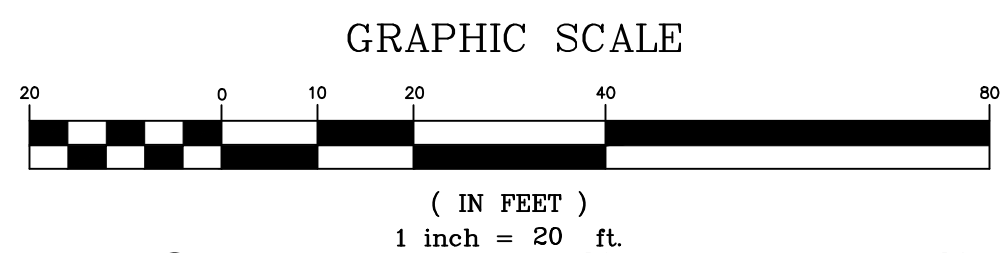
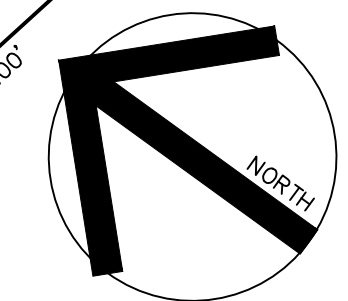
- PUBLIC PEDESTRIAN ACCESS EASEMENT
- PRIVATE ACCESS EASEMENT (FOR THE BENEFIT OF MASTER OWNER'S ASSOCIATION)
- PRIVATE AMENITY & ACCESS EASEMENT (FOR THE BENEFIT OF MASTER OWNER'S ASSOCIATION)
- SKI TRAIL CONSTRUCTION & MAINTENANCE EASEMENT
- CROSS ACCESS EASEMENT FOR LOTS 1 & 2A, AND LOTS 2A & 2B

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104
P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.649.4667 • Fax: 435.649.9219
E-mail: office@evergreen-eng.com



**KING'S CROWN RE-SUBDIVISION
FIRST AMENDED
(A 33 LOT RESIDENTIAL SUBDIVISION)**

LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 2 OF 2
PLOTTED: AUGUST 12, 2019
DRAWING: LOWELL-PLAT-P2-AMENDED.DWG
© 2019 Evergreen Engineering, Inc.

RECORDED

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

COUNTY RECORDER

Planning Commission Staff Report



Subject: The Aerie Phase I, Amending Lots 9, 10 & 11
Author: Alexandra Ananth, Sr. Planner
Project #: PL-19-04297
Date: September 11, 2019
Type of Item: Legislative – Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the Planning Commission hold a Public Hearing for The Aerie Phase I, Amending Lots 9, 10 & 11, and consider forwarding a positive recommendation to the City Council on September 26, 2019, based on the findings of fact, conclusions of law and conditions of approval as found in the Draft Ordinance.

Topic

Applicant: Aerie Holdings LLC
Location: 1312, 1326 & 1336 Aerie Drive
Zoning: Single Family (SF)
Adjacent Land Uses: Residential development parcels and Open Space

Proposal

This project encompasses three (3) lots, Lots 9, 10 and 11 off of Aerie Drive and all under common ownership. Lots 9 and 11 are currently vacant and Lot 10 contains a Single Family Dwelling. The applicant is proposing to remove the lot line between Lots 9 and 10, demolish the existing house on Lot 10, and construct a new residence on the combined new lot. Although Lot 11 has no connection to the proposed combination of Lots 9 and 10, the applicant is proposing to include Lot 11 in this plat amendment so that the 1997 replat (Olch Replat) is retired and the new lots may be reflected on one plat amendment as the lots are under common ownership. At the present time there are no plans for development of the currently vacant Lot 11, although this lot is and will remain a developable lot.

Background

All three (3) of the lots were originally platted in 1981 as part of The Aerie, Phase I, a single family subdivision. Lots 10 and 11 were part of a plat amendment adjusting the shared lot line to accommodate the existing house. This amendment was known as the Olch Replat, which was recorded in September of 1997.

On August 8, 2019, the City received a complete application for the Plat Amendment to combine Lots 9 and 10 and to replat Lot 11 in the proposed Plat Amendment. The applicant wishes to combine Lots 9 and 10 by removing the lot line that currently separates them. Currently Lot 10 is improved with a Single Family Dwelling and Lots 9 and Lots 11 are vacant. If the Plat Amendment is approved the applicant would like to demolish the existing house on Lot 10 and construct a new Single Family Dwelling.

The proposed Plat Amendment would be the third amendment for The Aerie Phase 1 subdivision. In 1997 a Lot Line Adjustment was approved to modify Lots 10 and 11 as the Olch Replat. The common lot line was simply moved in the middle of the lots to accommodate the existing house and a proposed addition. Both lots still exist, they were just modified. In 2017 a Plat Amendment combined Lot 5 and Lot 6 of The Aerie Phase 1 subdivision to create one (1) legal lot of record by removing the property line which separated them.

Purpose

The purpose of the Single Family SF District is to:

- A. maintain existing predominately Single Family detached residential neighborhoods,
- B. allow for Single Family Development Compatible with existing Developments,
- C. maintain the character of mountain resort neighborhoods with Compatible residential design; and
- D. require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Analysis

The proposed Plat Amendment combines two (2) existing parcels to create one (1) lot of record consisting of 3.06 acres (133,235 square feet). A single-family dwelling is an allowed use in the SF District. The proposed Plat Amendment meets the lot and site requirements of the Single Family (SF) District and any proposed construction will be subject to the Land Management Code Regulations for the SF District as described below:

LMC Regulation	SF Permitted
Height	28' from existing grade (+5' for pitched roof)
Front setback	20', 25' to front facing garage
Rear setback	15'
Side setbacks	12'
Parking	Two spaces
Max. House Size	There is no max. house size in the SF zone or the Aerie or Olch Subdivisions however, the Planning Commission can choose to set a maximum house size

The proposed Plat Amendment reflects a decrease in density with the combination of two (2) lots. The subdivision is currently platted allowing for three (3) Single Family Dwellings, one on each of the existing three (3) lots, and the combined lots could accommodate two (2) Single Family Dwellings on the two remaining lots. Duplexes are not permitted in the Single Family (SF) District for lots within the Aerie Subdivision.

There are no house size restrictions within the Aerie Subdivision or the Single Family zone, however, the Planning Commission may choose to set a maximum house size. The Planning Department will present information on surrounding house sizes at the public hearing. Easements for sewer and public utilities and drainage exist on the lots and will remain unchanged.

The Planning Department recommends the Commission consider four Conditions of Approval and Plat Notes in relation to this application as follows:

1. There shall be no further subdivision of these lots.
2. Due to the curve and grade of the street the number of curb cuts shall be limited to one single curb cut with a shared access easement to any future developable lot.
3. Any future driveway shall have sufficient turning room so that cars can pull out in a forward facing direction onto Aerie Drive.
4. Any future development on Lots 10A and 11 shall comply with the City's Defensible Space Requirements in effect at the time of application.

Department Review

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

Notice

On August 28th, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on August 28th, 2019.

Public Input

Staff has not received any public input prior to the printing of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the proposed Plat Amendment as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the proposed Plat Amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

None. The plat would be maintained in its current form and all lots three lots would remain developable.

Good Cause

Planning Staff finds there is good cause for the proposed Plat Amendment. Combining Lots 9 and 10 will create one (1) legal lot of record out of two (2) existing parcels (a reduction in density) and including Lot 11 in this Plat Amendment will retire the old Olch Replat. Staff finds that the plat will not cause undue harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code. Finally staff notes that future development will be limited to one curb cut, improving the safety on Aerie Drive for all vehicles and pedestrians with less potential points of conflict.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Plat

Exhibit B – Existing Plat

Exhibit C – Aerial Photo

Exhibit D – Applicant's Project Intent

Draft Ordinance No. 2019-XX

AN ORDINANCE APPROVING THE AERIE PHASE I, AMENDING LOTS 9, 10 & 11, PLAT AMENDMENT FOR 1312, 1324 & 1336 AERIE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the properties known as 1312, 1324 & 1336 Aerie Drive, have petitioned the City Council for approval of The Aerie Phase I, Amending Lots 9, 10 & 11; and

WHEREAS, on August 28th 2019, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on August 28th, 2019, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 11th, 2019, to receive input on the Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11;

WHEREAS, the Planning Commission, on September 11th, 2019, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council on September 26th, 2019, held a public hearing and took final action on the Plat Amendment; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11.

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 Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11, 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 properties are located at 1312, 1324 & 1336 Aerie Drive.
2. The lots are located in the Single Family (SF) zoning district.
3. On August 8th, 2019, the City received a complete application to amend Lots 9-11 by combining Lots 9 and 10, and to include Lot 11 on the same subdivision as the three lots are currently under the same ownership.
4. Currently Lots 9 and 11 are vacant and Lot 10 contains a single family house.

5. Easements for public utilities, drainage, and sanitary sewer lines exist on the lots and will remain unchanged.
6. In 1997 a Lot Line Adjustment to modify Lots 10 and 11 was approved to create the Olch Replat.
7. The proposed plat amendment combines two existing parcels (Lots 9 and 10) to create one lot of record consisting of 3.06 acres (133,235 square feet). Lot 11 remains unchanged
8. Zoning Requirements for the SF district will remain in place for these lots and any new structures must comply with all applicable LMC requirements.
9. The proposed Plat Amendment does not create any new non-complying or non-conforming situations or any remnant parcels.
10. Future development will be limited to one curb cut, improving the safety on Aerie Drive for all vehicles and pedestrians with less potential points of conflict.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11, 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 request for an extension is submitted in writing and approved by the City Council.
3. There shall be no further subdivision of these lots.
4. Due to the curve and grade of the street the number of curb cuts shall be limited to one single curb cut with a shared access easement to any future developable lot.
5. Any future driveway shall have sufficient turning room so that cars can pull out in a forward facing direction onto Aerie Drive.
6. Any future development on Lots 10A and 11 shall comply with the City's Defensible Space Requirements in effect at the time of application.

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

PASSED AND ADOPTED this ____ day of November, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

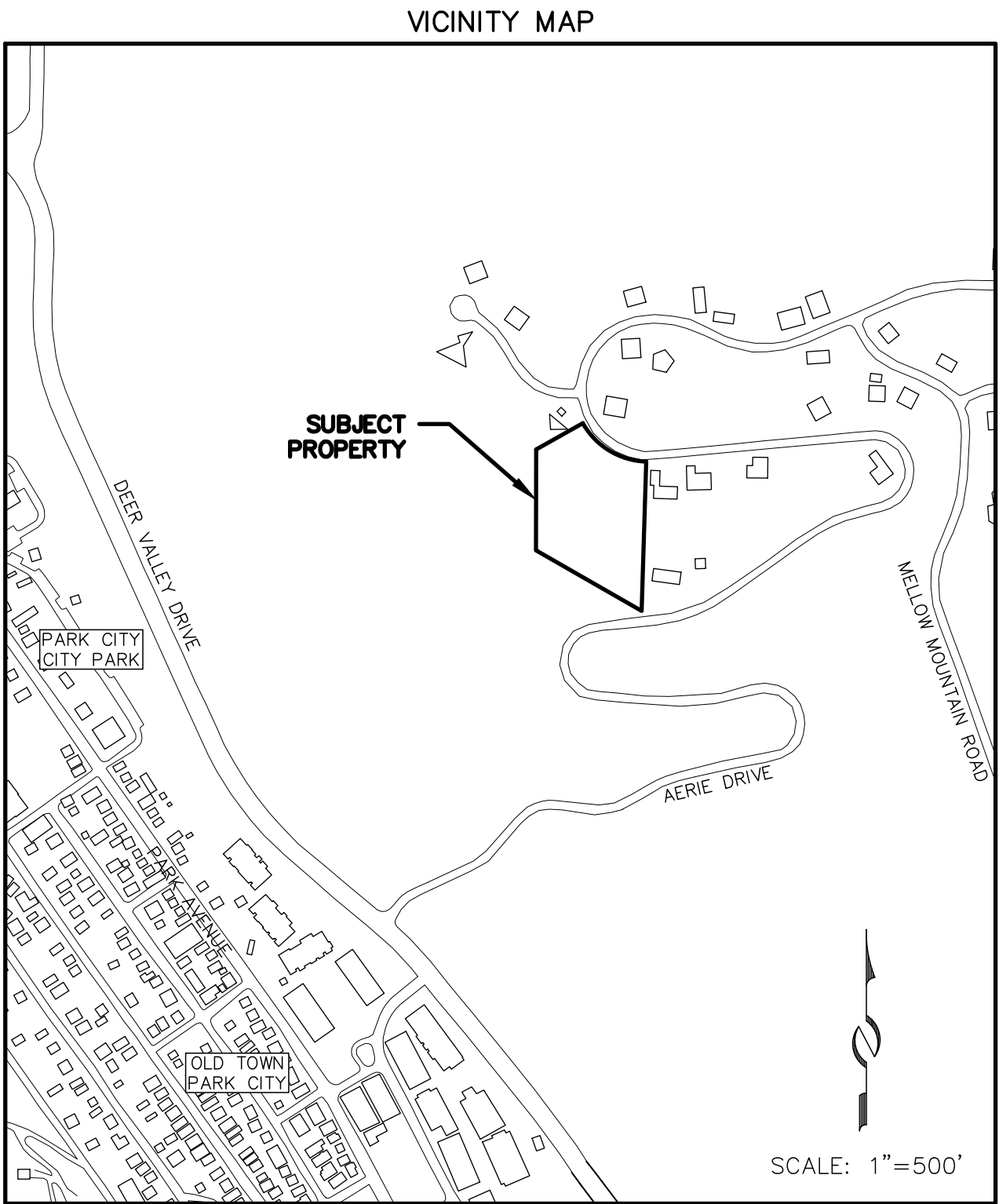
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

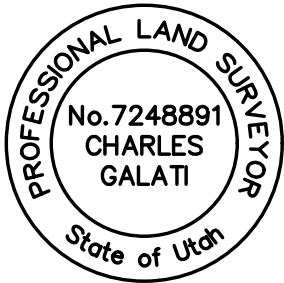
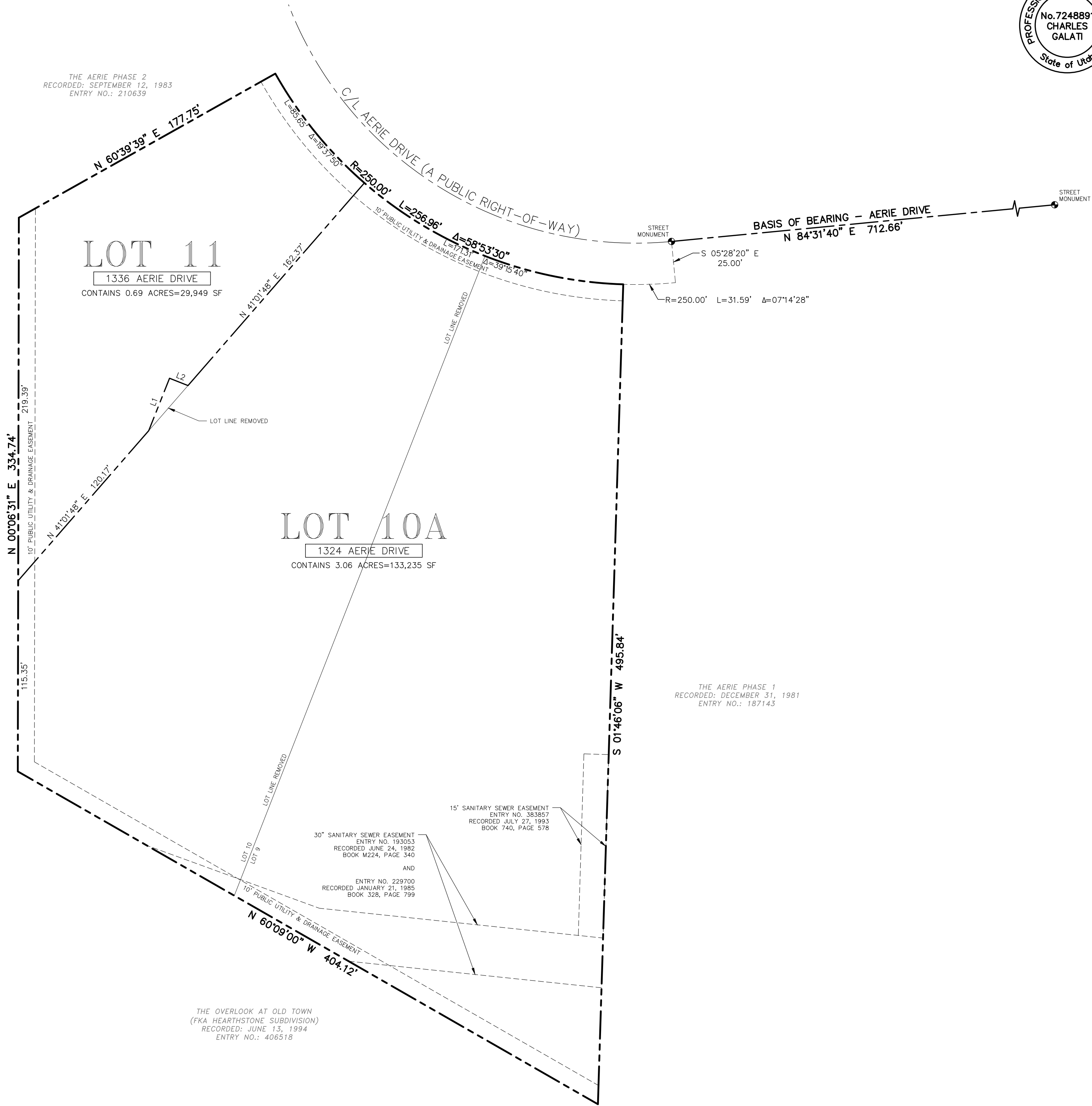
Exhibit A – The Aerie Phase I, Amending Lots 9, 10 & 11

Exhibit A
Proposed Plat



SA-254-1-B

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 21°38'02" E	34.08'
L2	S 68°21'58" E	12.00'



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown and described hereon, hereafter to be known as THE AERIE PHASE I-AMENDING LOTS 9, 10 & 11 and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

Parcel 1:

Lot 9, The Aerie Subdivision Phase I, according to the official records in the office of the Summit County Recorder.

Parcel 2:

Lots 10 and 11, Olch Replat (Lot Line Adjustment of Lots 10 and 11 The Aerie, Phase 1), according to the official plat thereof on file and of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned is the owner of the above described tracts of land, and hereby cause the same to be divided into lots, together with easements as set forth to be hereafter known as THE AERIE PHASE I-AMENDING LOTS 9, 10 & 11 and do hereby dedicate for the perpetual use of the public all other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any other easements as shown on this plat for the purposes shown hereon.

In witness whereof, the undersigned set her hand this _____ day of _____, 2019.

AERIE HOLDINGS LLC, an Ohio limited liability company,
formerly known as SHRI VISTA, LLC, an Ohio limited liability company

By: _____
Janice B. Brown, Manager

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, 2019, Janice B. Brown personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Manager of AERIE HOLDINGS LLC, an Ohio limited liability company, formerly known as SHRI VISTA, LLC, an Ohio limited liability company, and that said document was signed by her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and she acknowledged to me that she executed THE AERIE PHASE I-AMENDING LOTS 9, 10 & 11.

By: _____
Notary Public

Printed Name _____

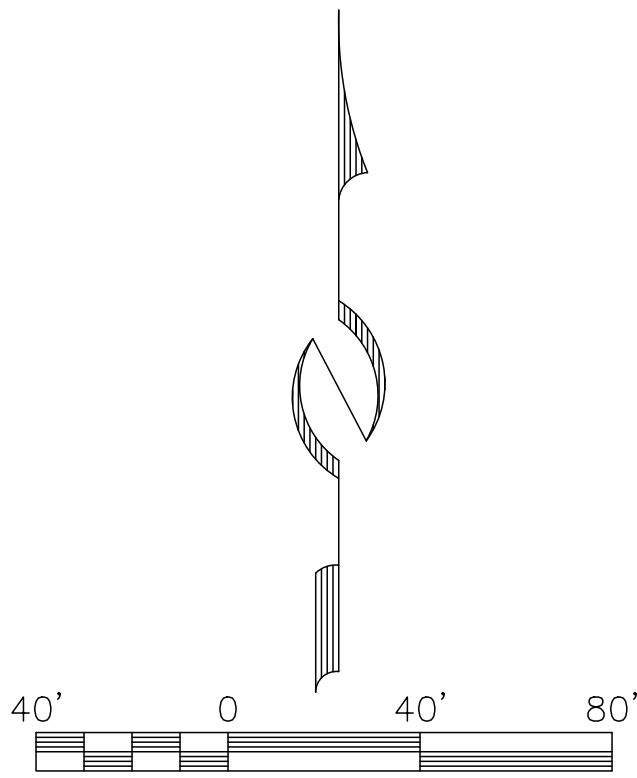
Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

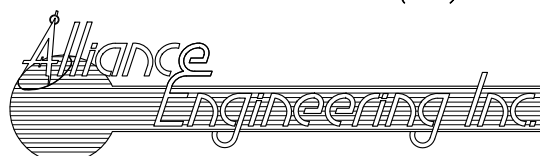
- This plat is subject to the Conditions of Approval in Ordinance 2019-____.
- This plat amendment retires the Olch Replat, recorded September 11, 1997, as Entry No. 486605, in the Office of the Recorder, Summit County, Utah.
- The property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on the Flood Insurance Rate map of the Federal Emergency Management Agency, Panel 938, Map Number 49043C0938C, and has an effective date of March 16, 2006.



THE AERIE PHASE I-AMENDING LOTS 9, 10 & 11

LOCATED IN SECTIONS 9 AND 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1



(435) 649-9467

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____
DAY OF _____, 2019
BY _____
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2019
BY _____
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2019
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____
DAY OF _____, 2019
BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
2019
BY _____
MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2019
BY _____
PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

Exhibit B
Existing Plat

THE AERIE

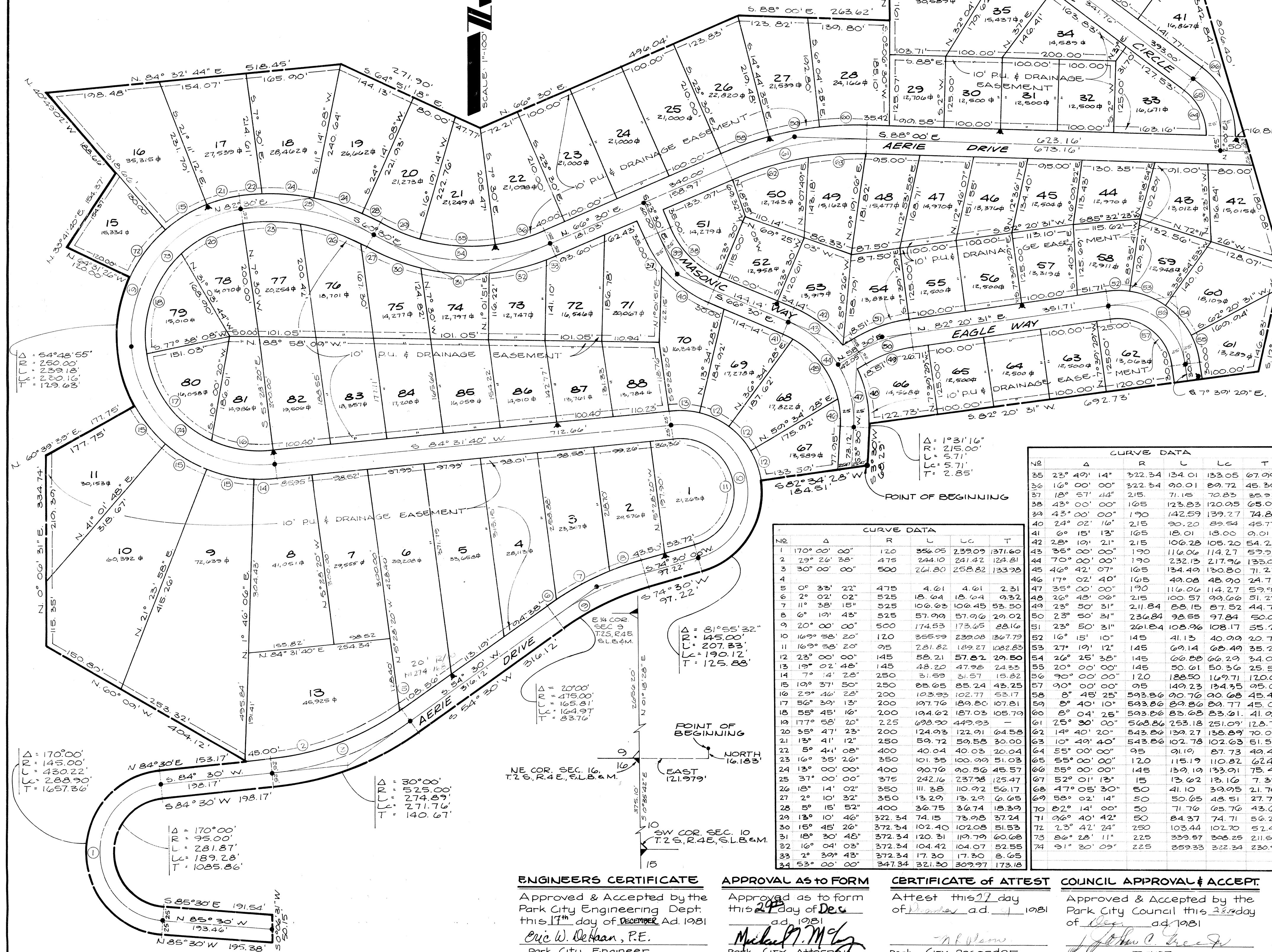
LOCATED IN SECTIONS 10, 15, 16 T.2S, R.4E, S.L.B. & M.

PHASE I

SHEET 1 OF 2

LEGEND

- MONUMENT TO BE SET
- FIRE HYDRANT REQ'D.



SURVEYORS CERTIFICATE

I, Glen R. Larson, do hereby certify that I am a Registered Civil Engineer, and on land surveyor, and that I hold Certificate No. 5034, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as **THE AERIE PHASE I**, and that same has been correctly surveyed and staked on the ground as shown on this plat.

10-20-81
DATE

Glen R. Larson
GLEN R. LARSON LIC. NO. 5034

BOUNDARY DESCRIPTION

Beginning at a point 121.970 ft East and 16.133 ft North from the NE corner of section 10, T.2S, R.4E, S.L.B. & M.; thence S. 82° 34' 28" W. 184.51 ft; thence 207.33 ft along a curve to the right (central angle = 21° 55' 32", Radius = 145.00 ft); thence S. 74° 30' W. 97.22 ft; thence 105.81 ft along a curve to the left (central angle = 20° 00', Radius = 475.00 ft); thence S. 54° 30' W. 316.12 ft; thence 274.89 ft along a curve to the right (central angle = 30° 00', Radius = 525.00 ft); thence S. 84° 30' W. 198.17 ft; thence 281.87 ft along a curve to the left (central angle = 17° 00', Radius = 95.00 ft); thence S. 85° 30' E. 191.54 ft; thence S. 0° 06' 31" W. 50.15 ft; thence N. 85° 30' W. 195.38 ft; thence 430.22 ft along a curve to the right (central angle = 17° 00', Radius = 145.00 ft); thence N. 84° 30' E. 153.17 ft; thence N. 60° 00' W. 404.12 ft; thence N. 0° 06' 31" E. 280.00 ft; thence N. 60° 39' 33" E. 177.75 ft; thence 239.18 ft along a curve to the right (central angle = 64° 48' 55", Radius = 250.00 ft); thence U. 64° 31' 26" W. 120.00 ft; thence U. 33° 41' 40" E. 154.57 ft; thence U. 40° 49' 02" W. 188.66 ft; thence N. 84° 32' 44" E. 518.45 ft; thence S. 64° 31' 18" E. 271.90 ft; thence N. 60° 30' E. 490.04 ft; thence S. 88° 00' E. 263.62 ft; thence N. 0° 06' 31" E. 280.00 ft; thence N. 82° 20' 31" E. 473.00 ft; thence S. 16° 08' 20" E. 800.40 ft; thence S. 12° 38' 31" W. 193.50 ft; thence S. 82° 20' 31" W. 692.73 ft; thence 5.71 ft along a curve to the right (central angle = 1° 31' 16", Radius = 215.00 ft); thence S. 3° 30' W. 68.20 ft to the point of beginning, containing 47.65 acres, 86 Lots.

OWNERS DEDICATION

Know all by these presents that we the undersigned owners of the above described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as:

THE AERIE PHASE I

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend, and save the City harmless against any easements or other incumbrances on the dedicated streets which will interfere with the City's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

FRANK E. DOTSON

DAN W. FIRMAGE, SERVICE V.P. AERIE DEVELOPMENT CORP.

PARK CITY HYLANDS BY SIERRA WEST REAL ESTATE CO. INC.
DAVID L. NIELSEN - PRESIDENT

CORPORATE ACKNOWLEDGMENT

State of Utah
County of Summit } ss.

On this 20th day of November, A.D. 1981, personally appeared before me, the undersigned notary public, in and for the State and County, DAVID L. NIELSEN, who after being duly sworn, acknowledged to me that SIERRA WEST REAL ESTATE CO. INC. a Utah corporation, and that he signed the Owners Dedication freely and voluntarily for and in behalf of the corporation for the purpose therein mentioned and that the corporation executed the same.

Notary Public
residing at Orang, Utah
my commission expires 7-17-85
date

THE AERIE SHEET
PARK CITY, UTAH 1 OF 2
RECORDED

State of Utah, County of Summit,
Recorded and Filed at the request of:
date _____ time _____
Fee _____ Summit Co Recorder

ENGINEERS CERTIFICATE

Approved & Accepted by the
Park City Engineering Dept.
this 17th day of December, A.D. 1981
Eric W. Dehan, P.E.
Park City Engineer

APPROVAL AS TO FORM

Approved as to form
this 24th day of Dec
ad. 1981
Michael J. McGe
Park City Attorney

CERTIFICATE OF ATTEST

Attest this 27th day
of January, A.D. 1981
-H. H. H.
Park City Recorder

COUNCIL APPROVAL & ACCEPT

Approved & Accepted by the
Park City Council this 3rd day
of February, A.D. 1981
John A. Hagg
Mayor

THE AERIE

PHASE I

SHEET 2 of 2

Pursuant To A Motion & Stipulation, Civil No 4613,
In The Third Judicial District Court of Summit
County, State of Utah, And A Settlement
Agreement Between The Same Parties Dated
April 24, 1981, Notice of Which Was Filed For
Record On May 15, 1981 As Entry No. 179581
Book M187 Page 429 to 431, Records of
Summit County.

APPROVED BY PLANNING AND ZONING COMMISSION ..

Arlene Loble 12-24-81
Arlene Loble, City Manager and
Acting Planning and Zoning Commissioner: date

Ron Ivie 12-23-81
Ron Ivie, City Building Official and
Acting Planning and Zoning Commissioner: date

Robert Wells 12-24-81
Robert Wells, City Councilman and
Acting Planning and Zoning Commissioner: date

CORPORATE ACKNOWLEDGEMENT

State of Utah } ss
County of Summit }

On this 15th day of DECEMBER ad., 1981
personally appeared before me, the undersigned
notary public, in and for said State and County, DAN W.
FIRMAGE who after being duly sworn, acknowledged
to me that AERIE DEVELOPMENT CORP. is a UTAH
corporation, and that HE signed the Owner's Dedication
freely and voluntarily for and in behalf of the corporation
for the purpose therein mentioned and that the
corporation executed the same.

J. Gordon Campbell
Notary Public
residing in ORION, UTAH my commission expires 7-17-84

CORPORATE ACKNOWLEDGEMENT

State of Utah } ss
County of Summit }

On this 30th day of December ad., 1981
personally appeared before me, the undersigned
notary public in and for said State and County N.M.
Bennett who after being duly sworn, acknowledged
to me that N.M. Bennett is a Trustee
corporation, and that he signed the Owner's Dedication
freely and voluntarily for and in behalf of the corporation
for the purpose therein mentioned and that the
corporation executed the same.

Sharon G. Blum
Notary Public
residing in Park City, Utah my commission expires 2-11-82

INDIVIDUAL ACKNOWLEDGEMENT

State of Utah } ss
County of Summit }

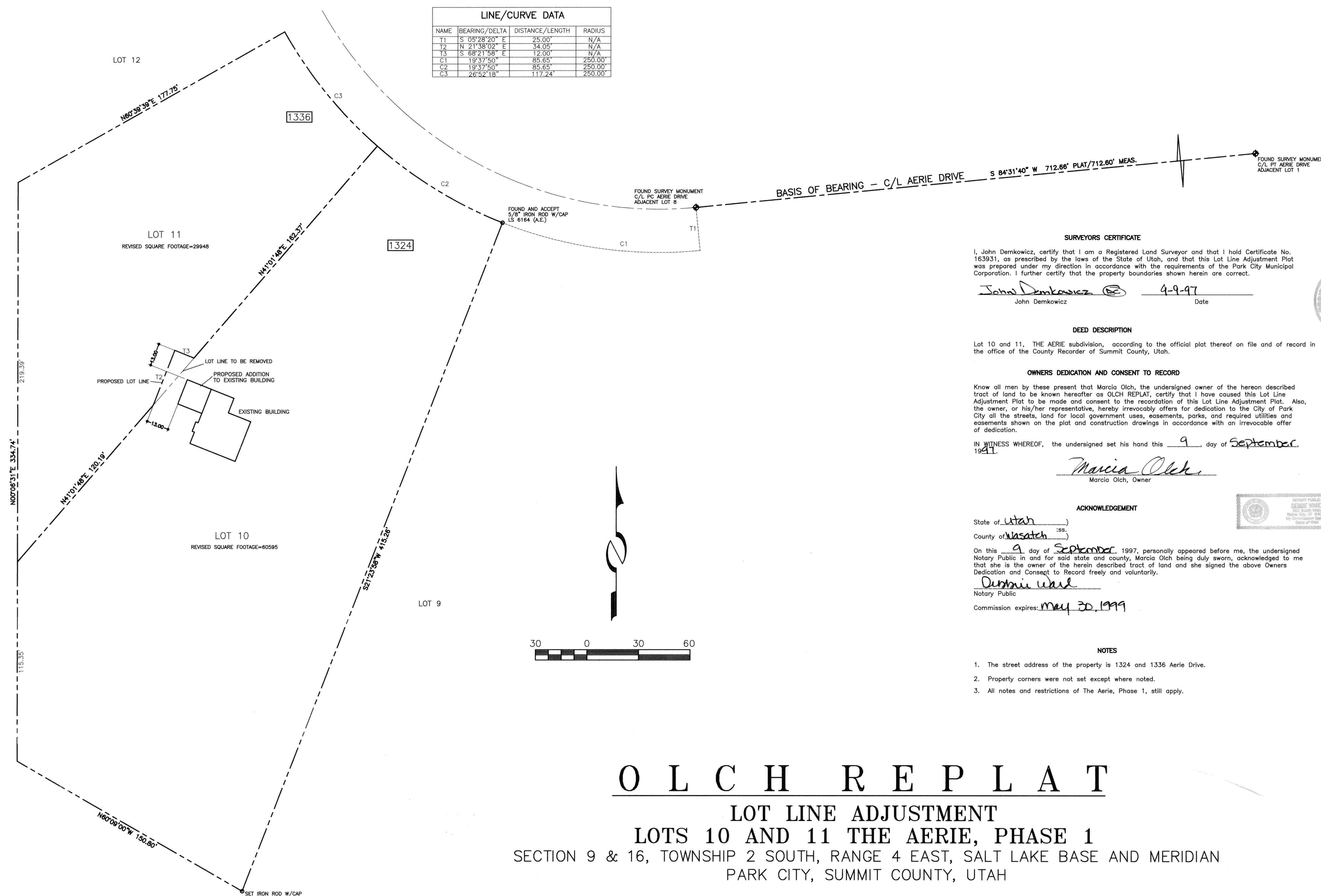
On this 15th day of December ad., 1981
personally appeared before me, the undersigned
notary public in and for said State and County
Frank E. Smith the signer(s) of the Owner's
Dedication Book M187 Page 429 to 431 number, who duly acknowledged
to me that he signed it freely and voluntarily
and for the uses and purposes therein mentioned.

Frank E. Smith
Notary Public
residing in Park City my commission expires 9-28-82

THE AERIE
PARK CITY, UTAH

SHEET
2 of 2

Entry No. _____ Book _____
RECORDED 12-24-81 at _____ M Page _____
REQUEST OF WANDA Y. SPRINGS SUMMIT CO. RECORDER
BY _____
INDEXED _____ ABSTRACT _____



LINE/CURVE DATA			
NAME	BEARING/DELTA	DISTANCE/LENGTH	RADIUS
T1	S 05°28'20" E	25.00'	N/A
T2	N 21°38'02" E	34.05'	N/A
T3	S 68°21'58" E	12.00'	N/A
C1	S 19°37'50" E	85.65'	250.00'
C2	S 19°37'50" E	85.65'	250.00'
C3	S 26°52'18" E	117.24'	250.00'

SURVEYORS CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that the property boundaries shown herein are correct.

John Demkowicz 4-9-97
John Demkowicz Date

DEED DESCRIPTION

Lot 10 and 11, THE AERIE subdivision, according to the official plat thereof on file and of record in the office of the County Recorder of Summit County, Utah.

OWNERS DEDICATION AND CONSENT TO RECORD

Know all men by these present that Marcia Olch, the undersigned owner of the herein described tract of land to be known hereafter as OLCH REPLAT, certify that I have caused this Lot Line Adjustment Plat to be made and consent to the recordation of this Lot Line Adjustment Plat. Also, the owner, or his/her representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this 9 day of September, 1997.

Marcia Olch
Marcia Olch, Owner

ACKNOWLEDGEMENT

State of Utah
County of Wasatch

On this 9 day of September, 1997, personally appeared before me, the undersigned Notary Public in and for said state and county, Marcia Olch being duly sworn, acknowledged to me that she is the owner of the herein described tract of land and she signed the above Owners Dedication and Consent to Record freely and voluntarily.

Dorinda Ward
Notary Public
Commission expires: May 30, 1999

NOTES

- The street address of the property is 1324 and 1336 Aerie Drive.
- Property corners were not set except where noted.
- All notes and restrictions of The Aerie, Phase 1, still apply.

OLCH REPLAT

LOT LINE ADJUSTMENT LOTS 10 AND 11 THE AERIE, PHASE 1

SECTION 9 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 9th DAY OF September, 1997 A.D.

BY Paul J.
S.B.S.D.

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 9th DAY OF September, 1997 A.D.

BY Eric W. DeBorja PE
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 9th DAY OF September, 1997 A.D.

BY Mark D. H. S.
PARK CITY ATTORNEY

COMMUNITY DEVELOPMENT DIRECTOR

APPROVED UNDER ADMINISTRATIVE AUTHORITY FROM PARK CITY COUNCIL ON THIS 9th DAY OF September, 1997 A.D.

BY Richard E. Rein
DEVELOPMENT DIRECTOR

486605

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF HIGH COUNTRY TITLE DATE 09-11-97 TIME 11:31 AM BOOK --- PAGE ---

FEE 132.00 RECORDER Dorinda M. Dunn - Deputy

Exhibit C
Aerial Photo



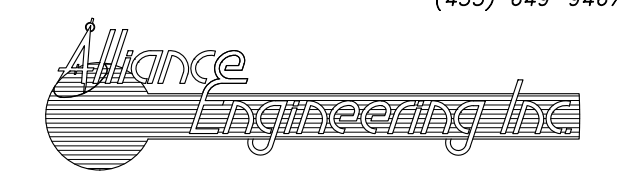
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MARSHALL KING RYAN BETZ	AERIAL PHOTOGRAPH 1312, 1324 & 1336 AERIE DRIVE	SHEET 1 OF 1
	DATE: 7/12/19	FOR: UPWALL DESIGN ARCHITECTS JOB NO.: 24-6-19 FILE: X:\Aerie\dwg\Exhibits\Lots 9-11 aerie-ortho.dwg		

Exhibit D

Applicant's Project Intent

THE AERIE PHASE I, LOT 9
and
OLCH REPLAT, LOTS 10 & 11

(1312, 1324 & 1336 Aerie Drive)

PROJECT INTENT

The Aerie, Phase I, is a single family subdivision and was recorded on December 31, 1981, as Entry No. 187143. Subsequently, a plat amendment affecting Lots 10 and 11 was recorded September 11, 1997, as Entry No. 486605, and is known as the Olch Replat.

Lots 9 and 11 are currently vacant, and an existing residence occupies Lot 10. The owner proposes to remove the lot line between Lot 10 of the Olch Replat and Lot 9 of The Aerie, Phase I, and to demolish the existing residence on Lot 10 and construct a new residence utilizing both Lots 9 and 10. Even though Lot 11 of the Olch Replat has no connection with what is proposed on Lots 9 and 10, it is recommended that Lot 11 be included in this plat amendment, thereby prompting the Olch Replat to be retired and the new configuration for the currently existing three lots be consolidated into two lots and be reflected on one plat amendment. Lot 11 will remain vacant, with no plans for development at this time.