



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
July 21, 2022**

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Council of Park City, Utah, will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on July 21, 2022. Council members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

CLOSED SESSION - 3:30 p.m.

To Discuss Property, Personnel, Litigation, and Advice of Counsel

WORK SESSION

4:00 p.m. - Mental Health Update by Aaron Newman, Behavioral Health Director, and Linda Graves, Mental Wellness Alliance Coordinator, Park City Community Foundation
[Park City Behavioral Health Presentation](#)
[Exhibit A: 2021 Community Engagement and Behavioral Health Survey Report - Summit County](#)

4:45 p.m. - Discuss Community Code Compliance - Construction Mitigation Plans
[Code Compliance - Construction Mitigation Plans Staff Report](#)
[Exhibit A: Construction Mitigation Plan](#)

5:15 p.m. - Rocky Mountain Power Update by Lisa Romney, Rocky Mountain Power Regional Business Manager

5:45 p.m. - Break

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Park Silly Sunday Market Mid Season Report
[2022 Park Silly Sunday Market Mid-Season Review Staff Report](#)
[Exhibit A: PSSM Mid Season Measures of Success](#)
2. Business License Fee Study Update
[Business License Fee Study Communication](#)
3. Neighborhood Traffic Management Program (NTMP) Update

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

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from June 16, 2022
[June 16, 2022 Minutes](#)

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Enter into a Professional Services Agreement in a Form Approved by the City Attorney with American Mailing Services for Daily Courier Services in an Amount Not to Exceed \$250,000
[Courier Services Staff Report](#)
[Exhibit A: Scope of Services](#)
2. Request to Authorize a Contract with Kimley-Horn Transportation Consultants in the Amount of \$48,200, in a Form Approved by the City Attorney for the Thaynes Canyon Parking Study
[Thaynes Canyon Parking and Transportation Demand Management Study Staff Report](#)
[Exhibit A: Thaynes Canyon Parking Study Proposal](#)

VI. NEW BUSINESS

1. Consideration to Approve Ordinance 2022-25, an Ordinance Approving the Fox Tail Trail Subdivision, Located at 3805 Fox Tail Trail, Park City, Utah
(A) Public Hearing (B) Action
[Fox Tail Trail Subdivision Staff Report](#)
[Exhibit A: Ordinance No. 2022-25](#)
[Exhibit B: Fox Tail Narrative 06-07-22](#)
[Exhibit C: Fox Tail Height Cap Visual Analysis](#)
[Exhibit D: Existing Conditions](#)
[Exhibit E: Slope Constraints Map](#)
[Exhibit F: Hidden Meadow Annexation Plat](#)
[Exhibit G: Hidden Meadows Annexation Resolution, Resolution No. 2-94](#)
[Exhibit H: Amendment to the Hidden Meadows Annexation Agreement, Summit County Recorder Entry No. 430356](#)
[Exhibit I: Hidden Meadow Subdivision](#)
[Exhibit J: Hidden Meadow CC&Rs](#)
[Exhibit K: Fox Tail Sight Line Analysis](#)
[Exhibit L: Public Comments](#)
[Exhibit M: Declaration of Restrictive Covenant to PCMC](#)
[Exhibit N: Declaration of Restrictive Covenant to Hidden Meadows HOA](#)
2. Consideration to Approve Ordinance No. 2022-26, an Ordinance Approving the 949 Empire Avenue Plat Amendment, Located at 949 Empire Avenue, Park City, Utah
(A) Public Hearing (B) Action
[949 Empire Plat Amendment Staff Report](#)
[Exhibit A: Draft Ordinance No. 2022-26 and Proposed Plat](#)
[Exhibit B: Summit County Recorder Entry No. 105863, Restrictive Covenants](#)
[Exhibit C: Planning Director Determination of Setbacks](#)
[Exhibit D: Aerial View](#)
[Exhibit E: Existing Conditions](#)
[Exhibit F: Site Photos](#)

Exhibit G: Applicant Statement on Plat Intent

3. Consideration to Approve Ordinance No. 2022-27, an Ordinance Approving the 405 Woodside Avenue Subdivision Plat, Located at 405 Woodside Avenue, Park City, Utah
(A) Public Hearing (B) Action
405 Woodside Avenue Subdivision Plat Staff Report
Exhibit A: Draft Ordinance No. 2022-27 and Proposed Plat
Exhibit B: Existing Conditions
Exhibit C: Project Intent
Exhibit D: Property Photos
4. Consideration to Approve Ordinance No. 2022-28, an Ordinance Approving the Vacation of a Portion of the Platted Sampson Avenue Right-Of-Way Adjacent to 115 Sampson Avenue and the 115 Sampson Avenue Subdivision First Amended Plat Amendment, Located at 115 Sampson Avenue, Park City, Utah
(A) Public Hearing (B) Action
115 Sampson Avenue Plat Amendment Staff Report
Exhibit A: Draft Ordinance No. 2022-28 and Proposed Plat
Exhibit B: Existing Plat
Exhibit C: Right-of-Way Vacation Petition
Exhibit D: Applicant Statement
Exhibit E: Site Pictures and Existing Conditions
Exhibit F: 2013 Planning Commission Staff Report
Exhibit G: 2018 Historic Preservation Board Staff Report
Exhibit H: 2018 Historic Preservation Board Meeting Minutes
Exhibit I: 2018 Steep Slope CUP Final Action Letter
Exhibit J: 2019 Extension of Steep Slope CUP Final Action Letter
Exhibit K: 2019 Extension of HDDR Final Action Letter
Exhibit L: Planning Director Determination of Setbacks
Exhibit M: Encroachment Permit
Exhibit N: Engineering Department's Recommendation Memorandum

VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

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

Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

4:00 p.m. - Mental Health Update by Aaron Newman, Behavioral Health Director, and Linda Graves, Mental Wellness Alliance Coordinator, Park City Community Foundation

Suggested Action:

Attachments:

[Park City Behavioral Health Presentation](#)

[Exhibit A: 2021 Community Engagement and Behavioral Health Survey Report - Summit County](#)

UPDATE ON BEHAVIORAL HEALTH IN PARK CITY



Aaron W. Newman

Director of Behavioral Health
Summit County Health Department



Linda Graves

Mental Wellness Alliance Coordinator
Park City Community Foundation



Pamella Bello

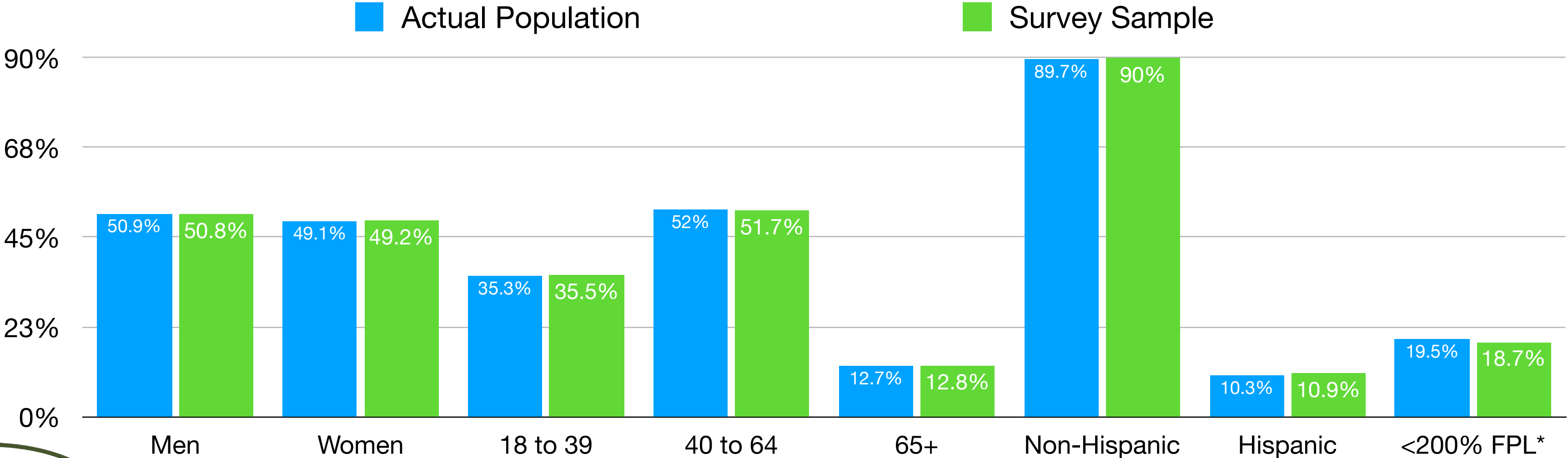
Director of Behavioral Health
Prevention Programs
Summit County Health Department

COMMUNITY SURVEY RESULTS



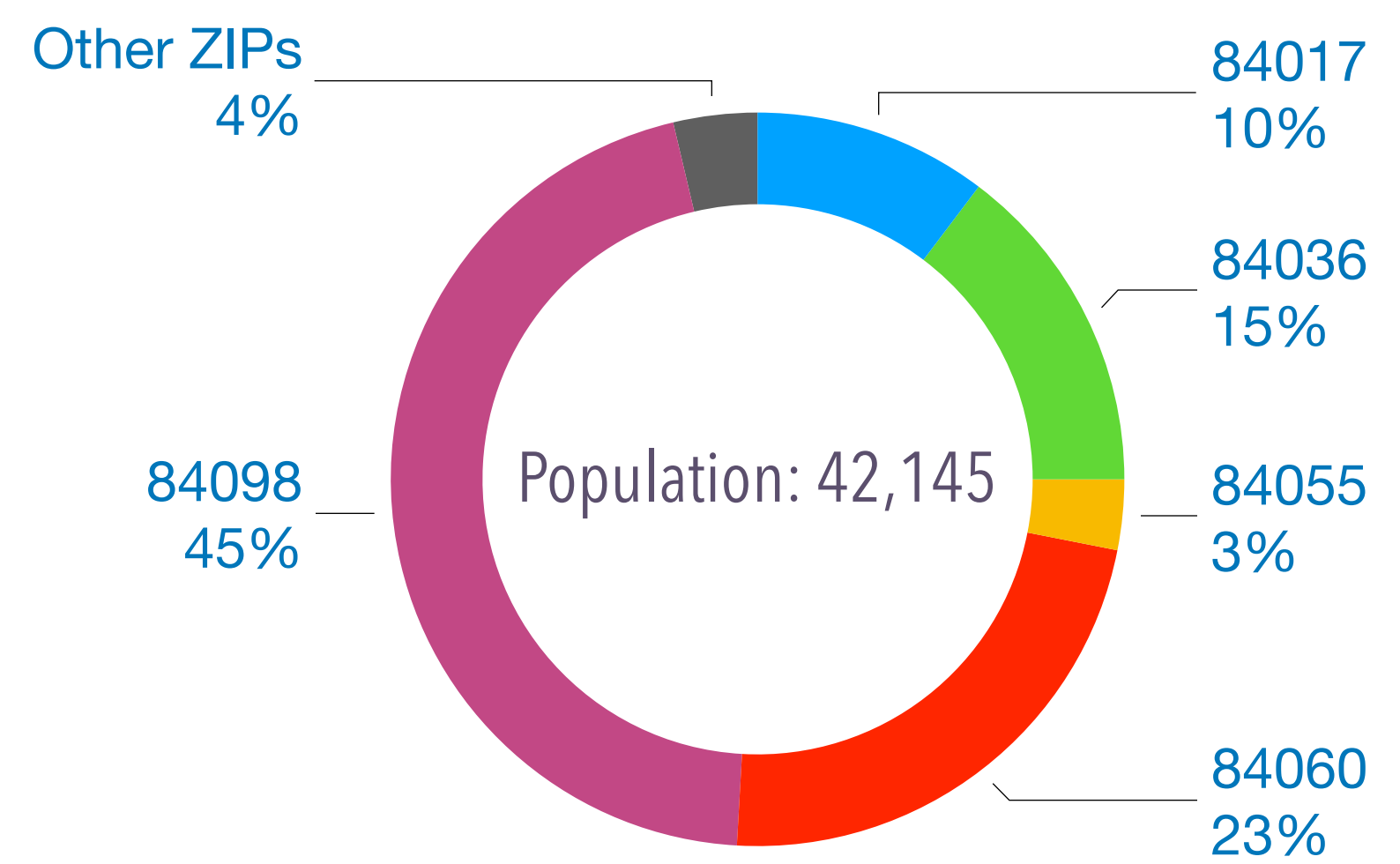
	Completed Surveys
Phone-Based Surveys	400
Internet-Based Surveys	1,823
TOTAL USABLE	2,223

2015 = 1,100 Total Responses



*FPL = FY21 Federal Poverty Rate of \$25,760 for a single and \$53,000 for a family of Four

GEOGRAPHIC SUMMARY



Responses & Zip Codes

84017: 222 (*Coalville, Hoytsville, Wanship*)

84036: 333 (*Kamas, Francis, Woodland*)

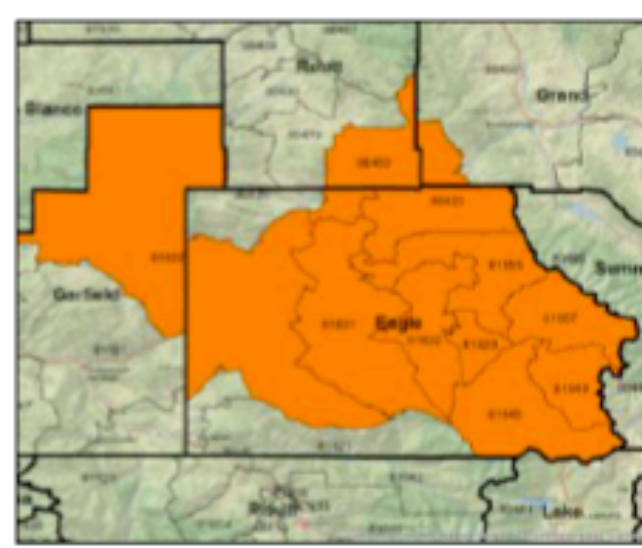
84055: 67 (*Oakley*)

84060: 511 (*Park City Including 84068*)

84098: 1,001 (*Snyderville Basin*)

Other ZIPs: 89 (*84033, 84061, 84024*)

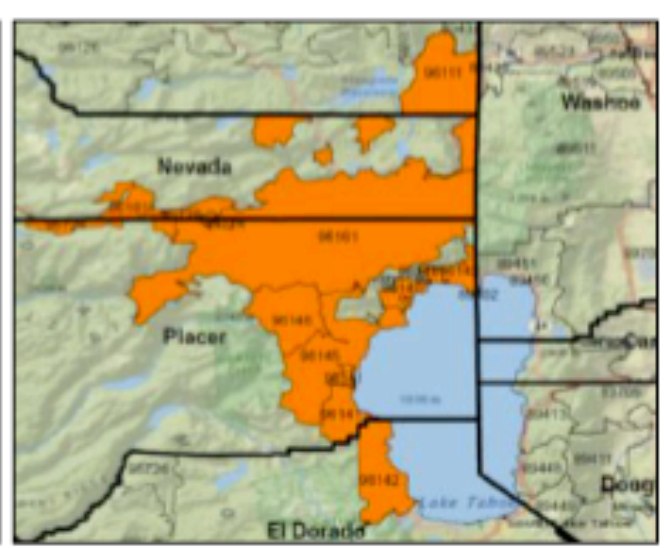
Comparison Communities



Eagle County, CO



Summit County, CO



North Tahoe, CA

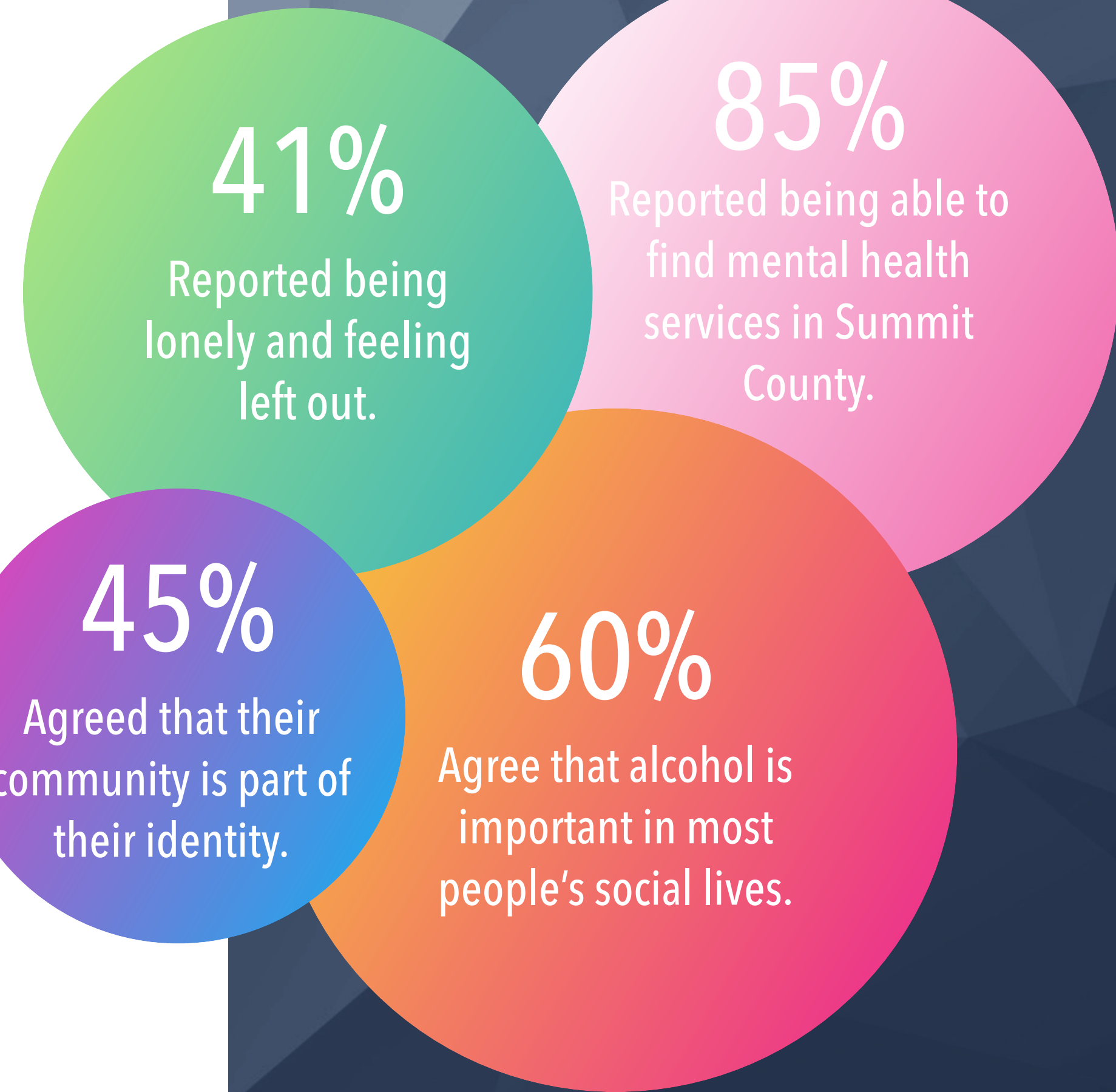
Note:

- Peer Communities have taken the same assessment, with the exception of each community providing 5 unique questions.
- North Tahoe is an economic region and not a county as the other two are.



KEY FINDINGS

- **67.8%** of respondents reported they have social support with **78.8%** of respondents stating they can find people their own age for friendship.
- **47.3%** of respondents reported having 3 or more days a month in which their mental health was a concern (*Depression, anxiety, other*).
- **73.6%** of respondents reported drinking alcohol on a regular basis, with **59.2%** classifying as either heavy* (22.0%) or binge** drinkers (32.4%).
- **30.8%** of respondents who had a behavioral health concern reported they were unable to access care due to cost, lack of time, not wanting help, stigma/shame, not knowing where to go, and perceived availability of clinicians.



* **Heavy Drinkers** are defined as 2 or more drinks per day for males and 1 or more drinks per day for women.

** **Binge Drinkers** are defined as males who have 5 or more drinks per occasion and 4 or more for women over the past 30 days.

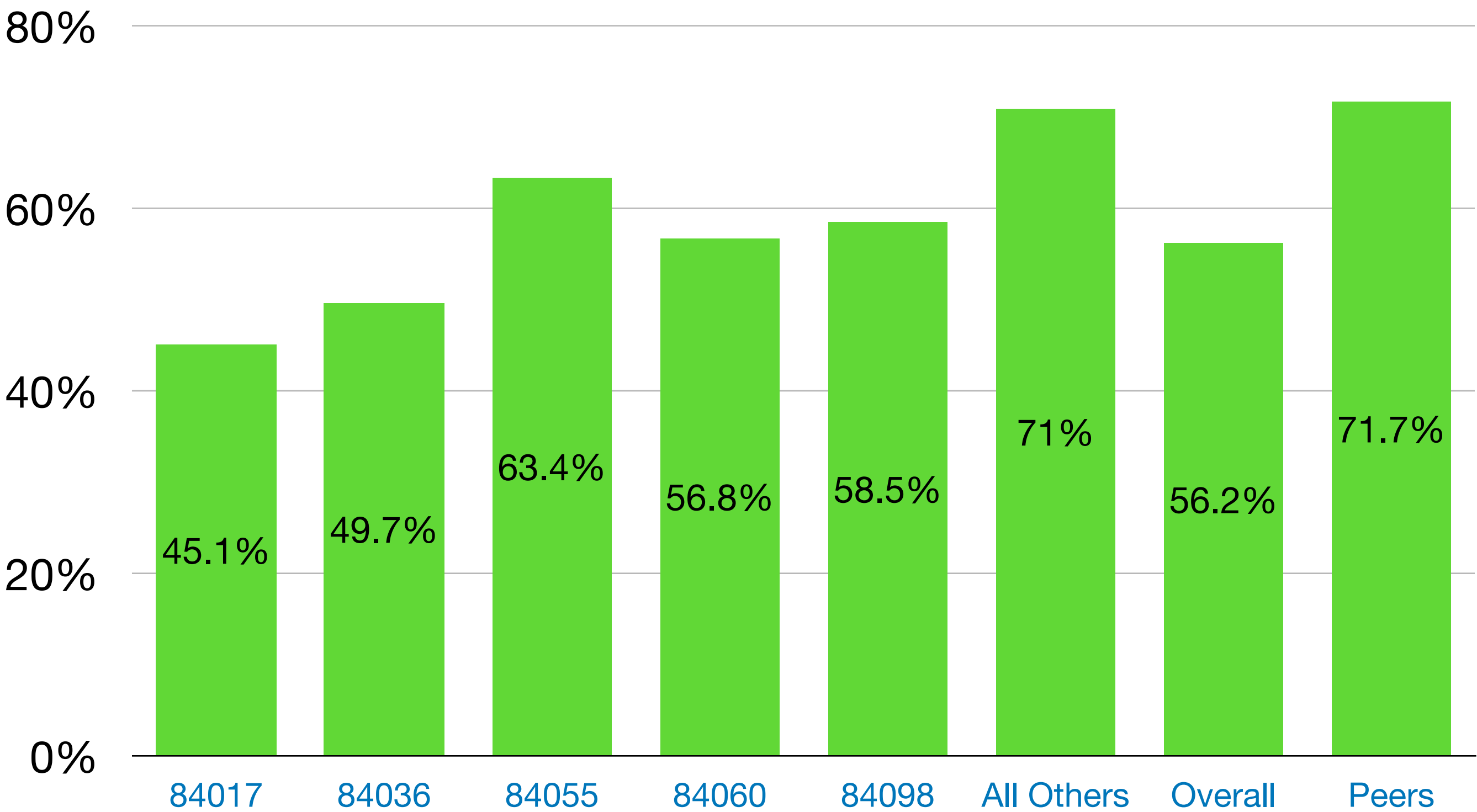
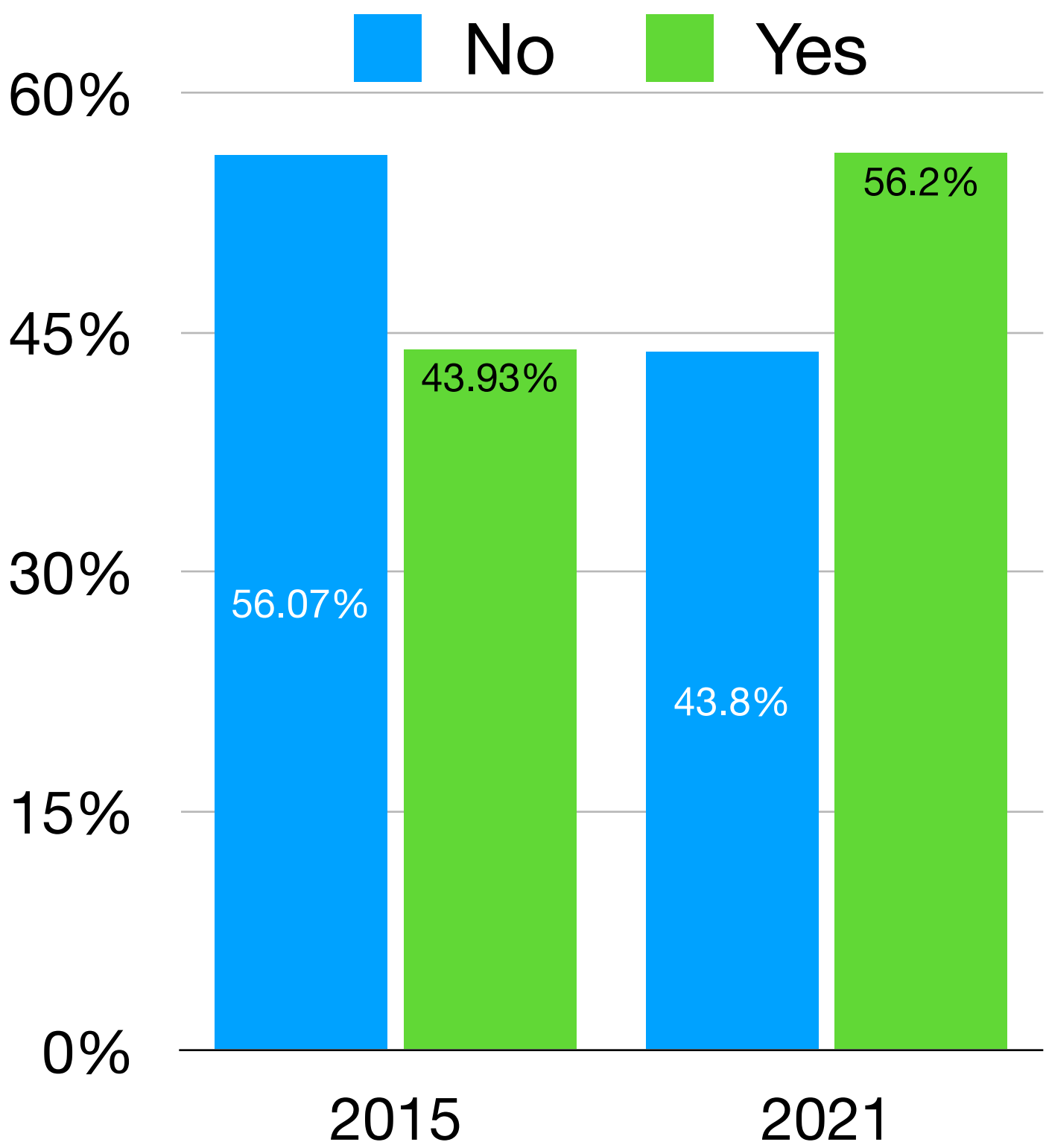
From December 2020 to August 2021, the Mobile Crisis Outreach Team, MCOT, was called out on average of once per day and handles an average of 4 crisis phone calls each day.

Mental Health	Highest / Agree	Lowest / Disagree
People in my community are sympathetic to those with mental illness	Coalville / Park City	Kamas / Oakley
It is easy to talk about mental health in my community	Coalville / Park City	Kamas
I can recognize a person struggling with mental health	Park City	Coalville
I or someone I know needed mental health services in the past year	Oakley	Coalville
I am aware of local mental health resources	Basin / Park City	Coalville
I am very/somewhat likely to seek mental health services locally if needed	Basin / Park City	Oakley
I am very/somewhat likely to use tele therapy for behavioral health care	Oakley	Kamas

Substance Abuse	Highest / Agree	Lowest / Disagree
Alcohol is an important part of most people's social life	Park City	Oakley
% of residents who currently drink	Park City / Basin	Coalville
% of residents who are heavy drinkers	Park City	Oakley
% of residents who are binge drinkers	Park City	Coalville / Oakley
I have been personally impacted by my substance abuse	Kamas	Basin
% of adults lacking health insurance	Coalville	Oakley

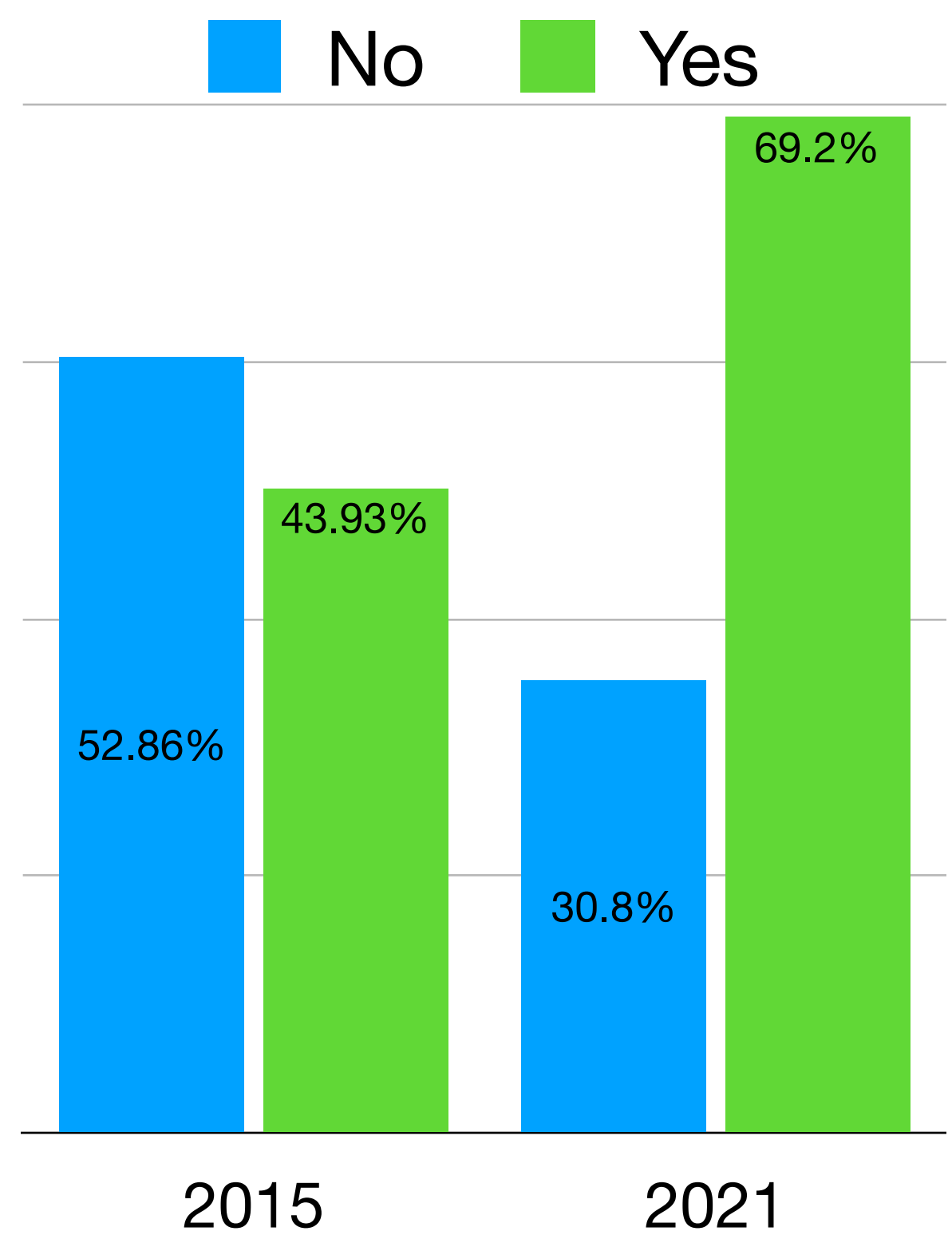
CHANGES FROM 2015

Residents reporting knowing where to go when in need of help with a behavioral health concern:

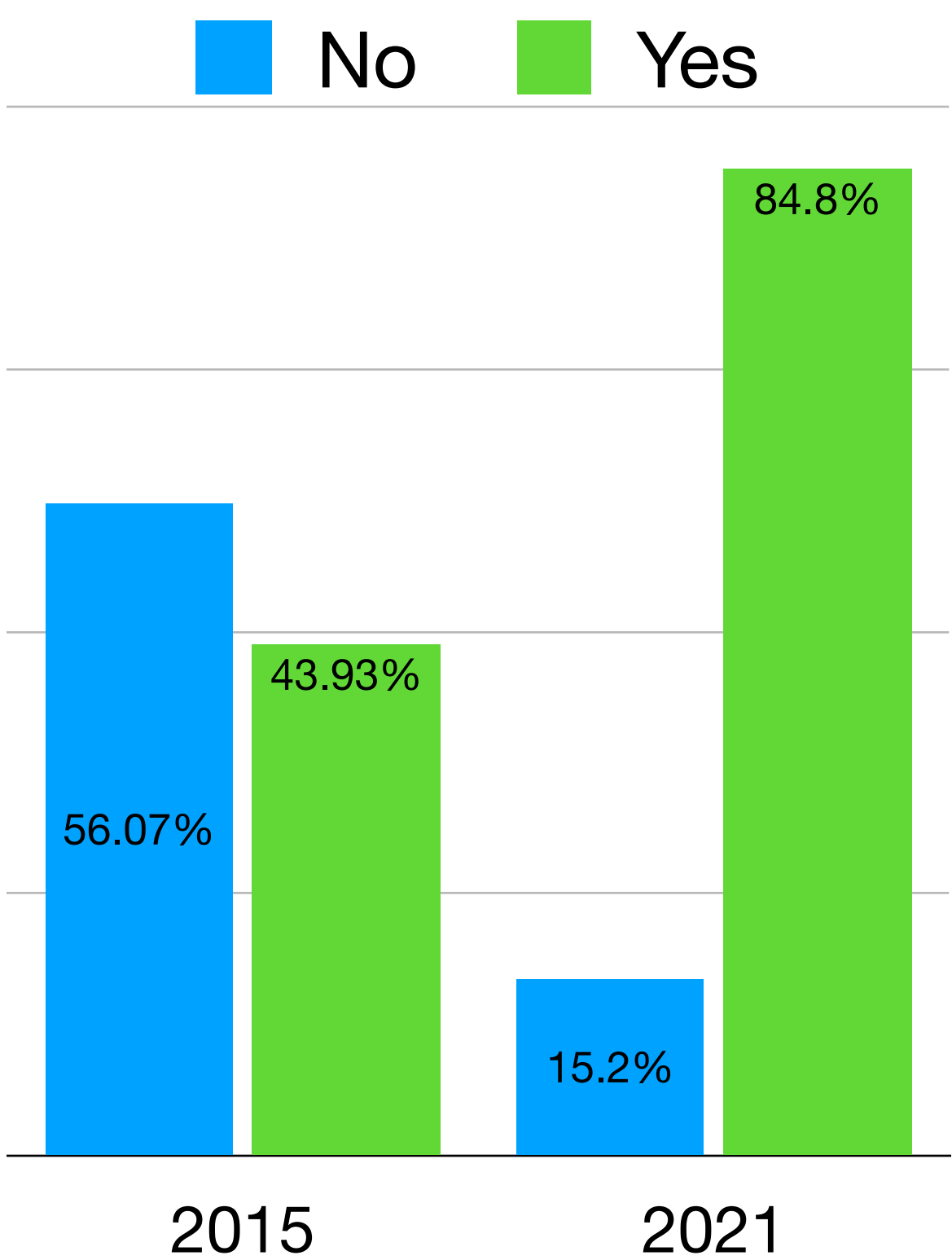


CHANGES FROM 2015

Do you believe there is adequate support in Summit County for those dealing with a behavioral health issue?



Would you know where to go if you or someone you know was experiencing a mental health crisis?



Top 5 Barriers to Care - 2015

1. Cost of Treatment
2. Location of Treatment (Outside of County)
3. Stigma/People Finding Out
4. Lack of Transportation to Treatment
5. Family/Friends Pressure Not to Get Treatment

Top 5 Barriers to Care - 2021

1. Perceived Cost of Treatment
2. Availability of Treatment (Wait-times)
3. Lack of Time for Treatment (Work, child care)
4. Not Wanting Help
5. Stigma/People Finding Out



COUNTY SPECIFIC METRICS



Metric	FY19	FY20	FY21
Medium Days in Treatment	142	92	88
Completed Treatment Successfully	51.9%	62.8%	74.3%
Wait Times for Outpatient Care	~90 Days	48 Hours	72 Hours
Wait Times for Medication Management	~120 Days	72 Hours	4 Days
COVID: Wait Times for Outpatient Therapy	NA	~4 Days	-
COVID: Wait Times for Medication Management	NA	~7 Days	-
Number of Local Clinicians <i>(2,700 in network across Utah)</i>	6 (154)	97 (132)	92 (118)
Number Services Provided in Public System	2,784	5,832	6,415

TRENDS IN SUMMIT COUNTY

- Mental Health Reminds a Community Priority based on IHC's Community Assessment.
- Integration between behavioral and physical healthcare continues to grow.
- Spanish Speaking Service demand continues to grow, with wait times in excess of 4 weeks.
- School-based programs continue to grow along in correlation to demand.



**ACCESS TO SUD SERVICES
DECREASING WHILE NEED
INCREASING**



**DEMAND FOR SPANISH
LANGUAGE SERVICES
CONTINUES TO INCREASE**



**17% OF ALL CLINICIANS IN
SUMMIT COUNTY TO
RETIRE BY 2027**



**PRIVATE CLINICIAN WAIT
TIMES INCREASE WHILE
NETWORK RETURNS TO
PRE-COVID LEVELS**



**WAIT TIMES FOR THE
MAJORITY OF SERVICES
HAVE RETURNED TO PRE-
COVID WAITS**



**DIVISIONS ROLE WILL BE
CHANGING WITH THE
MERGER OF DHS AND
UDOH**



SUMMIT COUNTY MENTAL WELLNESS ALLIANCE

Mission:

"Enhance the quality of life for all Summit County residents by improving community awareness of mental health & substance abuse issues and increasing access to effective treatment and prevention services within the County."

The Summit County Mental Wellness Strategic plan is a community document, identifying the needs of the community and outlining a means to improving the overall behavioral health of all residents in Summit County.

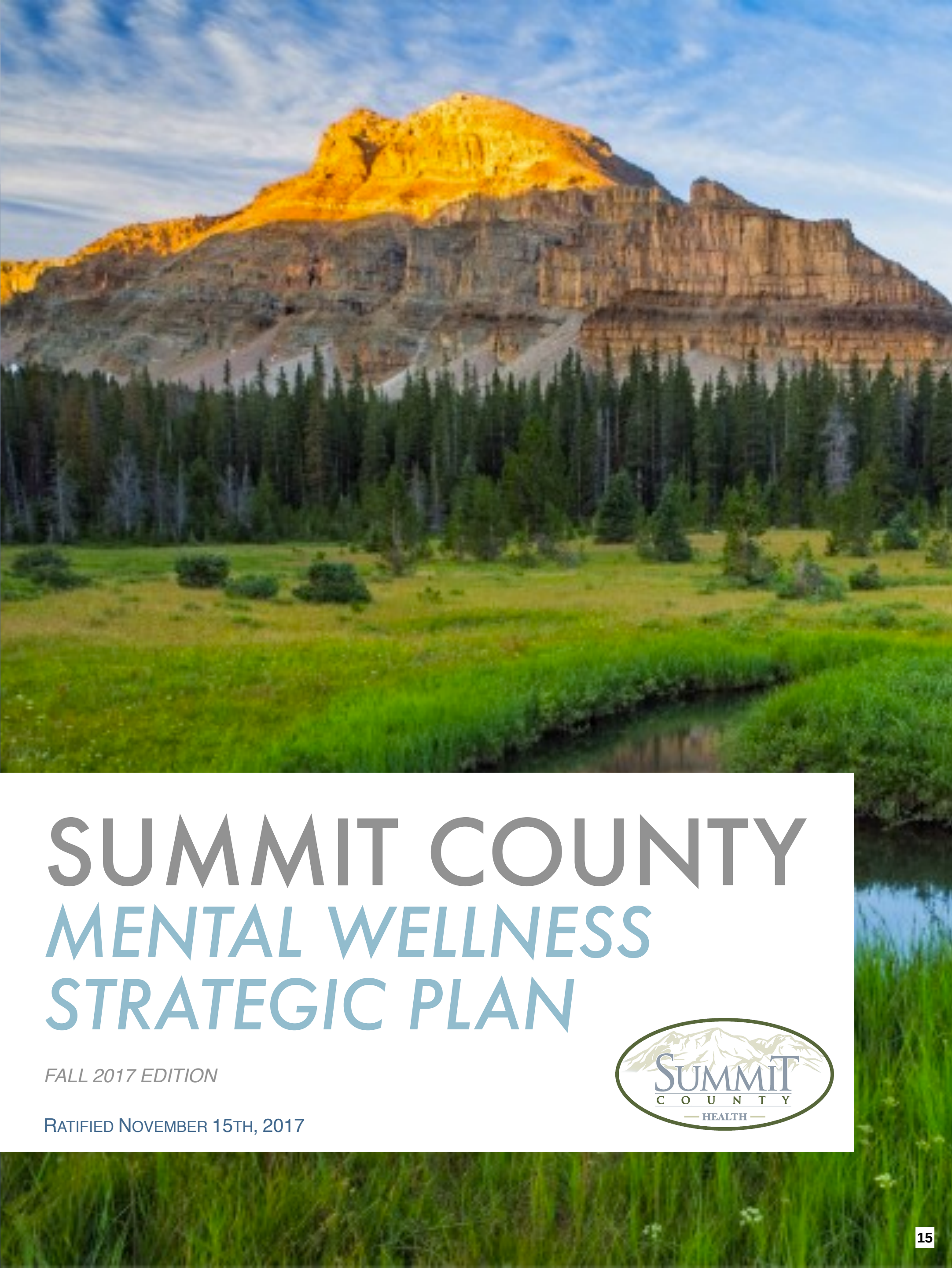
GOAL 1: ACCESS

GOAL 2: PREVENTION & EDUCATION

GOAL 3: SUCCESS & SUSTAINABILITY

GOAL 4: RECOVERY & REINTEGRATION

GOAL 5: EQUITY

The background of the slide is a photograph of a mountain landscape. In the foreground, there is a lush green meadow with a small stream winding through it. In the middle ground, a dense forest of evergreen trees covers the lower slopes of a mountain. The top of the mountain is rocky and appears to be covered in snow or light-colored rock, with a warm, golden glow on its upper sections, suggesting a sunrise or sunset. The sky is blue with wispy white clouds.

SUMMIT COUNTY MENTAL WELLNESS STRATEGIC PLAN

FALL 2017 EDITION

RATIFIED NOVEMBER 15TH, 2017



KEY STRATEGIC PLAN SUCCESSES

- Development of the Summit County Clubhouse
- Increase in youth receiving school-based services from 36 a year to almost 500 in FY22.
- Introduction of a Mobile Crisis Outreach Team (MCOT) in Summit and Wasatch Counties.
- Expansion of treatment availability and specialization through the Huntsman Mental Health Institute and Latino Behavioral Health
- Reduction of wait times within the public behavioral health system.
- Integration of behavioral and physical healthcare

An estimated 15,500 residents of Summit County received some form of behavioral healthcare in FY22*

Medicaid Enrollment for Behavioral Health up by over 1,200%

Education and Prevention efforts through the Alliance and Health Department reached over 30,000 residents in FY21

* Based on preliminary data sets to be confirmed in September 2022



PHASE 1

Alliance workgroups, along with key stakeholders, engage in a review of the current plan, identifying areas of success and areas of need. Draft changes to the Plan are authored and presented for community feedback through public focus groups.

Review

PHASE 2

Feedback is taken into consideration and agreed-upon changes to the plan are made. A draft is presented to the Allaine Executive Committee and the Behavioral Health Advisory Council for support in presenting to the County Council.

Update

PHASE 3

The Summit County Council approves the Strategic Plan for implementation and support. The Alliance oversees the continued progress of the plan in partnership with the Behavioral Health Division

Implement



2021 COMMUNITY ENGAGEMENT & BEHAVIORAL HEALTH SURVEY REPORT

Summit County, Utah

Sponsored by
Summit County Health Department



TABLE OF CONTENTS

INTRODUCTION	3
PROJECT OVERVIEW	4
Project Goals	4
Methodology	4
SUMMARY OF FINDINGS	9
Key Findings	9
Summary Tables: Comparisons With Benchmark Data	10
COMMUNITY LIFE	14
COMMUNITY AS A PLACE TO LIVE	15
COMMUNITY ENGAGEMENT	17
Trust	17
Time & Effort	19
Identity	21
SOCIAL CONNECTIONS & LONELINESS	23
Social Support	23
Isolation & Loneliness	25
MENTAL HEALTH	29
COMMUNITY ATTITUDES TOWARD MENTAL HEALTH	30
Caring & Sympathy Toward Those With Mental Health Issues	30
Discussing Mental Health & Emotional Challenges	32
IDENTIFYING MENTAL HEALTH ISSUES	34
PERSONAL MENTAL HEALTH	36
MENTAL HEALTH SERVICES	38
Need for Mental Health Services	38
Difficulty Accessing Mental Health Services	39
Local Resources for Mental Health	40
SUBSTANCE ABUSE	44
ALCOHOL	45
Community Perceptions of Alcohol	45
Personal Alcohol Use	46
PERSONAL IMPACT OF SUBSTANCE ABUSE	49
AWARENESS OF HEALTHY U. BEHAVIORAL (HUB)	51
VAPING	53
COMMUNITY SAMPLE CHARACTERISTICS	55



PROJECT OVERVIEW

Project Goals

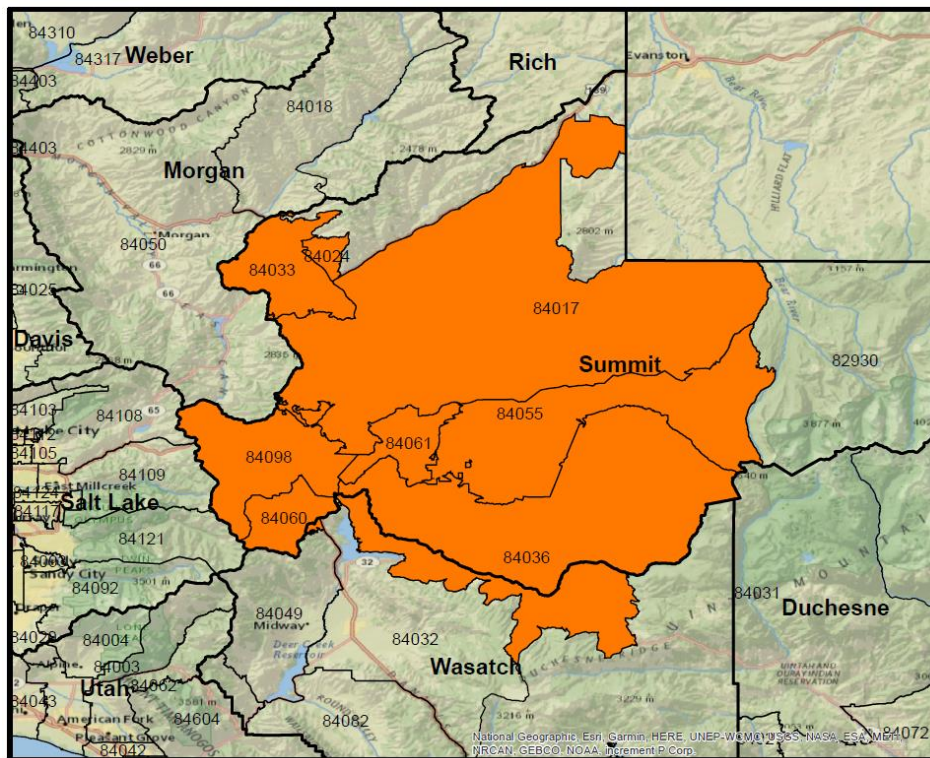
The 2021 PRC Community Engagement & Behavioral Health Survey is a data-driven approach to measuring community engagement and behavioral health needs in Summit County, Utah. Subsequently, this information may be used to inform decisions and guide efforts to improve community health and wellness.

This assessment was funded through the Katz Amsterdam Foundation and conducted on behalf of the Summit County Health Department by PRC, Inc. This research aligns with similar research in other resort communities with support from the Katz Amsterdam Foundation. PRC is a nationally recognized healthcare consulting firm with extensive experience conducting community quality-of-life and health research in hundreds of communities across the United States since 1994.

Methodology

Community Definitions

The targeted population for this survey effort included each of the residential ZIP Codes comprising Summit County, Utah, as outlined in the following map.



Summit County, UT



Survey Instrument

The core survey used for this effort was developed by Katz Amsterdam Foundation in consultation with the consulting agency FSG (a team of nonprofit/NGO leaders on issues of social impact) and PRC. Initially, the sponsors worked with FSG consultants to investigate and identify actionable questions that might best measure community engagement and behavioral health needs. PRC further worked with the sponsors to establish final question formats and survey flow.

In addition to the 35 core questions, Summit County Health Department added 6 custom questions to the final survey instrument, for a total of 41 asked questions.

Sample Approach & Design

To ensure the best representation of the population surveyed, a mixed-mode methodology was implemented. This included surveys conducted via telephone (landline and cell phone) as well as through online questionnaires. The final sample for this effort included **2,223 total surveys** among individuals age 18 and older in Summit County, Utah.

Phone-Based Random Sampling

PRC conducted 400 surveys in the county through a random selection of households that were completed over the phone (landline or cell phone). The primary advantages of telephone interviewing are timeliness, efficiency, and random-selection capabilities.

Internet-Based Community Outreach Sampling

In addition, PRC hosted an online version of the survey on the internet, and Summit County Health Department and local partners used a variety of communication tools to drive residents to take the survey online. Examples include press releases, social media advertising, posting on organizational websites, and email campaigns to community members and community partners. In all, a total of 1,823 surveys in Summit County were achieved through these methods.

Samples Achieved by Method

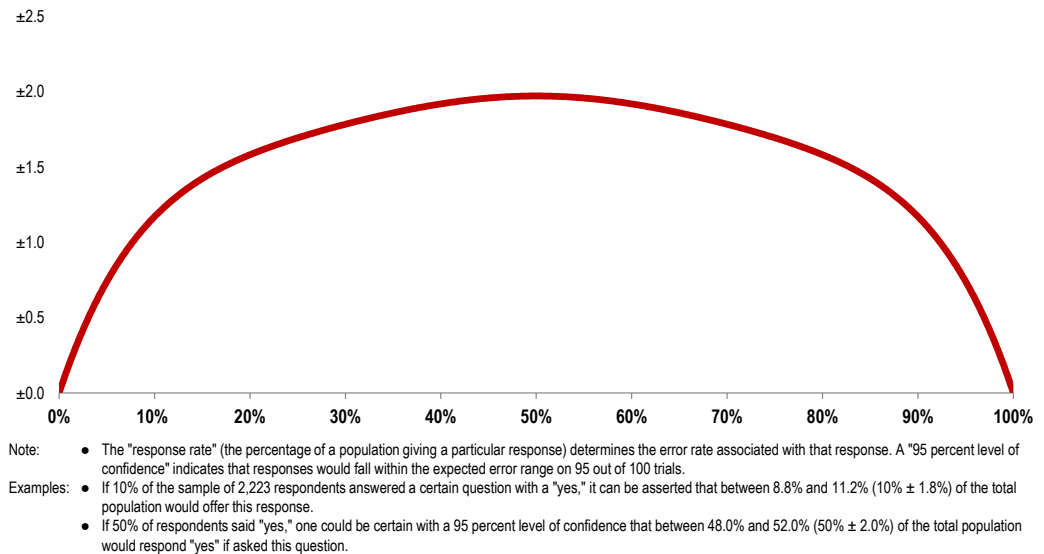
The following table outlines the numbers of survey completed in each community by each method.

	SUMMIT COUNTY, UTAH
Phone-Based Population Surveys	400
Internet-Based Community Outreach Surveys	1,823
TOTAL	2,223

For statistical purposes, the maximum rate of error associated with a sample size of 2,223 respondents is $\pm 2.0\%$ at the 95 percent confidence level.



Expected Error Ranges for a Sample of 2,223 Respondents at the 95 Percent Level of Confidence



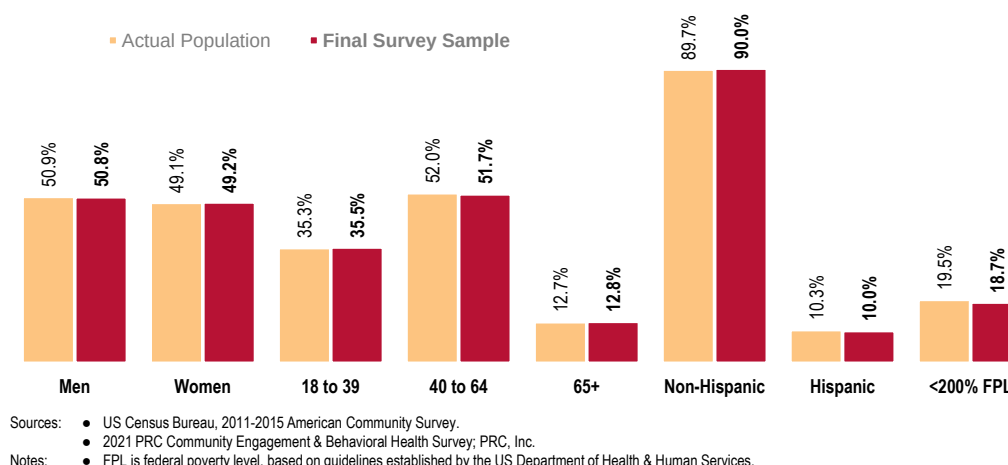
Sample Characteristics

Once all interviews were completed, these were combined and weighted to best reflect the area as a whole. To accurately represent the population studied, it is a common and preferred practice to "weight" the raw data to improve the representativeness of the sample. This is accomplished by adjusting the results of a random sample to match the geographic distribution and demographic characteristics of the population surveyed (poststratification), so as to eliminate any naturally occurring bias. Specifically, once the raw data are gathered, respondents are examined by key demographic characteristics (namely sex, age, race, ethnicity, and poverty status), and a statistical application package applies weighting variables that produce a sample which more closely matches the population for these characteristics. Thus, while the integrity of each individual's responses is maintained, one respondent's responses may contribute to the whole the same weight as, for example, 1.1 respondents. Another respondent, whose demographic characteristics may have been slightly oversampled, may contribute the same weight as 0.9 respondents.

The following charts outline the characteristics of samples for key demographic variables, compared to actual population characteristics revealed in census data. [Note that the sample consisted solely of area residents age 18 and older; children were not surveyed in this effort and are therefore not represented demographically in these charts.]



Population & Survey Sample Characteristics (Summit County, UT; 2021)



Additional data are provided in the **Community Sample Characteristics** section at the end of this report.

Further note that the poverty descriptions and segmentation used in this report are based on administrative poverty thresholds determined by the US Department of Health & Human Services. These guidelines define poverty status by household income level and number of persons in the household (*e.g., the 2020 guidelines place the poverty threshold for a family of four at \$26,200 annual household income or lower*). In sample segmentation: **“very low income”** refers to community members living in a household with defined poverty status; **“low income”** refers to households with incomes just above the poverty level and earning up to twice (100%-199% of) the poverty threshold; and **“mid/high income”** refers to those households living on incomes which are twice or more ($\geq 200\%$ of) the federal poverty level.

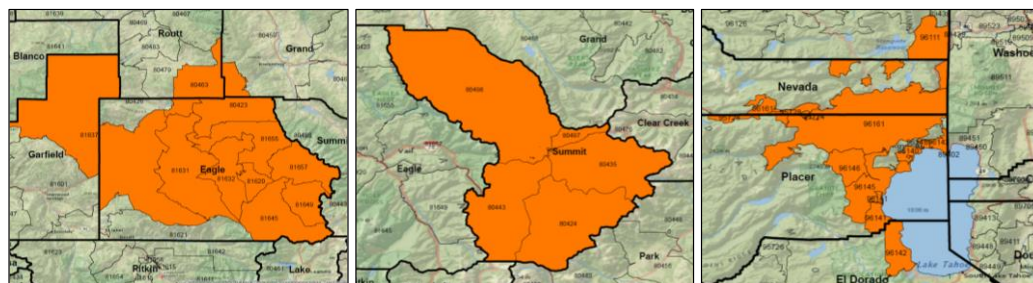
The sample design and the quality control procedures used in the data collection ensure that the sample is representative. Thus, the findings may be generalized to the total populations of community members in the defined areas with a high degree of confidence.

Benchmark Data

Peer Communities

To provide further context to the Summit County, Utah, findings, this report provides comparisons to findings among peer communities. These “peers” include three mountain communities in Colorado and California which took part in similar research in 2020 (see map below). The “Peer Community” or “Peers” values outlined in this report represent the composite finding of all communities that asked the corresponding survey question.

PEER COMMUNITIES



Eagle County, CO

Summit County, CO

North Tahoe, CA



It is important to note that data collection for the peer communities concluded in March 2020, just as the COVID-19 pandemic was emerging. The separation of timing between the peer study and the Summit County, Utah, study could, to some degree, impact comparability.

State-Level Comparisons

Statewide risk factor data are provided for select indicators where available through the *2019 BRFSS (Behavioral Risk Factor Surveillance System) Prevalence and Trends Data* published online by the Centers for Disease Control and Prevention.

National Comparisons

Comparisons to national data are provided where available through the *2019 BRFSS (CDC)*, the *PRC National Health Survey (PRC)*, or the *Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data* (RAND Corporation).

Determining Significance

Differences noted in this report represent those determined to be statistically significant. For these survey-derived indicators (which are subject to sampling error), statistical significance is determined based on confidence intervals (at the 95 percent confidence level), using question-specific samples and response rates.



SUMMARY OF FINDINGS

Key Findings

COMMUNITY LIFE

- Summit County residents appear to be **highly engaged** in their communities:
 - 86.2% agree that they trust people in their community.
 - 48.1% agree that they invest time and effort into the community.
 - 44.9% agree that their community is part of their identity.
- In general, older residents and those who have lived in the communities longer tend to be more engaged by these measures.

SOCIAL SUPPORT

- About two-thirds (67.8%) of residents there feel that they have **adequate social support**, and 78.8% believe they are able to **find people their own age for friendship** at least some of the time.
- Still, 31.9% of adults are **lonely**, meaning that there are times when they lack companionship, feel left out, or feel isolated from others. By this measure, loneliness tends to be more prevalent in women, young adults, those living at lower income levels (especially), as well as part-time residents and those who have lived in the area less than 10 years or more.

MENTAL HEALTH

- Most residents believe that their **communities are sympathetic** to those with mental illness (58.0%), but **fewer feel that it is easy for residents to discuss** issues related to mental health (42.3%). A total of 54.7% believe that **they themselves would be able to tell if someone were struggling** with a mental health concern.
- Residents report a **high number of poor mental health days** in the past month (47.3% three or more days per month on which their mental health was not good; US = 27.6%). Prevalence tends to be higher in women, younger adults, those with lower incomes, and Hispanic residents.
- Most residents are **aware of local mental health resources** (56.2%), and most say that they would be likely to seek mental health services locally if needed (84.9%). Those less aware include residents of ZIP Codes 84017 or 84036, men, younger adults, as well part-time residents and those who have lived in the area for less time.
- *However*, among the roughly one-third of residents who have needed mental health services in the past year, 30.8% report being **unable to get needed services**; this was primarily due to cost, perceived availability, lack of time, not wanting help, stigma/shame, or not knowing where to go.



SUBSTANCE ABUSE

- **Alcohol is strongly associated with social life** in Summit County — 59.9% of residents “strongly” or “somewhat agree” that alcohol is important to most peoples’ social lives. This perception is stronger among women, younger adults, those with higher household incomes, and non-Hispanic residents.
- **High percentages of residents are “excessive drinkers”** (37.2%) — this means that they have had episodes of binge drinking in the past month and/or they average a high number of drinks per day over the past 30 days. Excessive drinking is particularly high among men and younger adults.
- The **impact of substance abuse in peoples’ lives is widespread** — 60.5% of residents say that their own life has been directly and negatively affected by someone’s substance abuse issue (their own or that of someone close to them).
- A total of 19.3% of Summit County residents are aware of the services provided by **Healthy U. Behavioral (HUB)**.

Summary Tables: Comparisons With Benchmark Data

The following tables provide an overview of indicators in Summit County, including comparisons to external benchmarks where available. These data are grouped by topic.

Reading the Summary Tables

- In the following tables, Summit County results are shown in the larger, blue column.
- The columns to the right of the Summit County column provide comparisons between local county data and the peer communities, as well as any available state and national findings. Symbols indicate whether Summit County compares favorably (☀️), unfavorably (💜), or comparably (☁️) to these external data.

Note that blank table cells signify that data are not available for that area and/or for that indicator.



COMMUNITY LIFE & SOCIAL SUPPORT	DISPARITY BY ZIP CODE					
	84017	84036	84055	84060	84098	Other ZIPs
% Community Is a "Fair/Poor" Place to Live	 1.2	 2.9	 11.7	 1.3	 1.9	 0.0
% Trust People in Community (Completely/Mostly Agree)	 84.6	 83.9	 72.5	 83.5	 89.1	 91.0
% Invest Time/Effort Into Community (Completely/Mostly Agree)	 51.2	 39.7	 43.0	 51.2	 46.2	 75.4
% Community Member Is Part of Identity (Completely/Mostly Agree)	 49.7	 35.2	 42.5	 49.8	 44.0	 50.2
% "Always/Usually" Have Social/Emotional Support	 61.9	 63.0	 52.3	 72.1	 69.1	 73.0
% "Often/Sometimes" Able to Find People Own Age for Friendship	 75.6	 77.1	 69.5	 78.6	 80.1	 85.9
% Lonely	 27.9	 37.0	 49.5	 31.9	 29.8	 34.2

Note: In the section above, each ZIP Code area is compared against all other ZIP Codes combined. Throughout these tables, a blank or empty cell indicates that data are not available for this indicator or that sample sizes are too small to provide meaningful results.

Summit County	SUMMIT COUNTY vs. BENCHMARKS		
	vs. Peer Communities	vs. UT	vs. US
2.1	 6.0		
86.2	 85.4		 45.0
48.1	 59.7		 22.7
44.9	 57.1		 26.9
67.8	 64.4		
78.8			
31.9	 32.2		 23.8



better



similar



worse

MENTAL HEALTH	DISPARITY BY ZIP CODE					
	84017	84036	84055	84060	84098	Other ZIPs
% People Are Sympathetic to Those With Mental Illness (Strongly/Somewhat Agree)	 63.6	 44.4	 42.8	 65.8	 58.1	 61.1
% Easy for Residents to Discuss Mental Health (Strongly/Somewhat Agree)	 46.0	 30.8	 36.3	 48.4	 43.1	 38.9
% Can Recognize a Person Struggling With Mental Health (Strongly/Somewhat Agree)	 51.5	 52.0	 57.8	 58.7	 53.6	 59.7
% 3+ Days of Poor Mental Health in the Past Month	 41.5	 54.5	 58.0	 47.7	 45.7	 40.9
% Needed Mental Health Services in Past Year	 26.7	 39.9	 50.5	 36.9	 32.4	 23.2
% [Those Needing Services] Unable to Get Mental Health Services in Past Year						
% Aware of Local Mental Health Resources	 45.1	 49.7	 63.4	 56.8	 58.5	 71.2
% "Very/Somewhat" Likely to Seek Mental Health Services Locally if Needed	 82.4	 84.0	 69.3	 85.2	 86.0	 90.5
% "Very/Somewhat" Likely to Use Teletherapy for Behavioral Health	 81.1	 74.7	 82.3	 77.6	 81.7	 76.3

Note: In the section above, each ZIP Code area is compared against all other ZIP Codes combined. Throughout these tables, a blank or empty cell indicates that data are not available for this indicator or that sample sizes are too small to provide meaningful results.

Summit County	SUMMIT COUNTY vs. BENCHMARKS		
	vs. Peer Communities	vs. UT	vs. US
58.0	 60.6		
42.3	 46.8		
54.7	 62.1		
47.3	 43.0	 33.8	 27.6
34.1	 33.9		
30.8	 39.9		
56.2	 71.1		
84.9	 87.4		
79.5	 71.3		



better



similar



worse

	DISPARITY BY ZIP CODE					
SUBSTANCE ABUSE	84017	84036	84055	84060	84098	Other ZIPs
% Alcohol Is Important to Most People's Social Life (Strongly/Somewhat Agree)	 37.7	 38.7	 30.1	 73.5	 69.7	 37.5
% Current Drinker	 45.7	 61.3	 62.3	 83.8	 81.8	 53.2
% Heavy Drinker	 18.2	 19.4	 14.6	 27.1	 22.9	 9.4
% Binge Drinker	 21.2	 31.1	 20.9	 42.1	 32.7	 20.1
% Excessive Drinker	 24.9	 33.9	 25.2	 46.9	 38.8	 21.4
% Personally Impacted by Substance Abuse	 60.4	 70.3	 62.9	 61.6	 56.3	 63.0
% Aware of Healthy U Behavioral (HUB)	 21.5	 22.5	 23.1	 18.6	 18.7	 10.5
% Currently Use Vaping Products	 3.2	 4.7	 3.2	 2.8	 3.4	 1.9

Note: In the section above, each ZIP Code area is compared against all other ZIP Codes combined. Throughout these tables, a blank or empty cell indicates that data are not available for this indicator or that sample sizes are too small to provide meaningful results.

	DISPARITY BY ZIP CODE					
ACCESS TO HEALTH CARE	84017	84036	84055	84060	84098	Other ZIPs
% [Age 18-64] Lack Health Insurance	 14.9	 3.8	 3.3	 5.8	 4.9	 7.5

Note: In the section above, each ZIP Code area is compared against all other ZIP Codes combined. Throughout these tables, a blank or empty cell indicates that data are not available for this indicator or that sample sizes are too small to provide meaningful results.

	SUMMIT COUNTY vs. BENCHMARKS		
Summit County	vs. Peer Communities	vs. UT	vs. US
59.9	 78.7		
73.6	 82.0	 31.1	 52.8
22.0	 23.2	 4.2	 6.4
32.4	 40.0	 11.2	 16.7
37.2	 44.7	 12.0	 27.2
60.5	 67.5		 35.8
19.3			
3.4	 6.3	 5.1	 8.9

 better  similar  worse

	SUMMIT COUNTY vs. BENCHMARKS		
Summit County	vs. Peer Communities	vs. UT	vs. US
6.0	 13.6	 15.0	 8.7

 better  similar  worse



COMMUNITY LIFE

COMMUNITY AS A PLACE TO LIVE

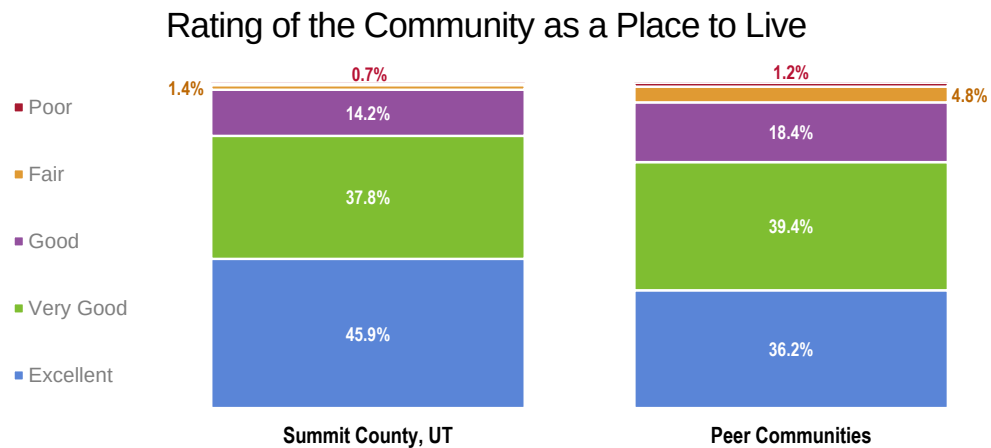
In the initial inquiry, respondents were asked the following question (for the purposes of this study, they were asked to consider their "community" to be their own neighborhood):

Overall, how would you rate your community as a place to live? Would you say: Excellent, Very Good, Good, Fair, or Poor?

By and large, most Summit County residents rate their community as “excellent” or “very good” places to live.

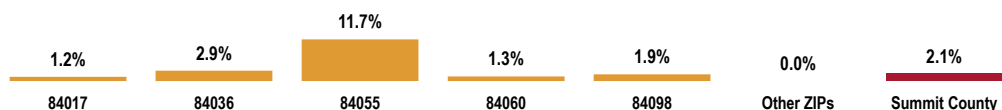
BENCHMARK ► In comparison to peer communities surveyed in 2020, Summit County responses are notably more favorable.

DISPARITY ► **Fair/Poor Responses:** Least favorable in ZIP Code 84055. Also, young adults, those with low household incomes, and non-Hispanic residents are more critical of quality of life. The prevalence is not very different between long-time residents and more recent arrivals, nor between part-time versus year-round residents (not shown).



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 4]
Notes: • Asked of all respondents.

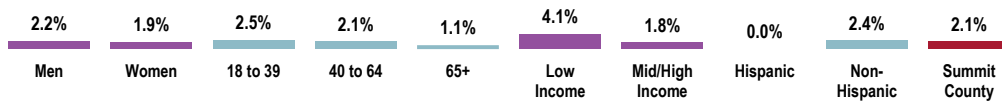
Perceive Summit County as a "Fair" or "Poor" Place to Live (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 4]
Notes: • Asked of all respondents.



Perceive Summit County as a "Fair" or "Poor" Place to Live (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 4]
Notes: • Asked of all respondents.



COMMUNITY ENGAGEMENT

Trust

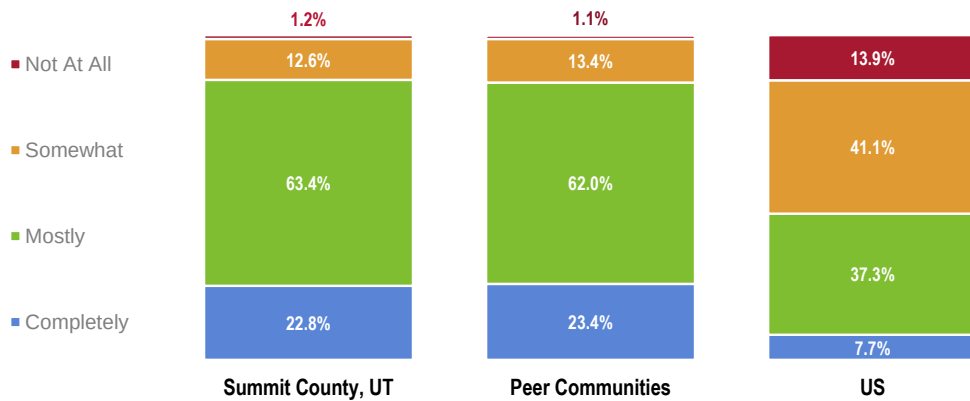
Community engagement was measured in the PRC Community Engagement & Behavioral Health Survey by asking respondents to report their level of agreement with three statements about their attachment to and identification with their local community.

A total of 86.2% of residents agree (“completely” or “mostly”) that “I can trust people in this community.”

BENCHMARK ► Similar to the response recorded in peer communities, but well above that found in a national survey using the same question.

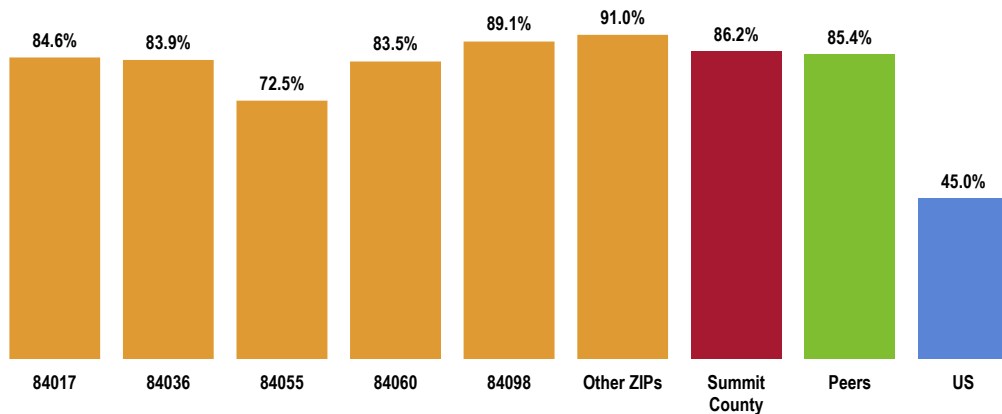
DISPARITY ► Least favorable in ZIP Code 84055. Also particularly low among those with lower incomes and Hispanics.

"I Can Trust People in This Community"



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 5]
 • Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data. RAND Corporation. 2019.
 Notes: • Asked of all respondents.
 • Note that US data are adjusted to exclude a small percentage (<2%) of missing responses.

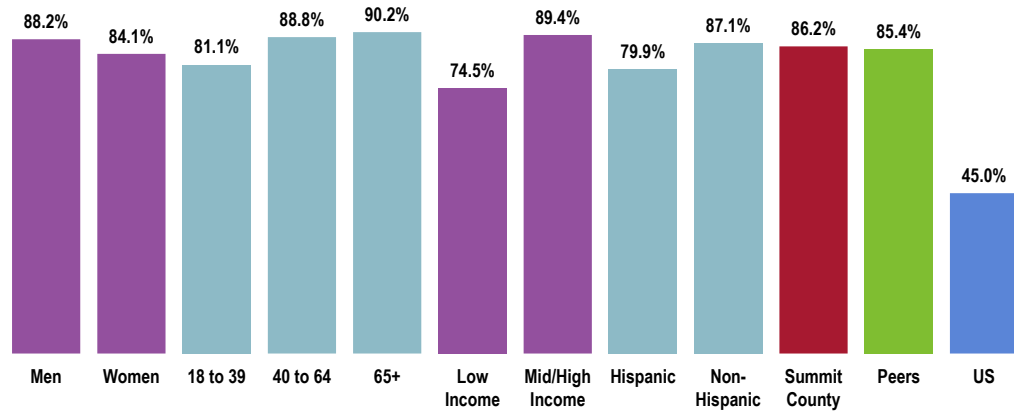
Completely/Mostly Agree: "I Can Trust People in This Community" (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 5]
 Notes: • Asked of all respondents.



Completely/Mostly Agree: "I Can Trust People in This Community" (Summit County, UT; 2021)



- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 5]
 - Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data. RAND Corporation. 2019.
- Notes:
- Asked of all respondents.
 - Percentages represent "completely" or "mostly agree" responses.
 - Note that US data are adjusted to exclude a small percentage (<2%) of missing responses.

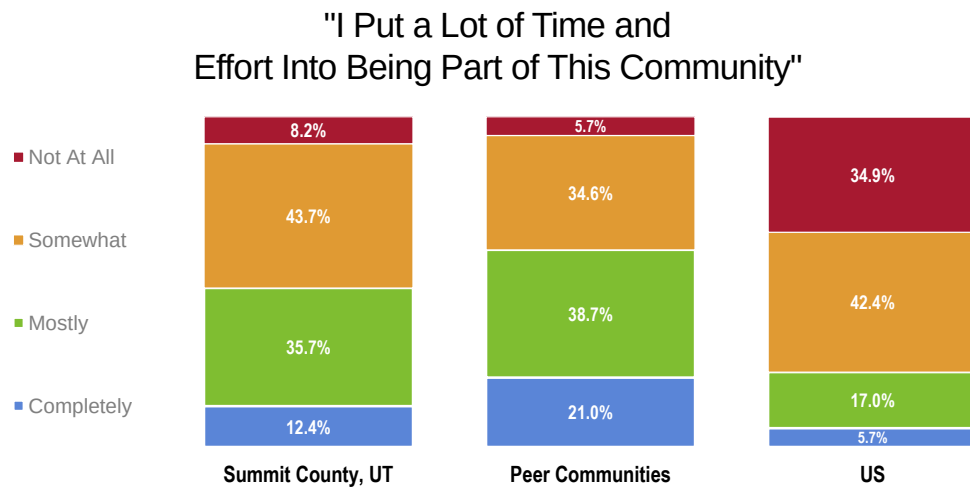


Time & Effort

Almost one-half of residents (48.1%) agree (“completely” or “mostly”) that “*I put a lot of time and effort into being part of this community.*”

BENCHMARK ► Significantly better than found in a national survey using the same question, although significantly below that found among the peer communities.

DISPARITY ► Lowest in ZIP Code 84036. The prevalence is lower among young adults, those at higher income levels, and Hispanic residents, as well as those who have lived in the area for shorter lengths of time (not shown).



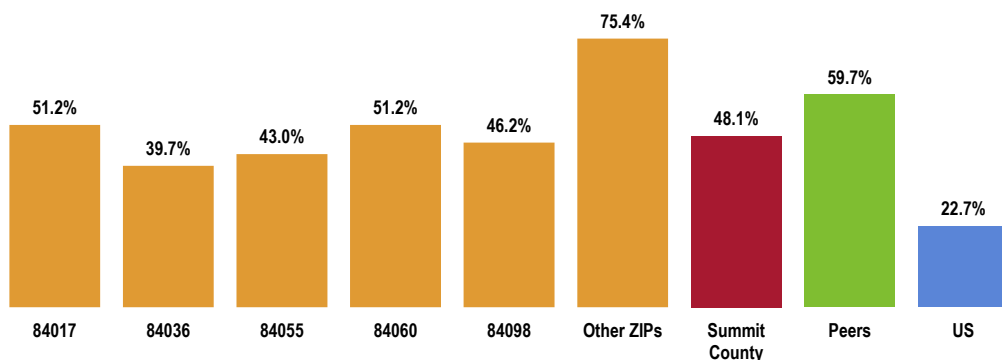
Sources:

- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 6]
- Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data. RAND Corporation. 2019.

Notes:

- Asked of all respondents.
- Note that US data are adjusted to exclude a small percentage (<2%) of missing responses.

Completely/Mostly Agree: "I Put a Lot of Time and Effort Into Being Part of This Community" (Summit County, UT; 2021)



Sources:

- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 6]

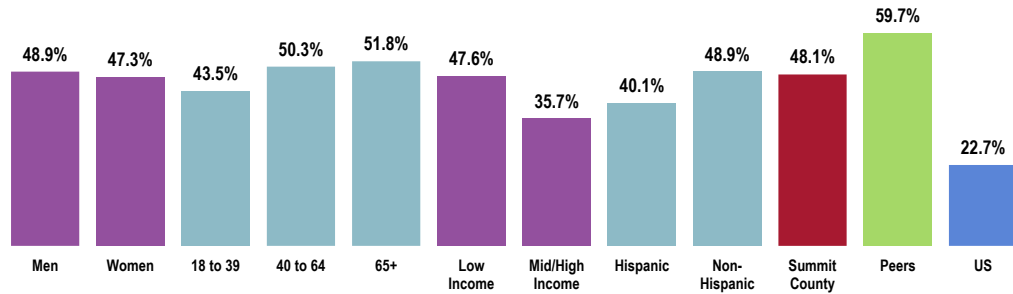
Notes:

- Asked of all respondents.



Completely/Mostly Agree: "I Put a Lot of Time and Effort Into Being Part of This Community"

(Summit County, UT; 2021)



- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 6]
 - Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data. RAND Corporation. 2019.
- Notes:
- Asked of all respondents.
 - Percentages represent "completely" or "mostly agree" responses.
 - Note that US data are adjusted to exclude a small percentage (<2%) of missing responses.



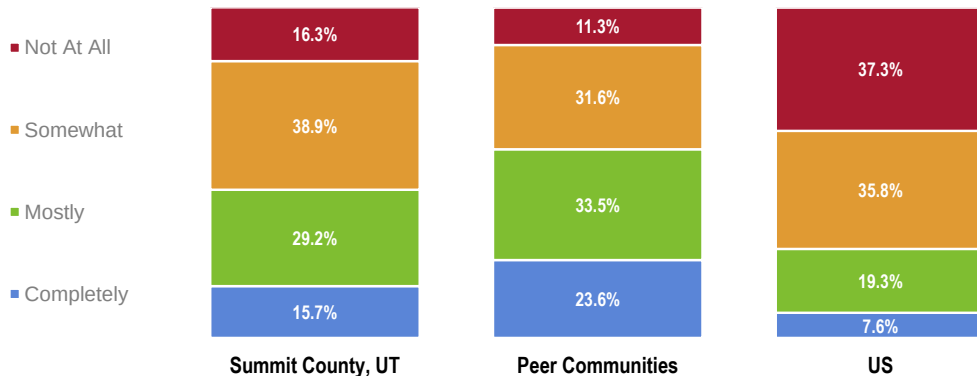
Identity

A total of 44.9% of residents agree (“completely” or “mostly”) that *“being a member of this community is part of my identity.”*

BENCHMARK ► Roughly twice the prevalence found in a national survey using the same question, but below what was reported in the peer communities in 2020.

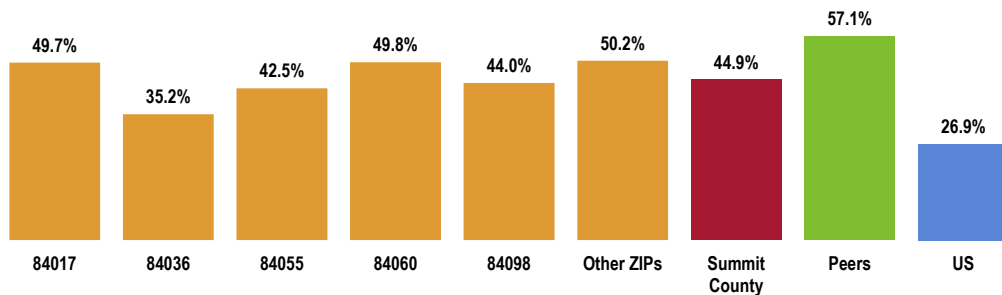
DISPARITY ► Lowest in ZIP Code 84036. Increases with age, and higher among men than women in Summit County. Agreement is also reported more often among full-time (and long-time) residents (not shown).

"Being a Member of This Community Is Part of My Identity"



- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 7]
 - Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data. RAND Corporation. 2019.
- Notes:
- Asked of all respondents.
 - Note that US data are adjusted to exclude a small percentage (<2%) of missing responses.

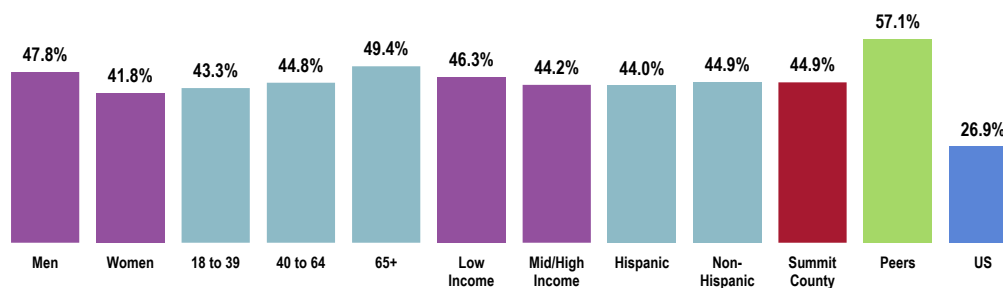
Completely/Mostly Agree: "Being a Member of This Community Is Part of My Identity" (Summit County, UT; 2021)



- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 7]
 - Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data. RAND Corporation. 2019.
- Notes:
- Asked of all respondents.



Completely/Mostly Agree:
 "Being a Member of This Community Is Part of My Identity"
 (Summit County, UT; 2021)



Sources:

- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 7]
- Robert Wood Johnson Foundation 2018 National Survey of Health Attitudes: Description and Top-Line Summary Data. RAND Corporation. 2019.

Notes:

- Asked of all respondents.
- Percentages represent "completely" or "mostly agree" responses.
- Note that US data are adjusted to exclude a small percentage (<2%) of missing responses.



SOCIAL CONNECTIONS & LONELINESS

Social Support

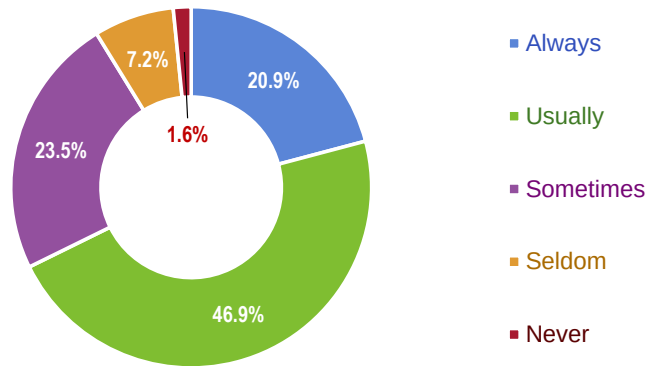
"How often do you get the social and emotional support you need? Would you say: Always, Usually, Sometimes, Seldom, or Never?"

Two in three Summit County adults (67.8%) feel that they “always” or “usually” get the social and emotional support they need.

BENCHMARK ► Slightly better than reported among peer communities in 2020.

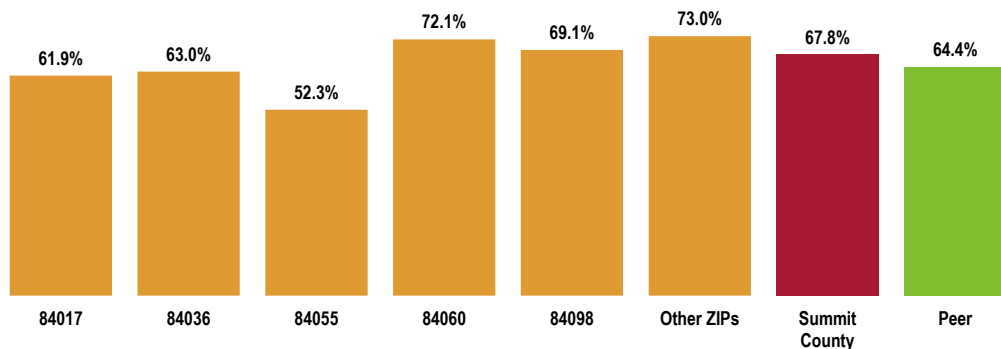
DISPARITY ► Least favorable in ZIP Code 84055. Overall lower in women, young adults, lower-income residents, and Hispanics. Residents who have lived in the area for less than 10 years, as well as part-time residents, are also not as likely to report having support (not shown).

Frequency of Getting the
Social and Emotional Support Needed in the Past Month
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 301]
Notes: • Asked of all respondents.

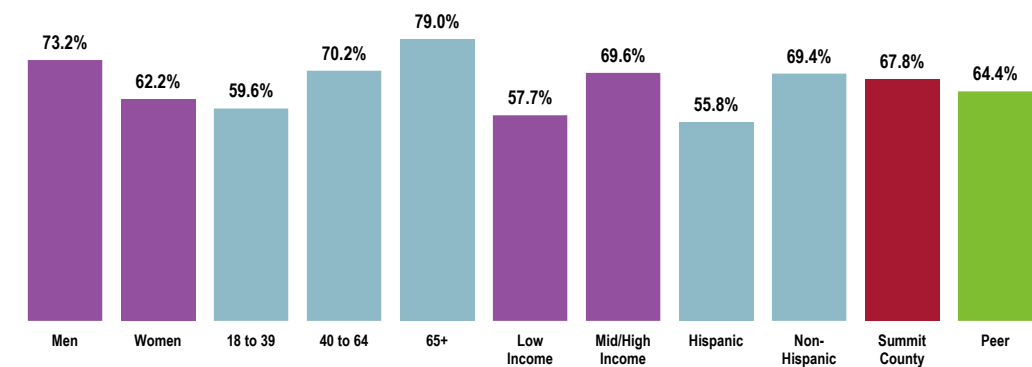
"Always/Usually" Have Social or Emotional Support
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 301]
Notes: • Asked of all respondents.



"Always/Usually" Have Social or Emotional Support
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 301]
Notes: • Asked of all respondents.



Isolation & Loneliness

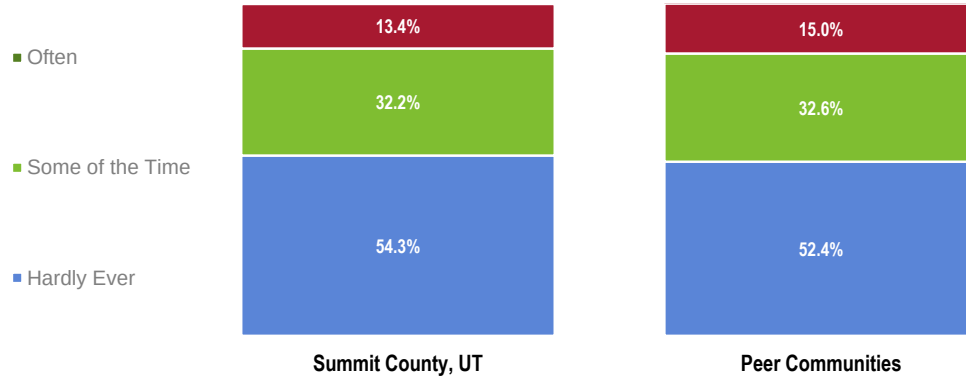
The following charts outline responses to three questions used to define “loneliness” among residents in Summit County.

Adults taking part in the survey answered three questions as part of the loneliness index, asking how often (“often,” “some of the time,” or “hardly ever”) they feel:

- Left out;
- Isolated from others; or
- That they lack companionship.

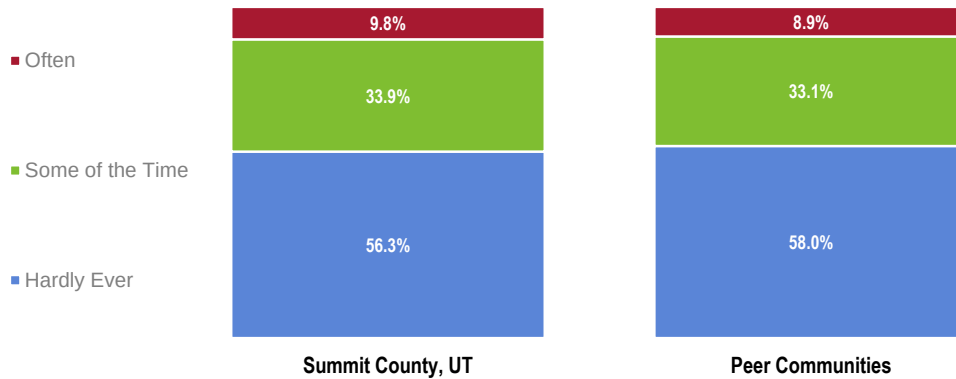
The following charts outline the findings for these questions, as well as the composite percentage of those who fit the criteria of being “lonely” (here, “lonely” is defined as respondents who score 6-9 points in the series of three questions from the loneliness index. Points were awarded based on “hardly ever” (1), “some of the time” (2), or “often” (3) responses).

Lack Companionship



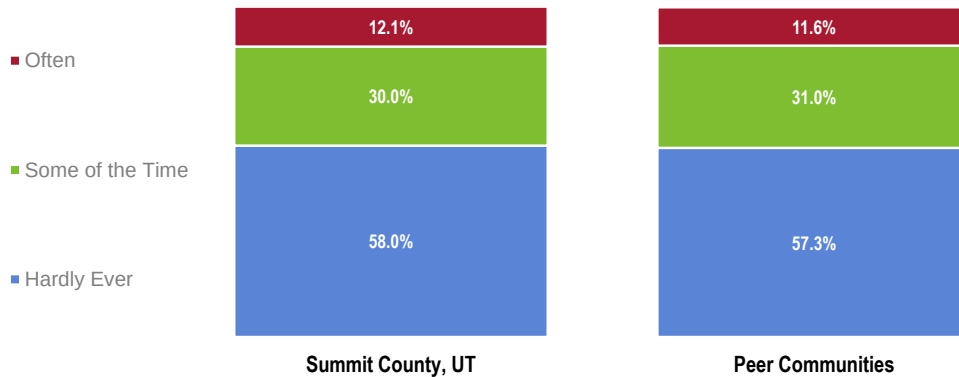
Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Items 8-10]
Notes: • Asked of all respondents.

Feel Left Out



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Items 8-10]
Notes: • Asked of all respondents.

Feel Isolated From Others



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Items 8-10]
Notes: • Asked of all respondents.



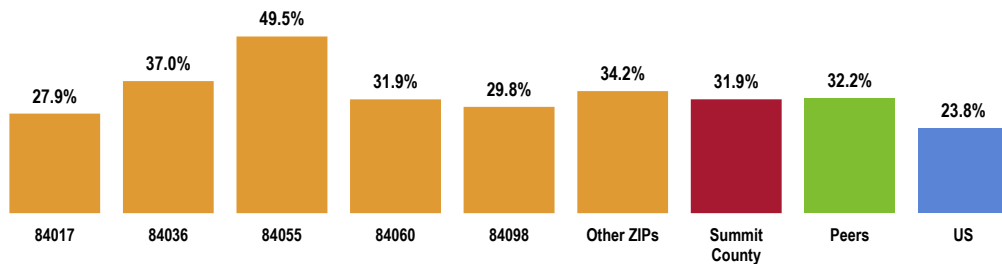
Loneliness Scale

Based on their responses to the three survey questions, 31.9% of residents are found to be “lonely.”

BENCHMARK ► Well above that found in a national survey using the same question, and similar to peer community findings.

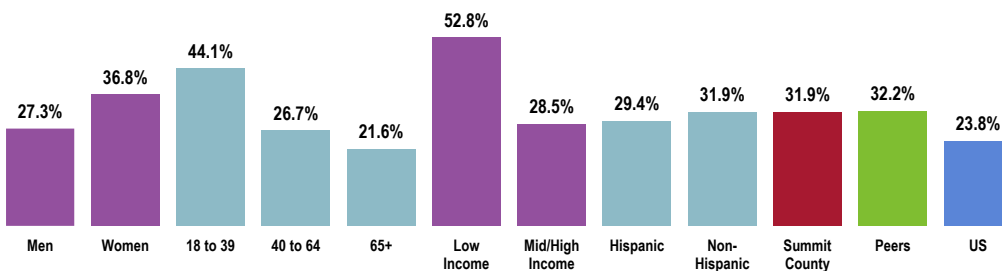
DISPARITY ► Particularly high in ZIP Code 84055. Residents more likely to report loneliness include women, young adults, and especially those living at lower income levels. Part-time residents and those who have lived in the area less than 10 years are more likely to report loneliness (not shown).

Lonely
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 41]
Notes: • Asked of all respondents.
• In this case, “lonely” is defined for respondents who score 6–9 points in a series of three questions from the UCLA Loneliness Scale. Points are awarded based on “Hardly ever” (1), “Some of the time” (2), or “Often” (3) responses as to how often they lack companionship, feel left out, and/or feel isolated from others.

Lonely
(Summit County, UT; 2021)



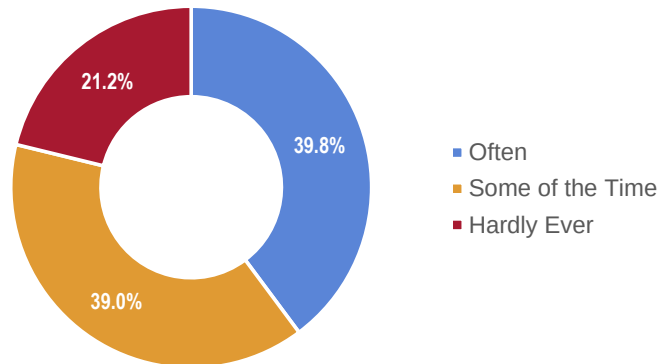
Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 41]
Notes: • Asked of all respondents.
• In this case, “lonely” is defined for respondents who score 6–9 points in a series of three questions from the UCLA Loneliness Scale. Points are awarded based on “Hardly ever” (1), “Some of the time” (2), or “Often” (3) responses as to how often they lack companionship, feel left out, and/or feel isolated from others.



Friendships

Most Summit County adults (78.8%) report that they are “often” or at least “sometimes” able to find people of their own age with whom to develop friendships; however, 21.2% find this more difficult.

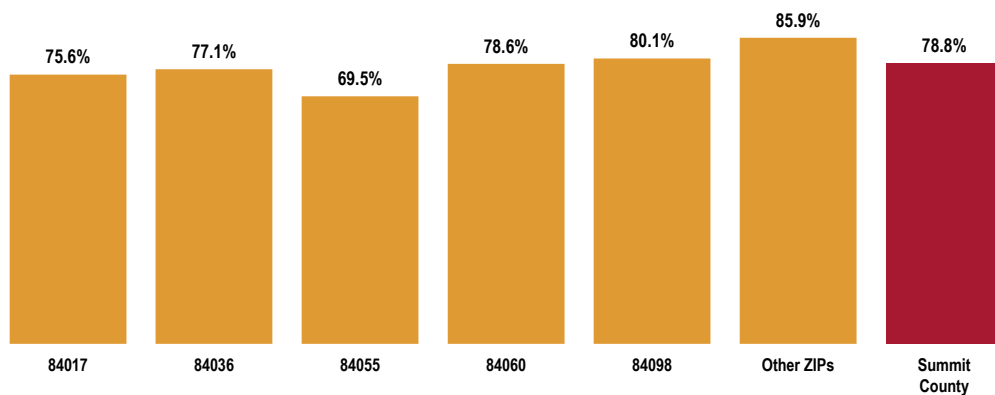
I Am Able to Find People My Own Age to Develop Friendships With (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 302]
Notes: • Asked of all respondents.

DISPARITY ► Least favorable in ZIP Code 84055. Residents less likely to “often/sometimes” find friendship among similar-age residents include young adults, those living at lower income levels, and Hispanic residents. Interestingly, there is little difference in responses between part-time and year-round residents or between those living in the area for less than 10 years versus longer-term residents (not shown).

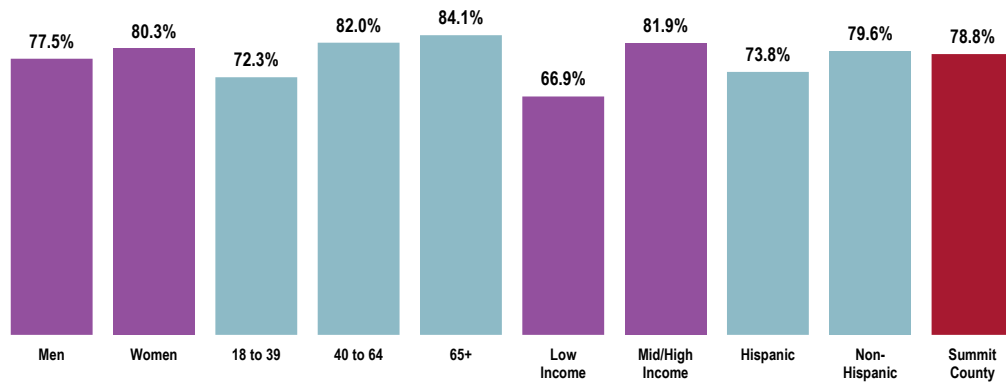
Able to Find Friends of the Same Age "Often" or "Some of the Time" (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 302]
Notes: • Asked of all respondents.



Able to Find Friends of the Same Age "Often" or "Some of the Time" (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 302]
Notes: • Asked of all respondents.





MENTAL HEALTH

COMMUNITY ATTITUDES TOWARD MENTAL HEALTH

Caring & Sympathy Toward Those With Mental Health Issues

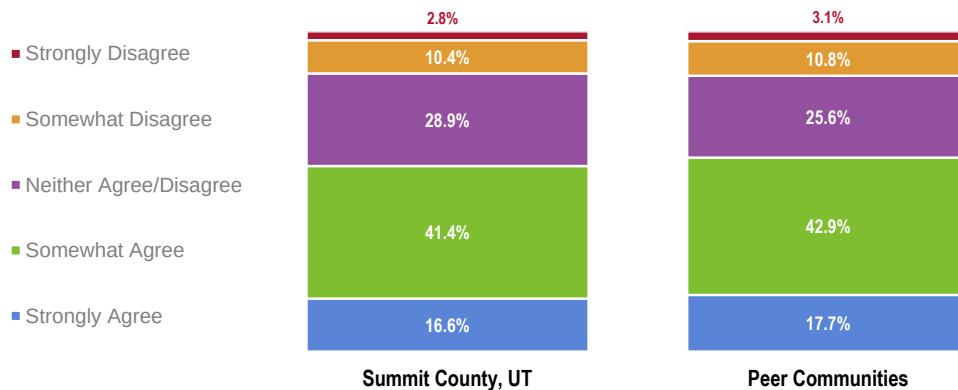
To gauge community attitudes toward mental health, respondents taking part in the survey were asked their level of agreement with the following statement:
"People in this community are generally caring and sympathetic to people with mental illness."

Most Summit County residents (58.0%) agree that the community is generally caring and sympathetic to people with mental health issues.

BENCHMARK ► Just below peer community findings.

DISPARITY ► Lower agreement (below 50%) in ZIP Codes 84036 and 84055, as well as in younger adults, those at higher incomes, and Hispanic residents. Agreement is slightly higher among full-time residents and those who have lived in the area longer (not shown).

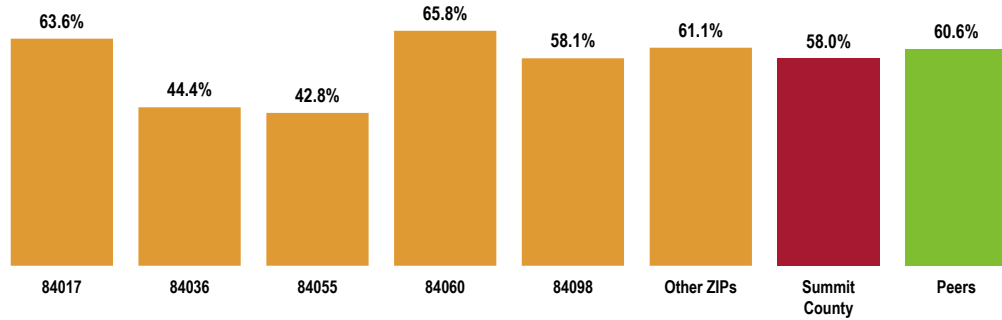
"People in This Community Are Generally Caring and Sympathetic to People With Mental Illness"



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 11]
Notes: • Asked of all respondents.

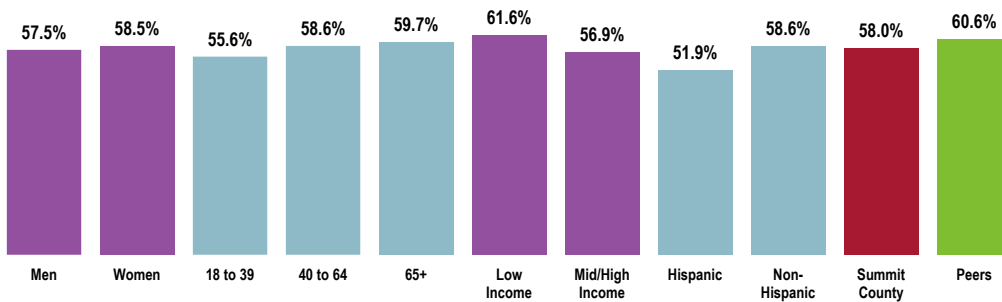


Strongly/Somewhat Agree: "People in This Community Are Generally Caring and Sympathetic to People With Mental Illness"
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 11]
Notes: • Asked of all respondents.

Strongly/Somewhat Agree: "People in This Community Are Generally Caring and Sympathetic to People With Mental Illness"
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 11]
Notes: • Asked of all respondents.



Discussing Mental Health & Emotional Challenges

Responding adults were further asked their level of agreement with the following statement:

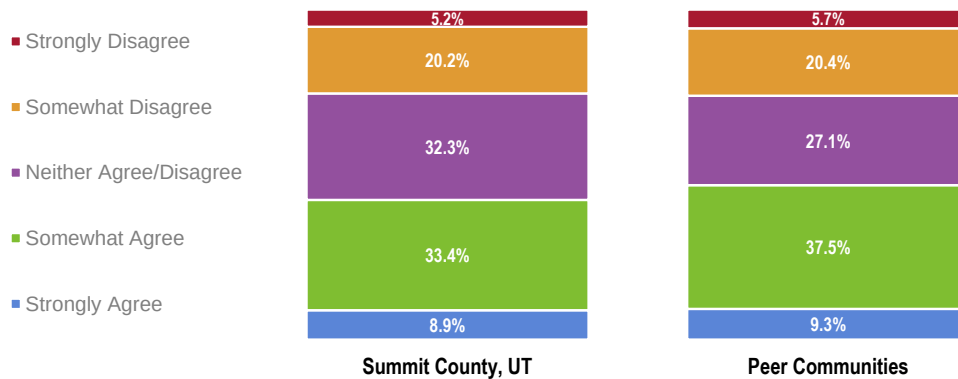
"Generally, it is easy for people in this community to talk about mental health or emotional challenges."

A total of 42.3% of Summit County residents agree that people in the community can easily discuss mental health; however, 25.4% do not.

BENCHMARK ► A less favorable level of agreement than found for peer communities.

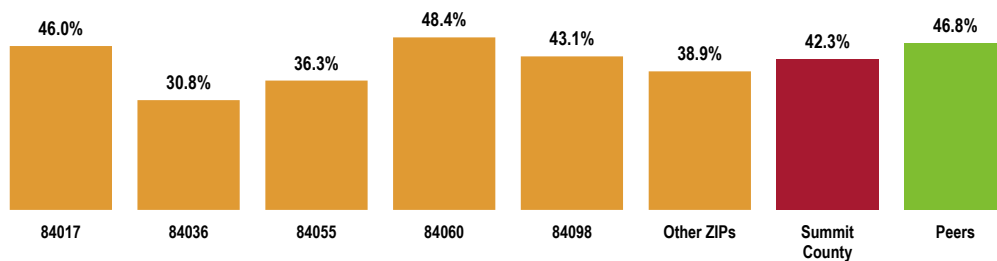
DISPARITY ► Agreement is lowest in ZIP Code 84036; also lower overall in men, younger adults, and Hispanics. The level of agreement is slightly higher among full-time residents and those who have lived in the area longer (not shown).

"It Is Easy for Residents to Talk About Mental Health or Emotional Challenges"



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 12]
Notes: • Asked of all respondents.

Strongly/Somewhat Agree: "It Is Easy for Residents to Talk About Mental Health or Emotional Challenges" (Summit County, UT; 2021)

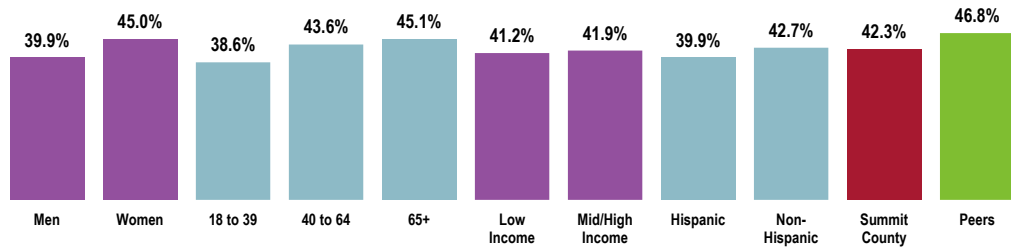


Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 12]
Notes: • Asked of all respondents.



Strongly/Somewhat Agree: "It Is Easy for Residents to Talk About Mental Health or Emotional Challenges"

(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 12]
Notes: • Asked of all respondents.



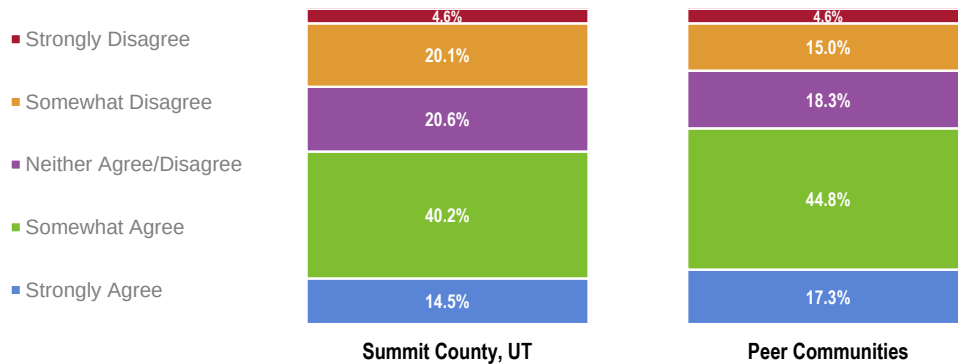
IDENTIFYING MENTAL HEALTH ISSUES

A total of 54.7% of Summit County adults agree that they *"would be able to tell if someone were struggling with a mental health concern."*

BENCHMARK ► Lower than found among peer communities in 2020.

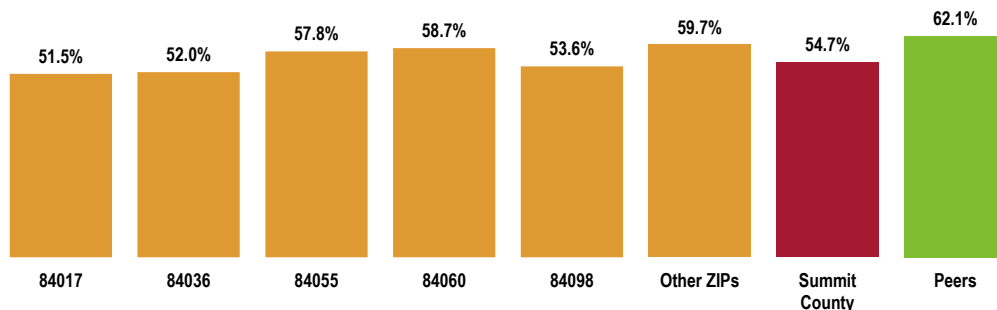
DISPARITY ► Varies by ZIP Code. Agreement is lower in men and adults under age 65, as well as among year-round residents (not shown).

"I Would Be Able to Tell if Someone Were Struggling With a Mental Health Concern"



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 303]
Notes: • Asked of all respondents.

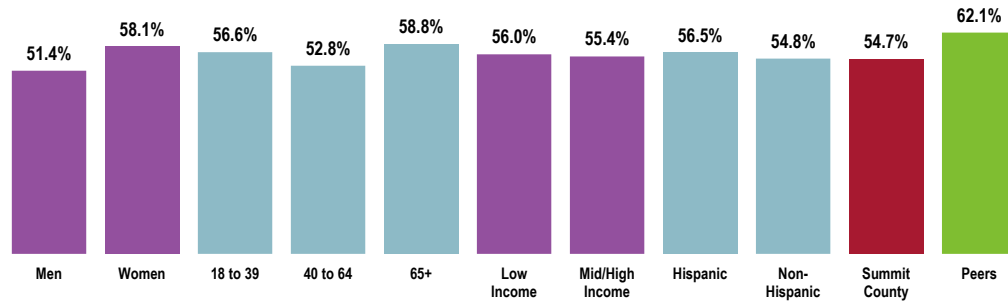
Strongly/Somewhat Agree: "I Would Be Able to Tell if Someone Were Struggling With a Mental Health Concern" (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 303]
Notes: • Asked of all respondents.



Strongly/Somewhat Agree: "I Would Be Able to Tell if
Someone Were Struggling With a Mental Health Concern"
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 303]
Notes: • Asked of all respondents.



PERSONAL MENTAL HEALTH

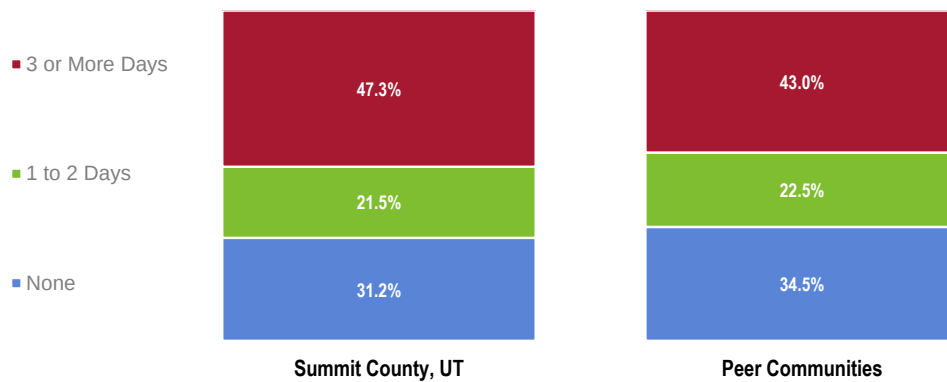
“Still thinking about your mental health, which includes stress, depression, and problems with emotions, for how many days during the past 30 days would you say your mental health was NOT good?”

Thinking about their mental health, which includes stress, depression, and problems with emotion, **31.2% of residents report no days of poor mental health in the past month; however, 47.3% report three or more days in the past 30 days when their mental health was not good.**

BENCHMARK ► The Summit County prevalence of 3+ days of poor mental health per month compares unfavorably to peer community findings, as well the prevalence found statewide and nationally.

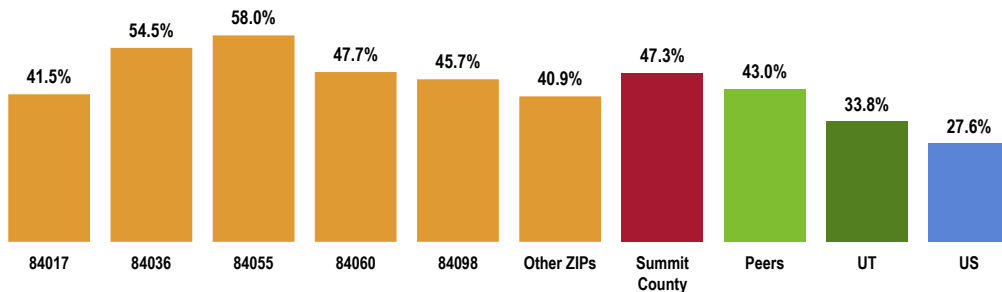
DISPARITY ► Over 50% in ZIP Codes 84036 and 84055. Higher among women and Hispanics, and particularly among young adults and residents with lower incomes. Also higher among part-time residents and those who have lived in the area for 10 years or more (not shown).

Days of Poor Mental Health in the Past Month



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 18]
Notes: • Asked of all respondents.

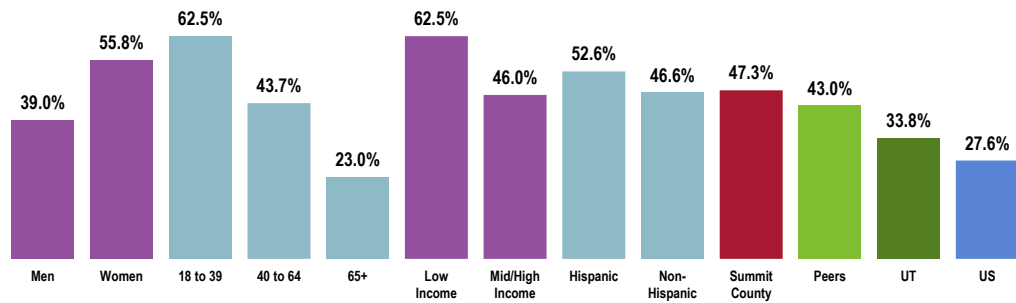
Three or More Days of Poor Mental Health in the Past Month (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 18]
Notes: • Asked of all respondents.



Three or More Days of Poor Mental Health in the Past Month (Summit County, UT; 2021)



Sources:

- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 18]
- Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia. United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC); 2019 data.

Notes:

- Asked of all respondents.



MENTAL HEALTH SERVICES

Need for Mental Health Services

Respondents were asked the following questions:

"During the past 12 months, was there any time when you needed mental health treatment or counseling for yourself?"

[IF YES] "Were you able to get the treatment or counseling that you needed?"

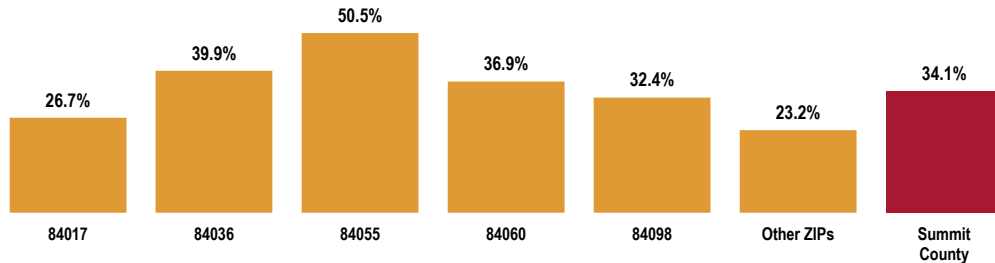
[IF NO] "What would you say was the MAIN reason that you did not get these services?" (These respondents were given an opportunity to mention up to three reasons.)

Just over one-third of Summit County adults say there was a time in the past year when they needed mental health services.

BENCHMARK ► Similar to the level reported among peer communities.

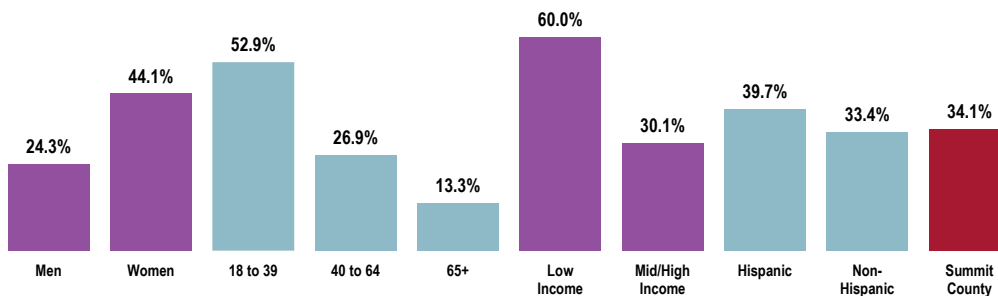
DISPARITY ► Residents in ZIP Codes 84036 and especially 84055 report a higher need for mental health services, as do women, younger adults, lower-income residents, and Hispanics.

Have Needed Mental Health Services in the Past Year
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 13]
Notes: • Asked of all respondents.

Have Needed Mental Health Services in the Past Year
(Summit County, UT; 2021)



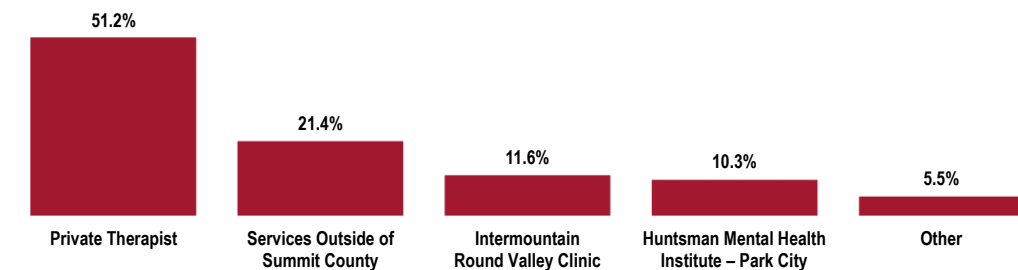
Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 13]
Notes: • Asked of all respondents.



Sites Used for Mental Health Care

Among Summit County residents receiving mental health care in the past year, just over one-half (51.2%) received care from a **private therapist or clinician (or group practice)**. The remainder received care in a variety of places such as **outside of Summit County** (21.4%), at **Intermountain Round Valley Clinic** (11.6%), **Huntsman Mental Health Institute - Park City**, formerly UNI-PC (10.3%) or **other locations** (5.5%).

Site of Mental Health Services Received
(Summit County, UT, Respondents with Recent Mental Health Services; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 304]
Notes: • Asked of all respondents.

Difficulty Accessing Mental Health Services

While most respondents needing mental health care were able to get the services they needed, 30.8% were not.

BENCHMARK ► The proportion of residents not able to get the services they needed is better than was found among the peer communities in 2020.

Have Needed Mental Health Services in the Past Year

NOT Able to Get the Services Needed
(Among Those Needing Services)

Top reasons for not getting needed services:

- Cost
- Perceived Availability
- Lack of Time
- Not Wanting Help
- Stigma/Shame
- Not Knowing Where to Go



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Items 13-17]
Notes: • Asked of all respondents.



Reasons for Not Getting Needed Care

Cost, perceived **availability**, **lack of time**, **not wanting help**, **stigma/shame**, and **not knowing where to go** were the main reasons given by those not getting the services they needed.

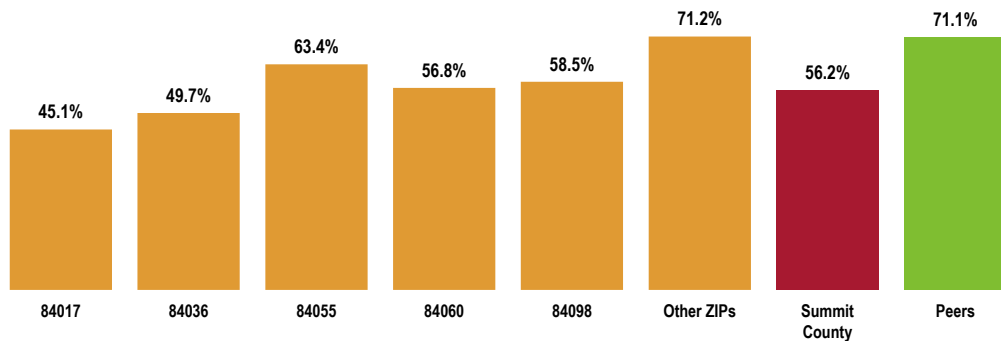
Local Resources for Mental Health

Awareness of Resources

Over one-half of Summit County adults (56.2%) are aware of local providers, programs, or resources available to help people with mental health needs

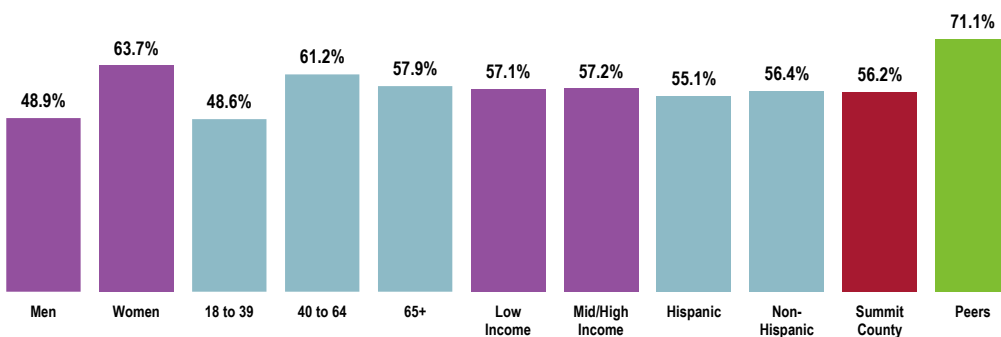
DISPARITY ► Residents of ZIP Codes 84017 and 84036 report relatively low awareness of local mental health resources. Also lower among men, younger adults, as well part-time residents and those who have lived in the area for less time (not shown).

Aware of Local Resources for Mental Health
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 19]
Notes: • Asked of all respondents.

Aware of Local Resources for Mental Health
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 19]
Notes: • Asked of all respondents.



Likelihood of Using Local Resources

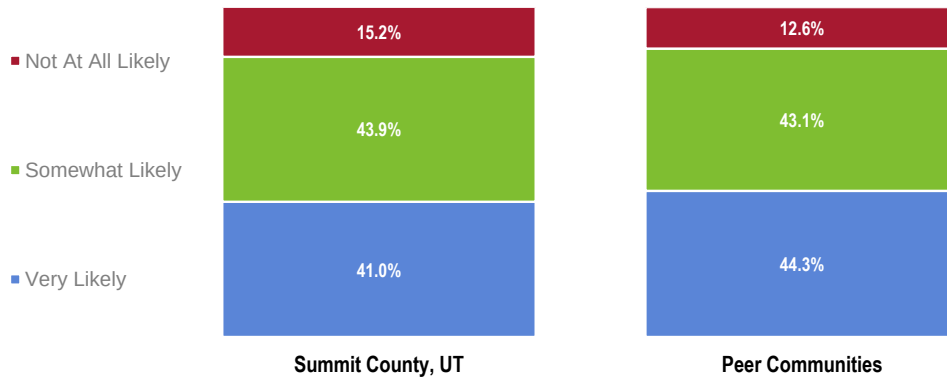
"If you needed mental health services in the future, how likely would you be to reach out to local providers, programs, or resources for help? Would you be: Very Likely; Somewhat Likely; or Not At All Likely?"

A total of 84.9% of residents say that, if they needed mental health services in the future, they would be "very" or "somewhat" likely to reach out to local providers, programs, or resources for help.

BENCHMARK ► Just below findings for the peer communities.

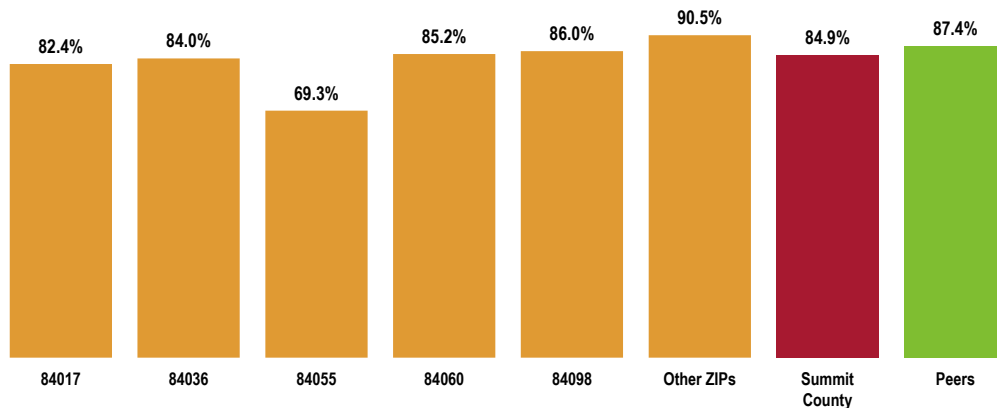
DISPARITY ► Residents of ZIP Code 84055 are least likely to reach out for services locally if needed, as are men, younger adults, and lower-income residents.

Likelihood of Seeking Mental Health Services Locally if Needed in the Future



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 20]
Notes: • Asked of all respondents.

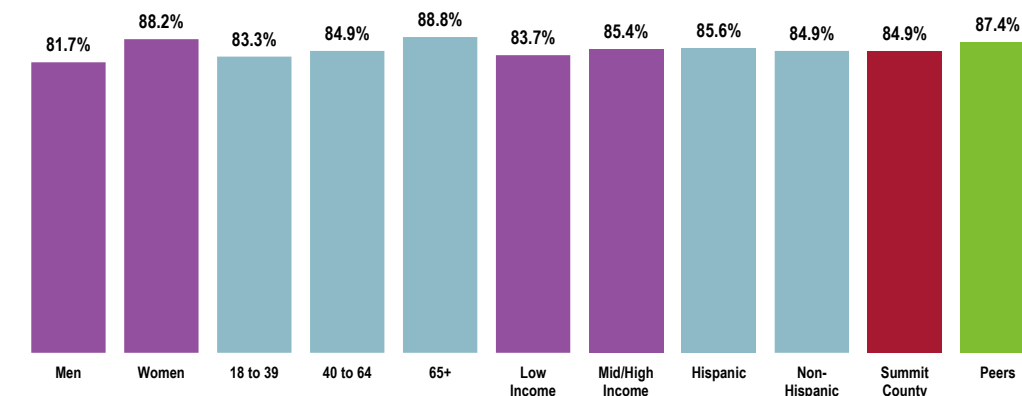
"Very/Somewhat" Likely to Seek Mental Health Services Locally if Needed in the Future (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 20]
Notes: • Asked of all respondents.



"Very/Somewhat" Likely to Seek Mental Health Services Locally if Needed in the Future (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 20]
Notes: • Asked of all respondents.

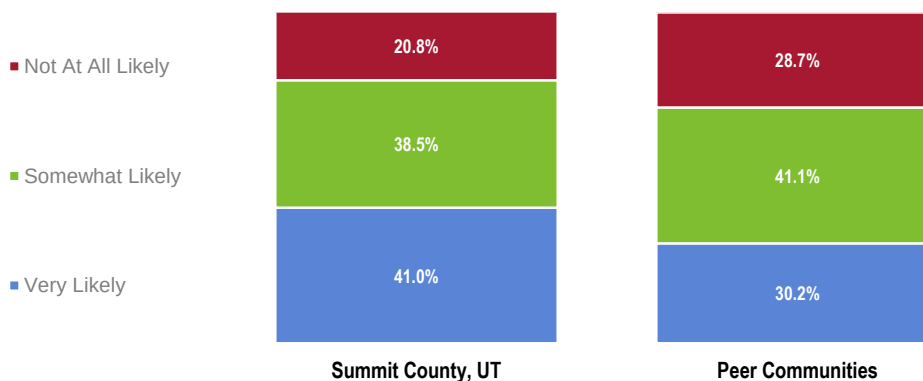
Likelihood of Using Teletherapy Services

Most Summit County residents say that they would be “very” or “somewhat” likely to use teletherapy visits if needed and if they were available and affordable to them.

BENCHMARK ► Summit County residents appear more amenable to teletherapy than was found among peer communities in 2020.

DISPARITY ► Roughly three-fourths or higher across all ZIP Code areas, but lower overall in men, older adults, lower-income residents, and non-Hispanic residents.

Likelihood of Using Teletherapy for Mental Health or Substance Abuse Support if Needed and It Were Affordable



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 21]
Notes: • Asked of all respondents.
• During a teletherapy visit, a patient uses a computer or smartphone to communicate with a mental health professional in real time without being face to face.

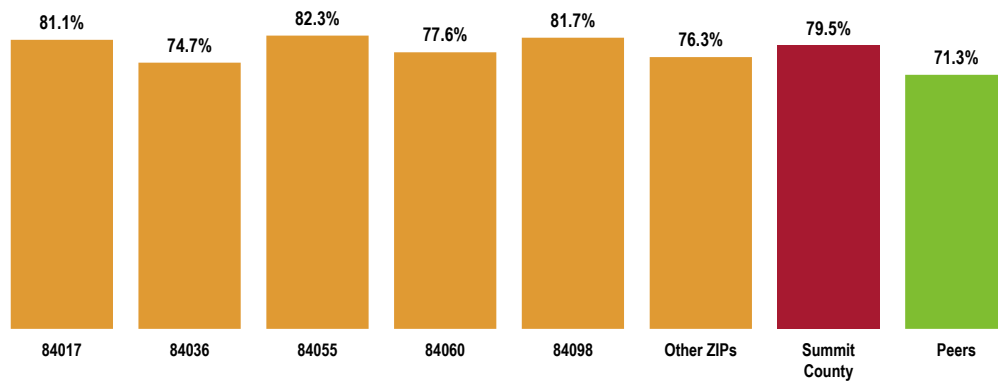
Respondents were read the following:

“Some mental health care providers are beginning to offer teletherapy visits, in which a patient uses a computer or smartphone to communicate with a mental health professional in real time without being face-to-face.

If teletherapy were available to you at a cost you could afford, how likely would you be to use this type of visit for mental health or substance abuse support? Would you be: Very Likely; Somewhat Likely; or Not At All Likely?”

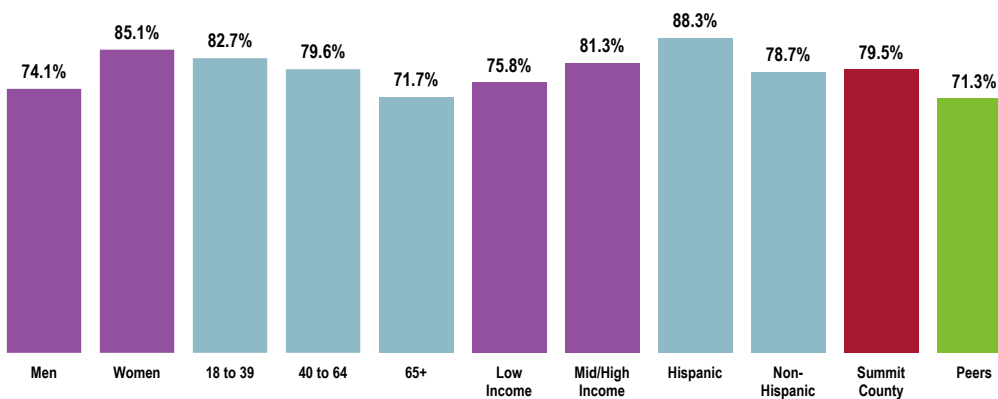


"Very/Somewhat" Likely to Use Teletherapy for Mental Health or Substance Abuse Support (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 21]
 Notes: • Asked of all respondents.
 • During a teletherapy visit, a patient uses a computer or smartphone to communicate with a mental health professional in real time without being face to face.

"Very/Somewhat" Likely to Use Teletherapy for Mental Health or Substance Abuse Support (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 21]
 Notes: • Asked of all respondents.
 • During a teletherapy visit, a patient uses a computer or smartphone to communicate with a mental health professional in real time without being face to face.





SUBSTANCE ABUSE

ALCOHOL

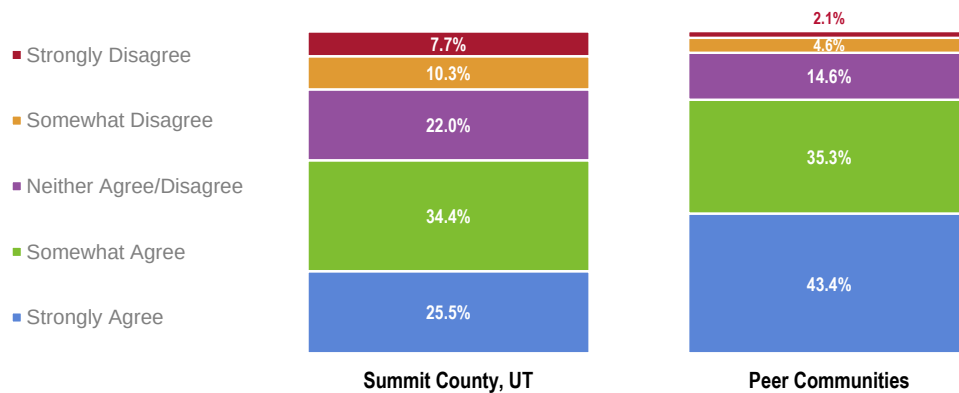
Community Perceptions of Alcohol

Roughly 60% of residents agree (“strongly” or “somewhat”) that “for most people in this community, alcohol is important to social life.”

BENCHMARK ► Considerably lower than found in the peer communities.

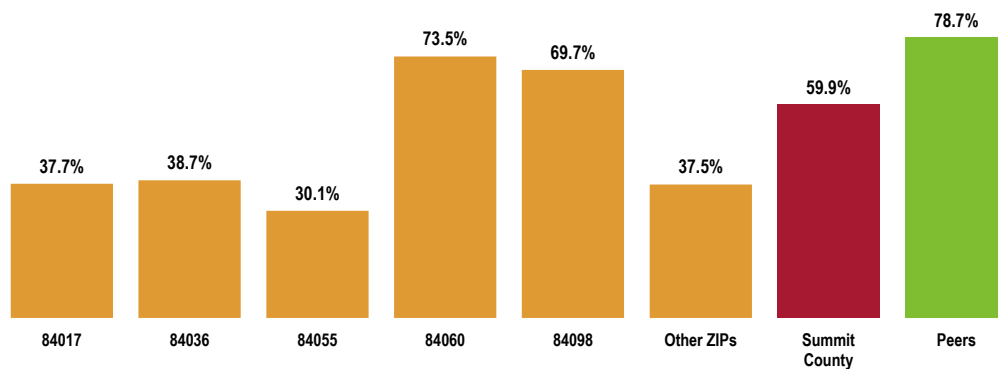
DISPARITY ► Agreement is dramatically higher among residents of ZIP Codes 84060 and 84098. Also higher in Summit County among women, adults under 65, those at higher incomes, and non-Hispanics.

"For Most People in This Community, Alcohol Is Important to Social Life"



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 22]
Notes: • Asked of all respondents.

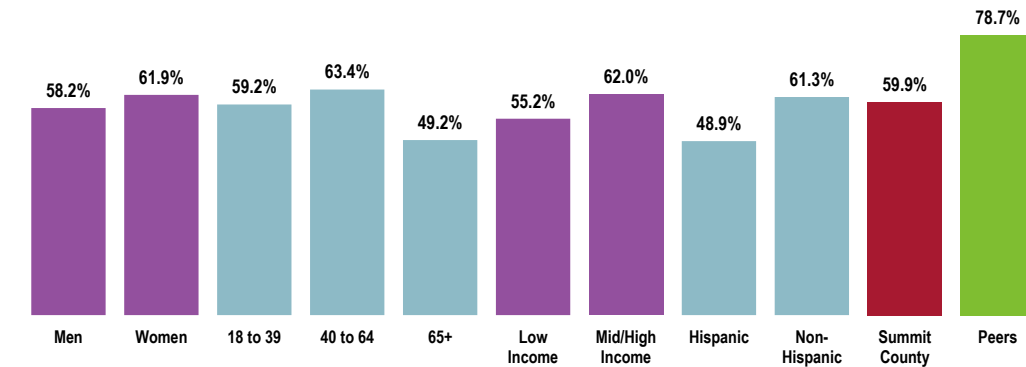
Strongly/Somewhat Agree: "For Most People in This Community, Alcohol Is Important to Social Life" (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 22]
Notes: • Asked of all respondents.



Strongly/Somewhat Agree: "For Most People in This Community,
Alcohol Is Important to Social Life"
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 22]
Notes: • Asked of all respondents.
• Percentages represent combined "strongly agree" and "somewhat agree" responses.

Personal Alcohol Use

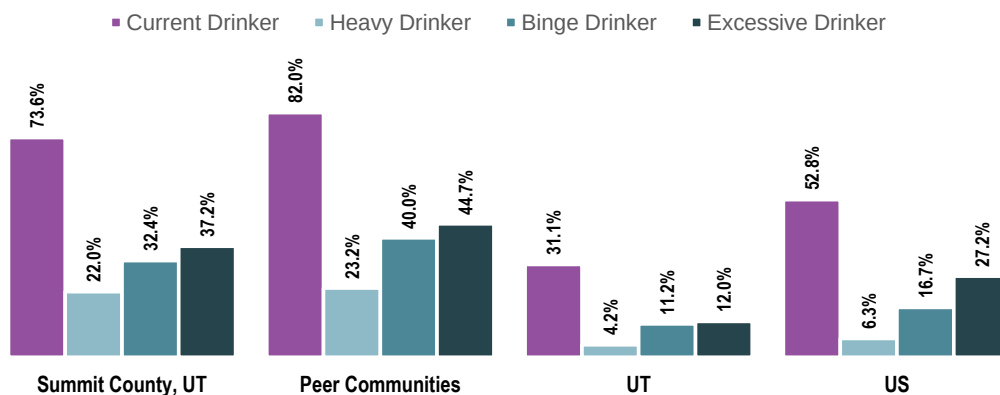
DEFINITIONS

- **Current drinkers** are adults who had at least one drink of alcohol in the past 30 days.
- **Heavy drinkers** are those who drank more than two drinks per day on average (for men) or more than one drink per day on average (for women) during the past 30 days.
- **Binge drinkers** are adults who drank 5 or more drinks on a single occasion (for men) or 4 or more drinks on a single occasion (for women) during the past 30 days.
- **Excessive drinkers** are those who report either heavy drinking or binge drinking (as defined above) in the past 30 days.

Nearly three-fourths of Summit County residents report some alcohol use in the past 30 days, and a significant share (37.2%) are found to be "excessive drinkers."



Alcohol Use



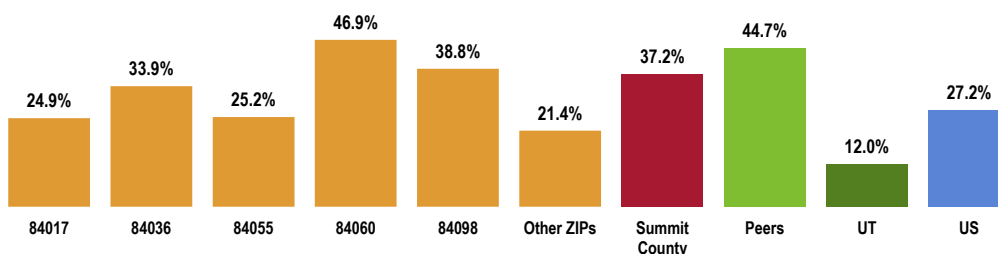
- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey [Items 49-53]
 - Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia. United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC): 2019 data.
- Notes:
- Asked of all respondents.
 - **Current drinkers** had at least one drink of alcohol in the past 30 days.
 - **Heavy drinkers** are adults who drank more than two drinks per day on average (for men) or more than one drink per day on average (for women) during the past 30 days.
 - **Binge drinkers** are adults who drank 5 or more drinks on a single occasion (for men) or 4 or more drinks on a single occasion (for women) during the past 30 days.
 - **Excessive drinkers** are those who report either heavy drinking or binge drinking in the past 30 days.

Excessive Drinking

BENCHMARK ► The Summit County prevalence of excessive drinking is considerably worse than state and national figures, but below what was found for peer communities.

DISPARITY ► Markedly higher among ZIP Code 84060 residents. Overall higher among men and younger adults, as well as those at higher incomes and non-Hispanic residents. Part-time residents and residents who have lived in the area for less than 10 years are also more likely to be excessive drinkers (not shown).

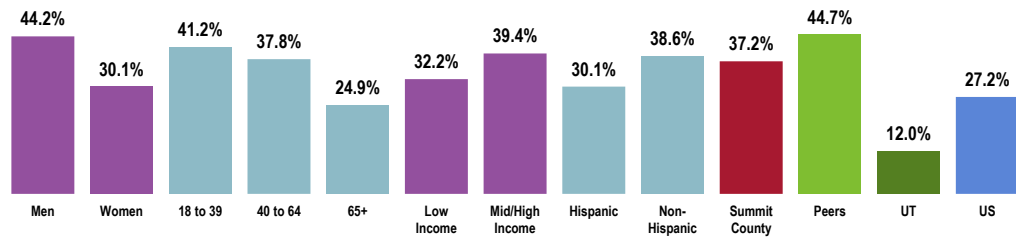
Excessive Drinkers (Summit County, UT; 2021)



- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 53]
- Notes:
- Asked of all respondents.
 - Excessive drinking reflects the number of persons aged 18 years and over who drank more than two drinks per day on average (for men) or more than one drink per day on average (for women) OR who drank 5 or more drinks during a single occasion (for men) or 4 or more drinks during a single occasion (for women) during the past 30 days.



Excessive Drinkers (Summit County, UT; 2021)



- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 53]
 - Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia. United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC); 2019 data.
- Notes:
- Asked of all respondents.
 - Excessive drinking reflects the number of persons aged 18 years and over who drank more than two drinks per day on average (for men) or more than one drink per day on average (for women) OR who drank 5 or more drinks during a single occasion (for men) or 4 or more drinks during a single occasion (for women) during the past 30 days.



PERSONAL IMPACT OF SUBSTANCE ABUSE

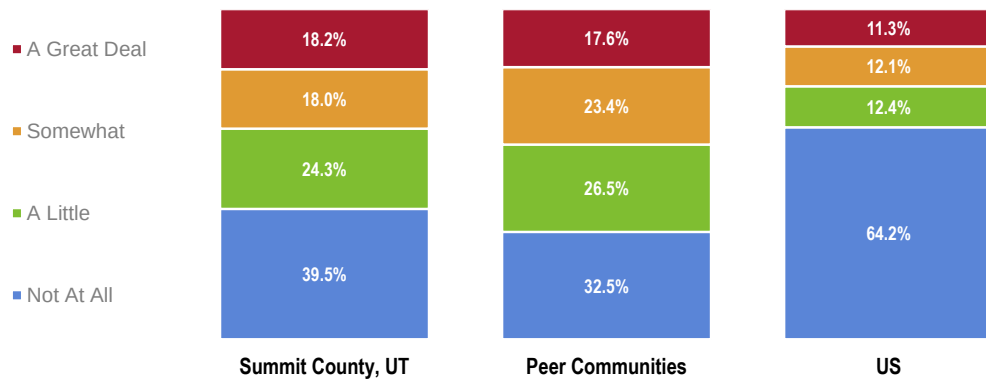
"To what degree has your life been negatively affected by your own or someone else's substance abuse issues, including alcohol, prescription, and other drugs? Would you say: A Great Deal; Somewhat; A Little; or Not at All?"

Three out of five residents (60.5%) say that their lives have been negatively affected by substance abuse (either their own or someone else's) to some degree ("a little," "somewhat," or "a great deal").

BENCHMARK ► The response is dramatically higher than found nationally in a 2020 survey asking the same question, although below what was found in the peer communities.

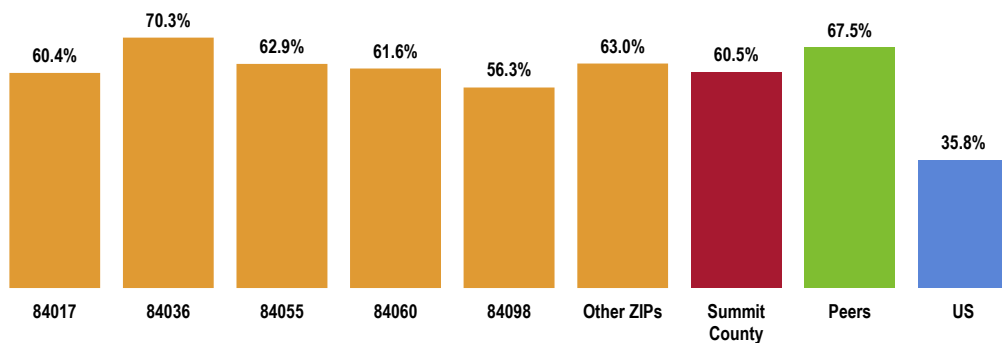
DISPARITY ► Impact in Summit County is particularly high in ZIP Code 84036. Higher also among women, younger adults, lower-income residents (especially), and non-Hispanic residents.

Degree to Which Life Has Been Negatively Affected by Substance Abuse (Self or Other's)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 26]
 • 2020 PRC National Health Survey; PRC, Inc.
 Notes: • Asked of all respondents.

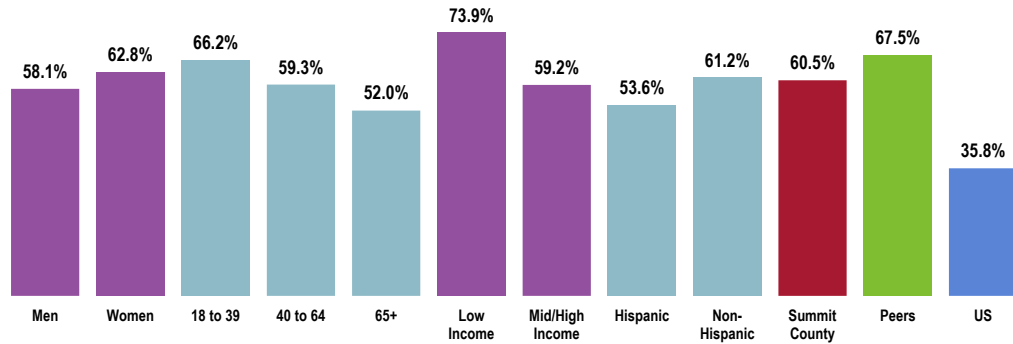
Life Has Been Negatively Affected by Substance Abuse (by Self or Someone Else) (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 26]
 Notes: • Asked of all respondents.
 • Includes response of "a great deal," "somewhat," and "a little."



Life Has Been Negatively Affected by Substance Abuse (by Self or Someone Else) (Summit County, UT; 2021)



Sources:

- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 26]
- 2020 PRC National Health Survey; PRC, Inc.

Notes:

- Asked of all respondents.
- Includes response of "a great deal," "somewhat," and "a little."



AWARENESS OF HEALTHY U. BEHAVIORAL (HUB)

ABOUT HEALTHY U. BEHAVIORAL (HUB)

University of Utah Health Plans is the new Medicaid behavioral health administrator for Summit County, beginning September 1, 2019. This is the first time one of the established Utah Medicaid Accountable Care Organizations (ACO) providing medical care to a county's residents has been chosen to also administer mental health and substance abuse services.

Healthy U Behavioral is for all Medicaid and unfunded Summit County residents.

- Approximately 1,500 new Medicaid members are eligible for Healthy U Behavioral
- Includes behavioral health and substance use disorders
- Services extend to adults, teens, and children

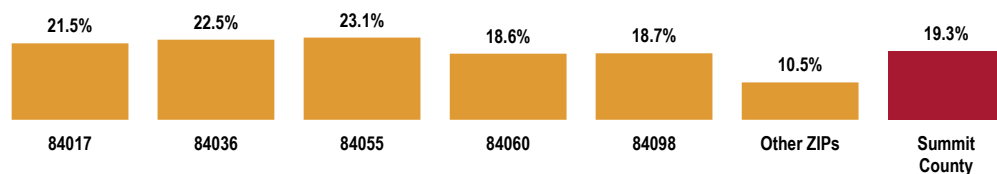
U of U Health Plans provides a broad network of care providers that includes facilities, doctors, counselors, and other healthcare professionals—for outpatient services. Providers may work for University of Utah Health, another clinic or group, or be in private practice.

– <https://uhealthplan.utah.edu/news/healthy-u-behavioral.php>; <https://healthyubehavioral.com/>

A total of 19.3% of Summit County adults report that they are aware of the services provided by Healthy U. Behavioral (HUB).

DISPARITY ► Higher among older adults, low-income residents, and Hispanics.

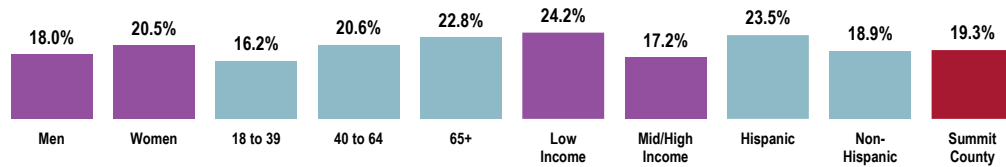
Aware of the Services Provided by Healthy U. Behavioral (HUB) (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 305]
Notes: • Asked of all respondents.



Aware of the Services Provided by Healthy U. Behavioral (HUB) (Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 305]
Notes: • Asked of all respondents.



VAPING

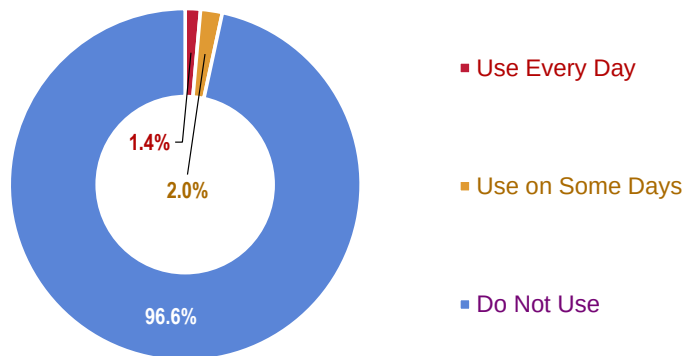
"The next question is about electronic 'vaping' products, such as electronic cigarettes, also known as e-cigarettes. These are battery-operated devices that simulate traditional cigarette smoking, but do not involve the burning of tobacco. Do you use electronic vaping products such as e-cigarettes: Every Day; Some Days; or Not at All?"

A total of 3.4% of residents currently use e-cigarettes or other vaping products (every day or on some days).

BENCHMARK ► The prevalence is better than the state and US percentages, as well as findings among peer communities.

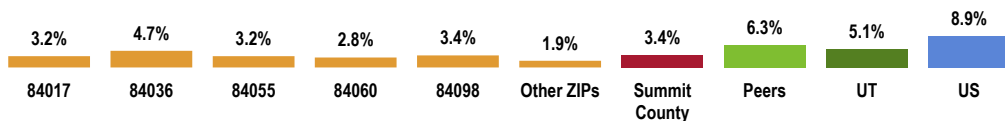
DISPARITY ► No significant difference by ZIP Code. By demographics, vaping is higher in adults under age 40, those with lower incomes, and non-Hispanics. Also higher among year-round residents (not shown).

Use of Vaping Products
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 306]
Notes: • Asked of all respondents.

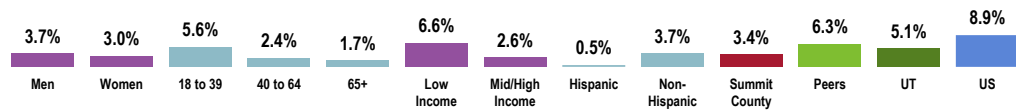
Currently Use Vaping Products
(Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 306]
Notes: • Asked of all respondents.
• Includes regular and occasional users (those who smoke e-cigarettes every day or on some days).



Currently Use Vaping Products (Summit County, UT; 2021)



- Sources:
- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 306]
 - 2020 PRC National Health Survey; PRC, Inc.
 - Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia. United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC); 2017 data.
- Notes:
- Asked of all respondents.
 - Includes regular and occasional users (those who smoke e-cigarettes every day or on some days).



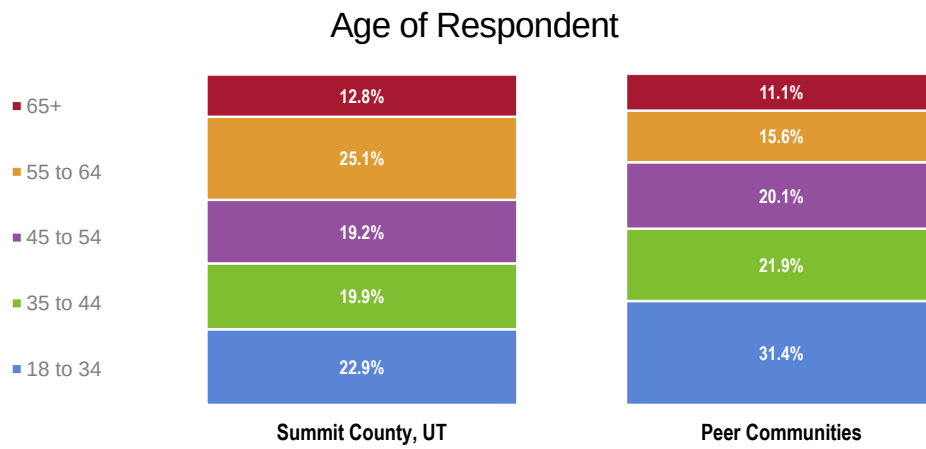


COMMUNITY SAMPLE CHARACTERISTICS

Charts in the following section detail the characteristics for Summit County, Utah, sample.

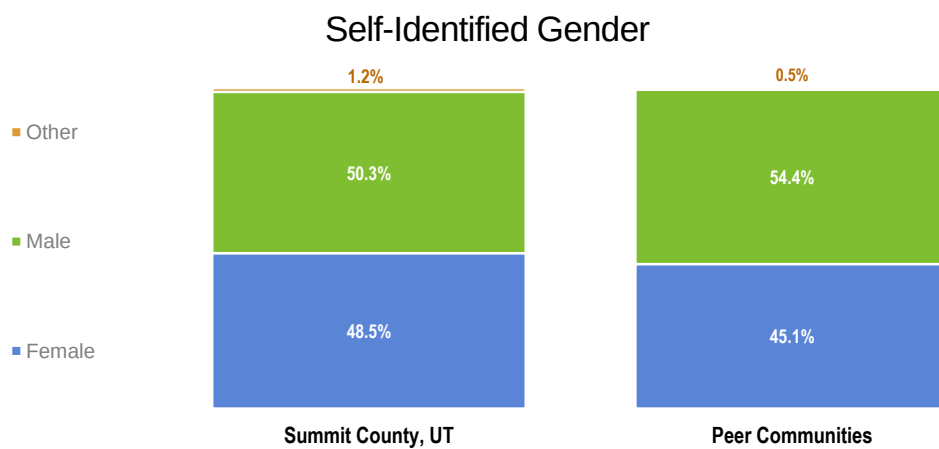
Note that the sample closely matches the actual populations in terms of gender, age, race/ethnicity, and income level.

AGE



Source: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 61]
 Notes: • Asked of all respondents.

GENDER

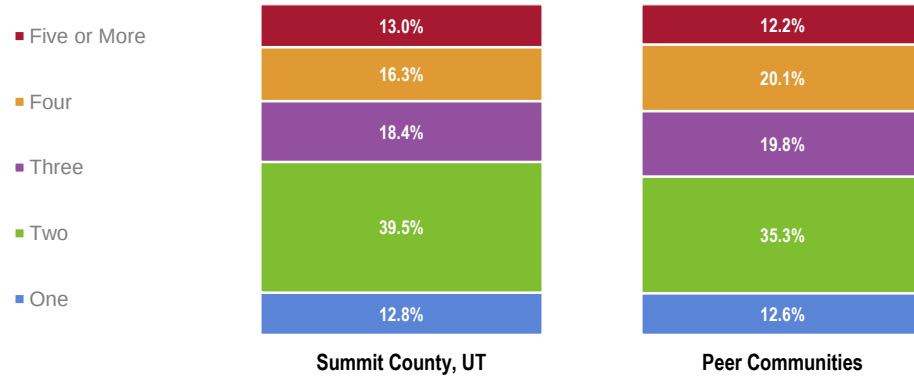


Source: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 28]
 Notes: • Asked of all respondents.



HOUSEHOLD SIZE

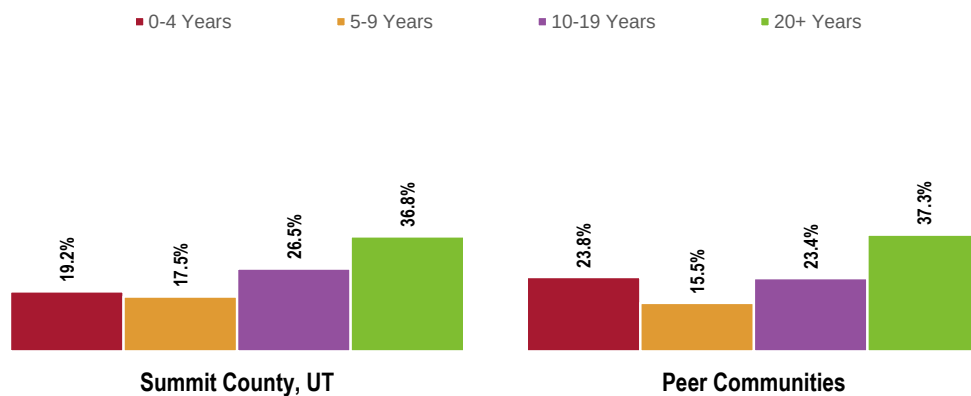
Total Household Members



Source: 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 29]
 Notes: Asked of all respondents.

RESIDENCY

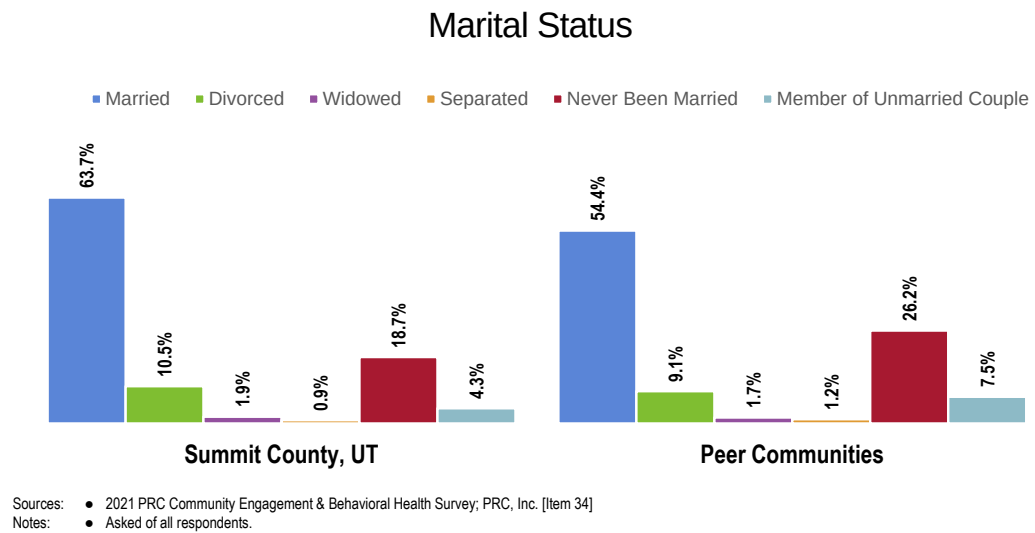
Number of Years Living in the Area



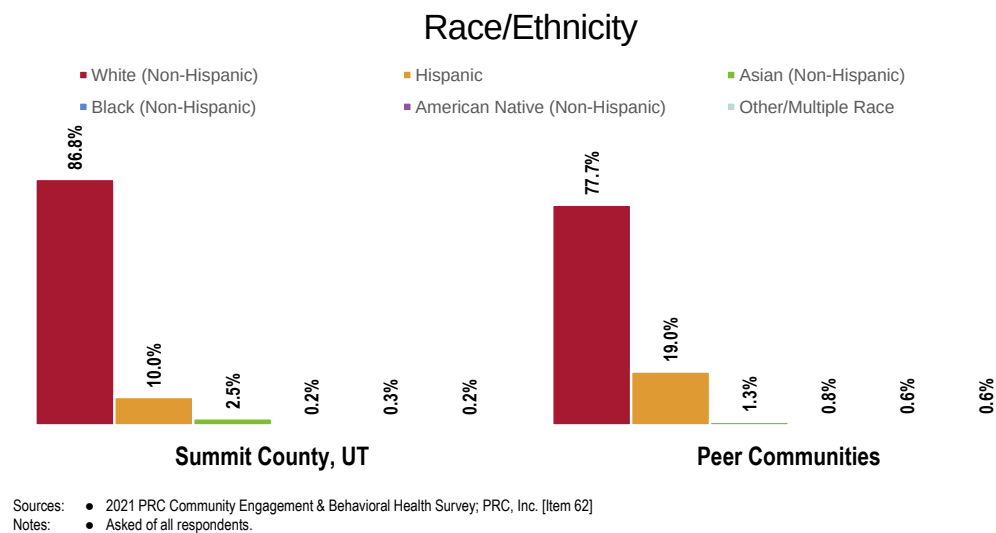
Sources: 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 30]
 Notes: Asked of all respondents.



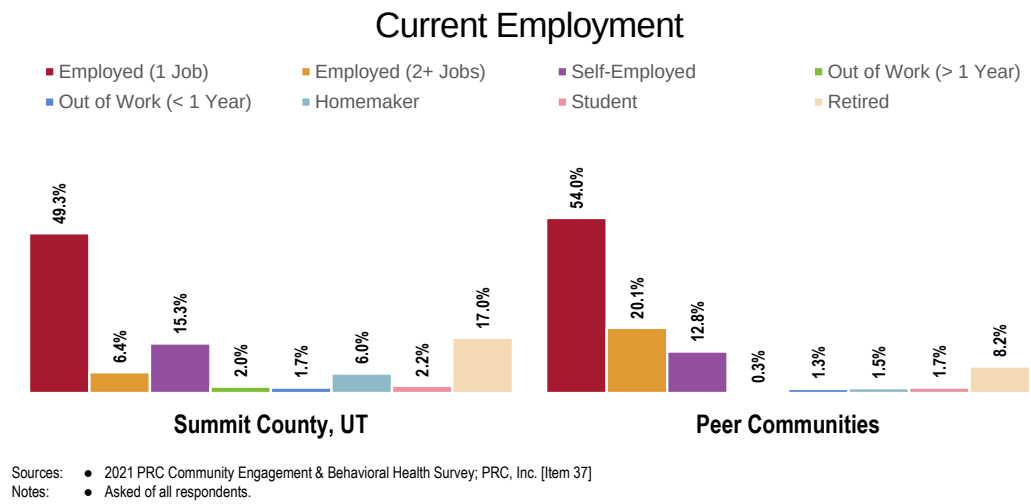
MARITAL STATUS



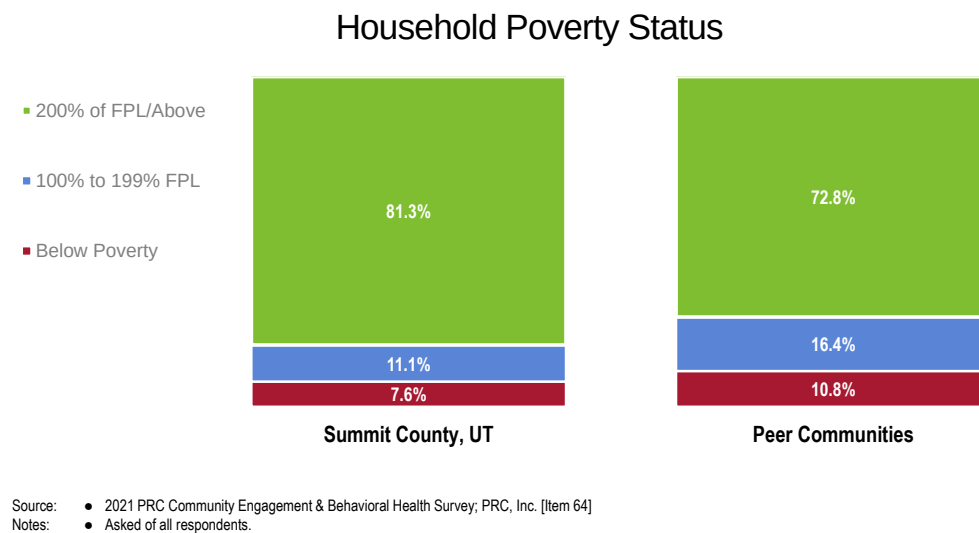
RACE & ETHNICITY



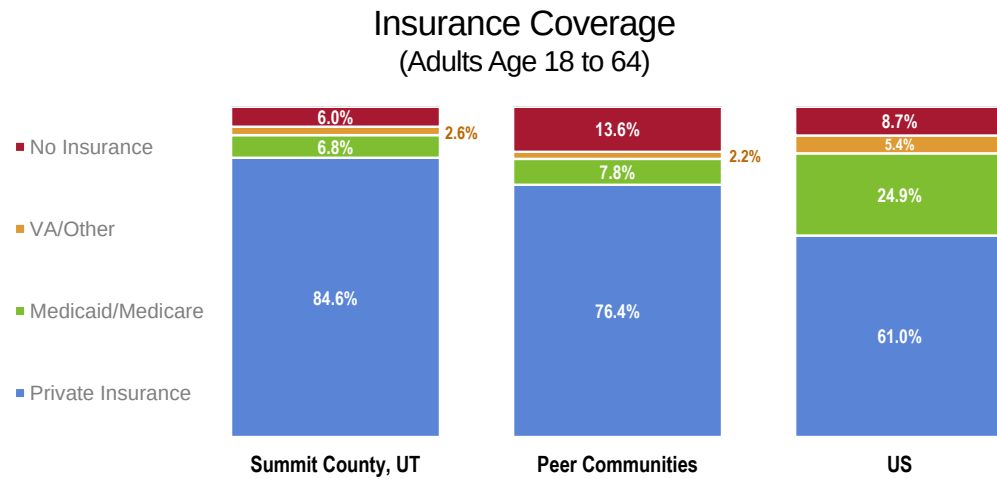
EMPLOYMENT



INCOME

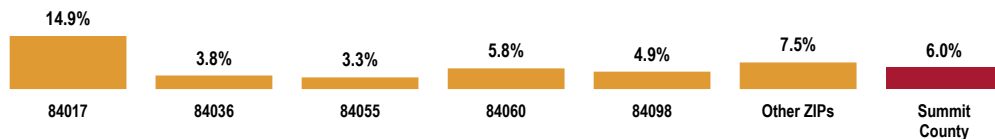


HEALTH INSURANCE COVERAGE (AGE 18-64)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 54]
 • 2020 PRC National Health Survey, Professional Research Consultants, Inc.
 Notes: • Asked of all respondents.

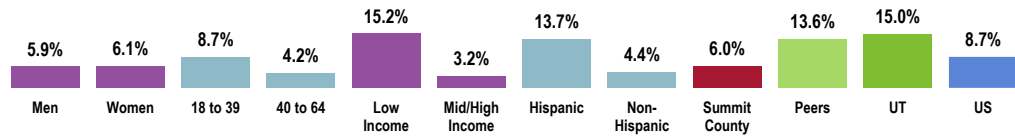
Lack of Healthcare Insurance Coverage (Adults Age 18-64; Summit County, UT; 2021)



Sources: • 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 54]
 Notes: • Asked of all respondents under the age of 65.



Lack of Healthcare Insurance Coverage (Adults Age 18-64; Summit County, UT; 2021)



Sources:

- 2021 PRC Community Engagement & Behavioral Health Survey; PRC, Inc. [Item 54]
- 2020 PRC National Health Survey; PRC, Inc.
- Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia. United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC); 2018 data.

Notes:

- Asked of all respondents under the age of 65.



Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Building

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

4:45 p.m. - Discuss Community Code Compliance - Construction Mitigation Plans

Suggested Action:

Attachments:

[Code Compliance - Construction Mitigation Plans Staff Report](#)

[Exhibit A: Construction Mitigation Plan](#)



City Council Staff Report

Subject: Code Compliance – Construction Mitigation Plans
Author: David Thacker, Chief Building Official
Department: Building Department
Date: July 21, 2022
Type of Item: Informational

Summary

City Council requested a work session to discuss construction regulations and impacts, including the allowable work hours, restricted work dates, road closures, and construction parking in Park City's neighborhoods.

Background

Construction Mitigation Plans (CMP) (Exhibit A) are required by PCMC before building permits are issued ([Municipal Code section 11-14-4](#)). CMP's are used to regulate construction impacts and signed by the responsible party (contractor or property owner) and a City representative.

- 1997 – CMP requirements were increased following the 1997 General Plan adoption and community visioning process leading up to being codified in 1998;
- 1998 – CMPs were codified by [Ordinance 98-18, pg 143](#), and at that time, addressed hours of operation, parking, deliveries, construction phasing, trash, dust, and noise mitigation;
- 2002 – Amendments to the City Code CMP requirements were again expanded and codified in 2002, [Ordinance 02-32, pg 79](#), to address soil erosion and limit of disturbance fencing; and
- In [August 2018](#), City Council discussed construction mitigation efforts, the importance of code enforcement officials enforcing conditions of approval, construction noise, customer service, and efforts to support more proactive code enforcement. City Council also modified restricted construction work dates.

Analysis

Park City Municipal Code [11-14-4](#), regarding CMP requirements, covers the following construction-related items:

- Hours and days of operation
 - Monday – Saturday 7:00 a.m. to 9:00 p.m. and Sunday 9:00 a.m. to 6:00 p.m.
 - Restricted Working Days:
 - New Years Day
 - Martin Luther King Day
 - Sundance Film Festival (10 days)
 - Presidents Day

- Park Silly Sunday Market, June – Sept. (Old Town Only)
 - Juneteenth
 - Independence Day
 - Kimball Arts Festival (Old Town Only)
 - Labor Day
 - Halloween (Old Town Only)
 - Thanksgiving Day
 - Christmas Day
- Construction Parking
 - Parking Plan required and limited parking in Old Town
 - Coordinated enforcement with the Parking Team
- Deliveries
 - Delivery permitted during the allowed hours of operation
 - Traffic flaggers are required during deliveries that may impede traffic
 - A partial road closure permit is required for deliveries longer than one hour
 - Exceptions for Main St. and Swede Alley
 - A full road closure permit is considered when...
- Construction Phasing
 - Required approval from Chief Building Official
- Trash Management and Recycling
 - Dumpster or trash removal is required for all construction sites.
 - Cannot be located within ROW
- Control of Dust and Mud on Streets
- Noise
- Grading and Excavation
 - Truck routes require approval by the Engineering Department and may be restricted to prevent adverse impacts.
- Erosion Control Practices
- Construction Sign Requirements

In addition to these items, CMPs incorporate best practices not specifically regulated within the Park City Municipal Code, but can still be enforced through a CMP, such as:

- Stockpiling and Staging
- Temporary Lighting
 - Require Planning Department Approval
- Stormwater Pollution Prevention Plan (SWPPP)
 - Install construction fence and Best Management Practices (BMP) per approved plan
 - Protect stormwater inlets
- Toilet Facilities
- Soil Ordinance
- Partial Road Closures
 - One lane of travel to be unrestricted
- Full Road Closures
 - 2 business days' notice is required.
 - City Engineer approval is required.

- Right-of-way (ROW) Permits
- Cranes
 - Long-term cranes require Chief Building Official approval
 - Site plan required
 - Airspace agreements with properties directly affected.
- Boardwalks (sidewalk/pedestrian protection)
- Other (dogs on job sites, informing neighbors about construction activity, additional conditions)

CMPs also provide notice and education regarding job site expectations. By providing this information to the contractor and property owner for each construction site, the construction site can be managed, and expectations set in stone. In addition, while all construction impacts cannot be eliminated, neighboring residents and abutters have a reasonable expectation of balanced mitigation and enforcement.

Exhibits

Exhibit A- Construction Mitigation Plan



Park City Building Department

445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060

Tel 435.615.5101 <https://www.parkcity.org/departments/building-department>

Construction Mitigation Plan 02.15.2022

****SUBJECT TO CHANGE****

PERMIT: _____

CONTRACTOR OR RESPONSIBLE PARTY: _____

**Please read this CMP carefully.
Keep onsite with approved plans, for inspection.**

1. **Hours and days of operation.** Municipal Code 11-14-6

Monday through Saturday, 7:00am to 9:00pm and Sunday, 9:00am to 6:00pm

- Additional work hour limitations may be placed on Main St and Old Town construction sites.
- Work hour extension request. Submit a written request to the Building Department. Allow (2) business days for processing. Include exact dates and times for the extension and a description of anticipated impacts (deliveries, outdoor lighting, noise, etc.). Requires approval from the Chief Building Official. If a legitimate complaint is received, the extension will be revoked.
- Construction activities not permitted during restricted work dates: Loud work, deliveries, concrete pours, exports, street parking and work that disrupts traffic or impacts sidewalks.
- Restricted work dates exception request. Work during the dates listed below, requires approval from the Chief Building Official. Apply for a restricted work date exception through the Building Department or online [HERE](#) or at www.parkcity.org

Restricted work dates for 2022:

New Years, Friday, December 31, 2021, after 3pm – Saturday, January 1, 2022.

Martin Luther King, January 17, 2022.

Sundance Film Festival, January 20- 30, 2022, Old Town constructions sites only (subject to change)

Presidents Day, February 19 - 21, 2022.

Park Silly Market, every Sunday, June– September 2022, Main St, Swede Alley & Heber Ave only (subject to change)

Juneteenth, June 20, 2022.

Independence Day, July 2 - 4, 2022

Kimball Arts Festival, TBD, Main St, Swede Alley & Heber Ave only (subject to change)

Labor Day Weekend, September 5, 2022.

Halloween, October 31, 2022, Main St, Swede Alley & Heber Ave only (subject to change).

Thanksgiving, November 24 - 25, 2022.

Christmas, December 25, 2022.

New Years, December 31, 2022, after 3pm – January 1, 2023.

For questions about the construction mitigation plan requirements for your project:

- If you have an issued permit, contact the Community Inspector assigned to your permit.
- Otherwise contact the Building Department at 435-615-5101 or in person at the Building Department counter in City Hall. Visit the Building Department website for more information about hours and location <https://www.parkcity.org/departments/building-department>



Park City Building Department

445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060

Tel 435.615.5101 <https://www.parkcity.org/departments/building-department>

2. **Construction parking.** Municipal Code 9-2-12, 11-14-4(B)

- Park City Municipal Corporation has the authority to request a parking plan at any time.
- On-street parking is limited to one side of the street, on pavement and shall maintain reasonable public and safety vehicle access.
- Construction equipment (forklifts, cranes, backhoes, etc.) is not permitted to be driven or parked on public parking lots, city streets or private property unless otherwise approved.

3. **Deliveries.** Municipal Code 11-14-3, 11-14-4(C)

- Deliveries are permitted during the allowed hours of operation.
- Two flaggers will be present for all deliveries.
- A partial road closure permit is required for deliveries longer than one-hour.
- Delivery vehicle parking restrictions on Main St or Swede Alley:
 - A. General Parking.
 - When south of Heber Ave, use the west side of Main St, 3:00am to 12:00 noon.
 - When north of Heber Ave, use Main St, 7:00am to 12:00 noon.
 - After 12:00 noon, parking on Main St is prohibited.
 - Any parking space is allowed on west side of Swede Alley, 3:00am to 4:00pm.
 - B. Double parking.
 - When south of Heber Ave, use west side of Main St, 3:00am to 12:00 noon.
 - When north of Heber Ave, double parking is allowed on Main St, 7:00am to 12:00 noon.
 - Double parking allowed, provided delivery is expeditious, there is no curb parking available, and it does not inhibit traffic flow or block a legally parked car from leaving the curb.
 - C. Use loading zones on west side of Swede Alley for deliveries to Main St after 12:00 noon.
 - D. No parking on the east side of Swede Alley.
 - E. No parking in such a manner to impede the flow of traffic.
 - F. No parking while the engine idling.
 - G. No parking on Park Ave, between Heber Ave and King Rd, while making deliveries to a business with a Main St address.
 - H. City authorized special events and master festivals in the Main St Core may impact delivery vehicle operations; verify special requirements approved by City special events staff.

4. **Stockpiling and staging.** Municipal Code 11-14-3

- Required to be onsite and within the approved limits of disturbance (LOD) fence.
- Separate right of way (ROW) permit is required if materials, dumpsters, or toilets are in ROW.
- Additional site used for stockpiling or staging must be approved by the Building Department including an LOD fence and possibly a bond.

For questions about the construction mitigation plan requirements for your project:

- If you have an issued permit, contact the Community Inspector assigned to your permit.
- Otherwise contact the Building Department at 435-615-5101 or in person at the Building Department counter in City Hall. Visit the Building Department website for more information about hours and location
<https://www.parkcity.org/departments/building-department>



Park City Building Department

445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060

Tel 435.615.5101 <https://www.parkcity.org/departments/building-department>

5. **Construction phasing.** Municipal Code 11-14-4(D)
 - Requires approval from the Chief Building Official.
 - Must be maintained within the approved LOD area unless otherwise approved.
6. **Trash management & recycling.** Municipal Code 11-14-4(E), 11-14-5
 - Construction site will provide adequate storage, a program for trash removal and will keep site clean daily. Recycling is encouraged.
 - Dumpsters must be placed within the approved LOD. Dumpsters or trash trailers parked on private property require written permission from the property owner. Dumpsters or trash trailers on the ROW require a permit from the Engineering Department.
 - Trash and construction related wastes will be deposited into a covered receptacle.
7. **Control of dust & mud.** Sediments and other materials will not be tracked from the site by vehicle traffic. Construction entrance roadways will be stabilized with gravel to inhibit sediments from being deposited into ROW's. Accidental deposits will be swept up immediately and not washed down by rain or any other means. Municipal Code 11-14-4(F), 11-15-6
8. **Noise** will not exceed 65 decibels or violate the Park City noise ordinance. Municipal Code 11-14-4(G)
9. **Grading and excavation.** Municipal Code 11-14-4(H)
 - Grading and excavation are permitted during the allowed hours of operation.
 - Truck routes require approval by the Engineering Department and may be restricted to prevent adverse impacts.Cubic yards to be removed: _____ Destination: _____.
10. **Temporary lighting** require approval by the Planning Department. See item 20, below. LMC 15-5-5(J)
11. **Construction sign.** Municipal Code 11-14-4(J)
 - Post onsite and in a location that is readable from the street.
 - Size limitations: maximum 12 square feet, and maximum 6 feet in height.
 - Lettering limitation: maximum 4 inches in height.
 - Include: Contractor name, address, phone number and emergency contact information.
12. **Stormwater Pollution Prevention Plan (SWPPP).** Municipal Code 13-4
 - Install construction fence and Best Management Practices (BMPs) per approved plan.
 - Retain eroded sediments and other pollutants onsite from being transported from the site via street flow, swales, area drains, natural drainage course or wind.
 - Protect stockpile of earth and other construction-related materials from being transported from the site by wind.

For questions about the construction mitigation plan requirements for your project:

- If you have an issued permit, contact the Community Inspector assigned to your permit.
- Otherwise contact the Building Department at 435-615-5101 or in person at the Building Department counter in City Hall. Visit the Building Department website for more information about hours and location <https://www.parkcity.org/departments/building-department>



Park City Building Department

445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060

Tel 435.615.5101 <https://www.parkcity.org/departments/building-department>

- Fuels, oils, solvents, and other toxic materials will be stored per their listing and will not contaminate soil or surface waters.
- All approved storage containers will be protected from weather.
- Spills will be cleaned up immediately, disposed properly and not washed into drainage system.
- Excess or waste concrete will not be washed into the public way or any drainage system.
- Concrete equipment cleaned in properly constructed cleanout that will not leach into ground.

13. Toilet facilities. Municipal Code 11-14-5(B)

- Construction sites will have permanent toilets with authorization, or temporary toilet facilities.
- Toilets placed on right of way (ROW) require a ROW permit from the Engineering Department.

14. Soil Ordinance. Properties located within the soil ordinance boundary will comply Municipal Code 11-15, including but not limited to dust control, covering soil and approved soil disposal.

15. Partial road closures.

- Required if one lane of travel is partially blocked by construction traffic or deliveries.
- Allow (2) business days for permit processing.
- Apply for permit online www.parkcity.org or through the Engineering Department.

16. Full road closures.

- Allow (2) business days for permit processing.
- Apply for permit online www.parkcity.org or through the Engineering Department.
- Requires approval from the City Engineer.

17. Right of Way (ROW) permits.

- Required for any work performed within the public right of way (ROW)
- Allow (2) business days for permit processing.
- Apply for permit online www.parkcity.org or through the Engineering Department.
- Requires approval from the City Engineer.
- Fencing of Public ROW requires the contractor to provide traffic circulation plan, traffic mitigation plan and pedestrian plan. See www.parkcity.org for Municipal Code 11-14-2.

18. Cranes. Municipal Code 11-14-3(B)

- Requires approval from the Chief Building Official.
- Contractor to submit site plan showing radius of boom over neighboring properties and streets.
- Submit airspace and trespass agreements to the Building Department before crane installation.
- Loaded or unloaded cranes will not swing over neighboring properties and streets, without prior approval.
- Flaggers are required, when approval is granted, if crane will affect a right of way.

For questions about the construction mitigation plan requirements for your project:

- If you have an issued permit, contact the Community Inspector assigned to your permit.
- Otherwise contact the Building Department at 435-615-5101 or in person at the Building Department counter in City Hall. Visit the Building Department website for more information about hours and location <https://www.parkcity.org/departments/building-department>



Park City Building Department

445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060

Tel 435.615.5101 <https://www.parkcity.org/departments/building-department>

19. Limits of disturbance (LOD) fence. Municipal Code 11-14-2, 11-14-3, 11-15-4, 13-4-5

- Chain link fencing may be required on sites with excavations deeper than 4ft. LMC 15-7.3-3(K)
- Plastic fencing is acceptable on sites that are not being excavated. LMC 15-7.3-3(H.4)
- All sites within the Historic District require chain link fencing that is 6ft high. LMC 15-7.3-3(K)
- Install LOD fence per approved plans. Removal or alteration requires prior approval from the Building and Engineering Departments. Municipal Code 13-4-5(C)

20. Boardwalks. Municipal Code 11-14-2, LMC 15-5-5(J10)

- May be required on some projects per the International Building Code. IBC 3306
- When required, they will have a mining theme and include lights and reflectors.
- Sidewalks and streets beneath the boardwalk will be required or replaced, if necessary, before the certificate of occupancy is issued.
- A monetary bond may be required by the Engineering Department for sidewalks and streets beneath the boardwalk.
- Specifications are available at the Building Department.

21. Other issues.

- Dogs are prohibited on construction sites. Municipal Code 7-3-5
- Contractor will inform neighboring property owners about the project and construction activities that may affect the area, such as, work that is loud or may disrupt traffic.
- Mitigation will be in place to prevent impacts to the existing adjacent structures and existing infrastructure/streets from the construction.
- Additional conditions in the MPD, CUP or other City approvals governing the lot also apply and are enforced in coordination with this construction mitigation plan and the building permit.

22. Utah State Code and Rules. Approved set of plans and mitigation include compliance with all Utah State Code and Rules, including Asbestos Rule R307-801 and Lead Paint Rules R307-840, 841, 842.

Please Note:

- It is the responsibility of the property owner and contractor to ensure compliance with all approved Master Plan Development and Conditional Use Permit subject to finding of facts and conclusion of Law and conditional of approval.
- Park City Municipal Corporation (PCMC)
 - a) Reserves the right to abate any inactive or abandoned construction site.
 - b) Gives no guarantee of partial certificate of occupancies.
 - c) May require the contractor to complete neighborhood noticing to their satisfaction.

****If you need assistance, please call the Building Department 435-615-5101****

For questions about the construction mitigation plan requirements for your project:

- If you have an issued permit, contact the Community Inspector assigned to your permit.
- Otherwise contact the Building Department at 435-615-5101 or in person at the Building Department counter in City Hall. Visit the Building Department website for more information about hours and location <https://www.parkcity.org/departments/building-department>



Park City Building Department

445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060

Tel 435.615.5101 <https://www.parkcity.org/departments/building-department>

Site Specific Notes:

II

For questions about the construction mitigation plan requirements for your project:

- If you have an issued permit, contact the Community Inspector assigned to your permit.
- Otherwise contact the Building Department at 435-615-5101 or in person at the Building Department counter in City Hall. Visit the Building Department website for more information about hours and location
<https://www.parkcity.org/departments/building-department>

Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

5:15 p.m. - Rocky Mountain Power Update by Lisa Romney, Rocky Mountain Power Regional Business Manager

Suggested Action:

Attachments:

Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Park Silly Sunday Market Mid Season Report

Suggested Action:

Attachments:

[2022 Park Silly Sunday Market Mid-Season Review Staff Report](#)

[Exhibit A: PSSM Mid Season Measures of Success](#)

City Council Staff Communications Report



Subject: 2022 Park Silly Sunday Market Mid-Season Review
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: July 21, 2022

Recommendation

Consider the Park Silly Sunday Market (PSSM) mid-season review. The Special Events Department supports continuing the season's operations with no changes, which requires no further City Council action.

Executive Summary

Part of PSSM's [City Service Agreement \(CSA\)](#) requires a mid-season review for compliance purposes. To date, PSSM is operating consistently with the requirements of their CSA and no operational issues are of concern. We will return on October 27, 2022, to provide an end-of-season debrief.

As directed, we are also developing a considerable [survey and outreach initiative to help guide future contract negotiations with PSSM](#) this fall, after outreach is completed.

Background

Council approved the 2022 PSSM supplemental plan on April 7, 2022 ([report](#) p. 840 / [minutes](#) p. 21). The event is held on Sundays, June 5 to September 25, with a break on August 7 for the Art Festival, and no event on August 14 and 21.

A history regarding PSSM is [linked here](#). Council approved The [City Service Agreement \(CSA\) with PSSM](#) on [January 9, 2020](#) ([minutes](#) p. 7). Due to concerns about the pandemic, PSSM proactively canceled their event in 2020 and did not seek an additional year for their CSA. The current CSA runs through 2022 and includes the following amendments to the terms.

- Acknowledgment of PSSM conflict with Fourth of July;
- Increased Noise Restrictions include that PSSM may not exceed 75 decibels from 10 a.m. to 1 p.m. and 90 decibels from 1 to 5 p.m.
- Pedestrian Management Measures at Main Street and Heber Avenue;
- No Vendor parking on Park Avenue;
- Bollard installation management at the cost of \$1,000 per market;
- PSSM will pay City for City services not credited or waived; and
- Increased insurance requirements to meet City standards.

Analysis

PSSM is operating in compliance with the Council approved "Measures of Success"

metrics, CSA, and Level Five Special Event Permit. Exhibit A outlines the first six weeks (June 5 to July 10) of the PSSM. Highlights include:

- Sustainable Measures – PSSM averaged 81% diversion and continues to work towards 80% overall diversion rate for the season.
- Transportation Initiatives – PSSM continues to partner on transportation initiatives, including providing extra transportation on July 3 and September 4, a bike valet, and promoting alternative transportation. More than 811 bikes used the bike valet. Unfortunately, on July 3, PSSM can no longer use the bike valet location. Subsequently, PSSM is working to find a new location.
- Vendor Mix – PSSM is operating within the approved Vendor Mix Requirements. While PSSM is allowed to have up to 12 jewelers and six importers at each market, they have had no more than 11 jewelers and three importers at each market.
- Noise Compliance – PSSM is allowed up to 75 decibels between 10:00 a.m. and 1:00 p.m., and 90 decibels between 1:00 p.m. and 5:00 p.m. The Police Department has proactively taken noise readings at each market date, finding compliance with the Noise Variance. No noise complaints have been received to date.
- Working Group Walk-Throughs – PSSM scheduled two of the four walk-throughs with HPCA and Council Liaisons. HPCA cancelled the first walk through. The second walkthrough was completed on July 10. The working group reviews operations of both PSSM and Car Free Days and helps maintain a collaborative relationship between PSSM, HPCA, and the City.
- Community Partnerships – PSSM continued to highlight nonprofit organizations, including Fight Against Domestic Violence, Southern Utah Wilderness Alliance, Wasatch Back Country Rescue, Latino Art Fest, Kimball Art Center, KPCW, Tree Utah, Connect Summit County, Avian Sanctuary, Speedy Foundation, Clever Octopus, Gun Violence Prevention Center of Utah, Peace House, PC Transit, PC Rotary, Ssejinja Children Foundation, Nuzzles & Co, Paws for Life, PC Artist Association, Park City Song Summit, Summit County Fair, Fetch Cares, Wild Heart Sanctuary, and True Hearts for Healing Paws Rescue. In addition, at the request of the Transit Department, PSSM provided two free booth spaces to PC Transit to promote transit surveys and initiatives.
- City Transportation Initiatives – Several City departments work to reduce and mitigate transportation impacts on the surrounding community during events. On June 26, the City increased parking rates to \$7/hour, \$30 Max. While parking continues to fill between 11:00 a.m. and 4:00 p.m., we continue to see increased transit ridership. We monitored traffic on Park Avenue and Hillside and found less traffic on the first four Sundays, compared to Fridays and Saturdays, due to our mitigation efforts. The last two Sundays (7/3 and 7/10) traffic has increased compared to Fridays and Saturdays, and departments are collaborating to reduce traffic in these areas.

Funding

City Service Fees for 2022 PSSM are estimated at \$75,283. Per section C.6.2.a of the CSA, the City committed to waive \$60,500. The City also pays PSSM for bollard installation (\$1,000 per market or \$14,000 for season). The total City Service Fees and

bollard installation are \$74,500. We estimate PSSM will owe the City \$783 at the end of the season.

Department	Item	2021 Totals	2022 Estimate
Parking	Removal of Parking	\$22,050	\$22,050
Police	495 Hours	546 Hours / \$40,950	587 Hours / \$44,025
Transit	15 Hours	\$22,050	\$22,050
Parks	Banner Installation	\$648	\$648
Building	Inspections and Permits	\$70	\$70
Special Event Application	Annual Permit Fee	\$640	\$640
VMS & Barricades	PCMC and UDOT	\$5,600	\$5,600
Total City Fees		\$72,208	\$75,283
City Fees Waived		\$60,500	\$60,500
Balance of Fees Owed		\$11,708	\$14,783
Hard Costs	\$1,000/market	\$14,000	\$14,000
Total Invoice		\$2,292 owed to PSSM	\$783 owed to City

Attachments

Exhibit A: PSSM Measures of Success

Exhibit A: PSSM Mid Season Measures of Success

Park Silly Sunday Market – 2022 Mid Season Measures of Success		Legend S – Succeeding in meeting Contracted I - In progress / Meeting Requirements U – Unsatisfactory - Not meeting
Requirements		
Vendor Mix		
Importers (allowed per week maximum) i. 2022- 6	Notes: Requirements are currently being met	I
Jewelers (allowed per week maximum) i. 2022- 12	Notes: Requirements are currently being met	I
On-site Food Vendors & Snack food Vendors (per week maximum) i. 2022 - 12	Notes: Requirements are currently being met	I
PSSM will invite two (2) HPCA representatives in the jurying of jewelry vendors.	Notes: Requirement was met by PSSM.	S
PSSM will coordinate three (3) market walkthroughs with the HPCA and PCMC to identify possible conflicts and/or issues with vendor mix.	Notes: June 12, July 10, August 28 and September 11. HPCA and City have identified representatives.	I
PSSM will provide to the City a list of vendor classification definitions along with preference criteria for vendor mix.	Notes: Requirements have been provided and met.	S
Parking / Traffic / Pedestrian Management		
Create event parking plan i. Identify vendor vehicle with license plate identification. ii. Identify public parking locations both in Old Town/Main Street along with alternative parking areas. iii. Identify locations where parking will be removed to provide space for event and mitigate impacts of event iv. Continue increased communication between departments and PSSM to encourage parking of vendors in suggested vendor locations.	Notes: PSSM continues to work with Staff & private parking garages to park vendors in appropriate areas. A resident parking was established on Park Ave between 9 th and 12 th Street. Parking Enforcement continues to communicate with the residents to resolve parking concerns during the Park Silly Sunday Market. This increase in fees for parking in China Bridge and other areas are being monitored. Currently PSSM is meeting these requirements as outlined.	I
Work with Special Events and Transit to get out alternate transportation messaging out with: i. Co- messaging with PC Transit Dept. ii. PSSM will create and implement different methods of informing the public (PSA's, print ads) iii. Create and implement a program encouraging non-motorized forms of transportation to the market. ix. Addition of Shuttle Service on expected heavy attendance day – July 3 and September 4	Notes: While PSSM does not perform any paid marketing. Social media will focus on transportation alternatives including City transit, bikes or walking to attend. PSSM Transportation had 806 riders on 7/3. This additional measure helps relieve transit pressure on the busiest days of the market.	I
Submit sign Plan to Staff at the time of Supplemental Plan containing the following: i. Locations ii. Size & Type iii. Message iv. Placement and removal times	Notes: Requirements are currently being met	I
Work with City to create a pedestrian management plan that addresses the crossings of Heber/Main and Swede Alley	Notes: If Car free Sundays does not happen, PSSM will be responsible for Pedestrian Management at Heber and Main	S
Market Set-Up and Inspections		
a. Weekly notification to staff of footprint or operational changes	Notes: No footprint changes have been made. Operational changes include PSSM is looking for a bike valet location.	S
	Notes:	I

Exhibit A: PSSM Mid Season Measures of Success

b. Location of interior sponsor signs	Requirements are currently being met																					
Street Cleaning and Trash Removal																						
a. Pre-Meet with City’s Street Department to create a street cleaning and trash removal plan.	Notes: Requirements are currently being met																					
b. Meet with Street Department two (2) additional times throughout summer to address any issues with plan.	Notes: Will meet during the 2022 Market Season – no issues currently reported. Meetings are not currently necessary.																					
Coordination with PCMC and HPCA																						
a. PSSM will schedule monthly “Working Group” meetings from June through September	Notes: June 12, July 10, August 28 and September 11. Representatives from HPCA, PSSM, City Staff and City Council have confirmed these dates.																					
b. PSSM will schedule four (4) market walkthroughs with the “Working Group” within the season.	Notes: PSSM has set dates for the Working Group dates.																					
c. PSSM will schedule a weekly market walk through with City representatives	Notes: PSSM and the City have scheduled the weekly meetings.																					
d. PSSM will supply the City Representatives with weekly report containing the following i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. Provide a list of other sustainable efforts throughout the event. v. PSSM to participate in and provide a list of City functions related to Green Event management that they participate in, as well as a lists of non-profits who they provide sustainable mitigation efforts for. vi. PSSM to present a year over year a comparison for sustainable effort comparison in coordination with the City during annual end of season review.	Notes: Requirements are currently being met. Attedance for the first 6 markets is 90,534. PSSM is currently achieving an 81% diversion rate. Vendor Mix includes the following as of the 7/10 market date <table><tr><td>534</td><td>Artist</td></tr><tr><td>48</td><td>Designer</td></tr><tr><td>19</td><td>Farmer</td></tr><tr><td>81</td><td>Gourmet</td></tr><tr><td>22</td><td>Importer</td></tr><tr><td>67</td><td>Jeweler</td></tr><tr><td>58</td><td>On-Site/Snack Foods</td></tr><tr><td>26</td><td>Service Vendor</td></tr><tr><td>51</td><td>Youth Vendors</td></tr><tr><td>906</td><td>TOTAL</td></tr></table>	534	Artist	48	Designer	19	Farmer	81	Gourmet	22	Importer	67	Jeweler	58	On-Site/Snack Foods	26	Service Vendor	51	Youth Vendors	906	TOTAL	
534	Artist																					
48	Designer																					
19	Farmer																					
81	Gourmet																					
22	Importer																					
67	Jeweler																					
58	On-Site/Snack Foods																					
26	Service Vendor																					
51	Youth Vendors																					
906	TOTAL																					
e. PSSM will supply the City Representatives with an ongoing list of vendor and staff license plates: i. Prior to the start of the June 5 Market. ii. At any time they add license plates to the market throughout the 2022 season. iii. License plate lists should be provided to the City Representative no later than 10:00 a.m. each Sunday.	Notes: Requirements are currently being discussed to work on best coordination between PSSM and the City.																					
Marketing and PR																						
a. HPCA logo on all advertisements & promotions	Notes: Requirements currently being met.																					
b. Engage in cross promotions with Chamber, HPCA, Park City Restaurant association	Notes: Requirements currently being met.																					
c. Media – The HPCA logo and sponsorship credits will be provided in all media placement that the PSSM currently employs, including but not limited to: I. Print ads II. Ads, links or info listings on Utah tourism, business and special internet websites; III. Periodic television coverage;	Notes: Requirements currently being met. PSSM has significantly cut back on all marketing efforts, focusing only on social media locally.																					

Exhibit A: PSSM Mid Season Measures of Success

IV. Radio PSAs and promotions; V. Website spots, summer guides, fairs, non-profit organization calendar listings; VI. Email blasts; and VII. Social media, 'if applicable'		
Other Items:		
Quantify Marketing & PR Value	Notes: In progress. It is likely due to the cutback on marketing efforts that this value will be significantly less than previous years.	I
PSSM shall present an annual preceding market season. This report will contain the following: i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. List of non-profit groups attending the market v. Advertising information etc. vi. Transportation and parking counts – to be coordinated with PCMC Transportation Services Department	Notes: This was reported to Council in the 2021 End of Season Report. PSSM is aware of the requirement and will gather the required information for the 2022 report.	I

PSSM Vendor Types Definition & Vendor Mix

All categories are juried by the PSSM staff by way of required online application details including, but not limited to: product descriptions, photo samples of products, photo of booth display, history/business description including their 'story', list of sources and co-packing use.

PRIORITY 1: Artisan- A vendor that sells unique, art and handmade crafts (excluding food and jewelry). Starting materials must be significantly altered and enhanced by the artist. Preferential consideration given to local artists based in the state of Utah.

PRIORITY 2: Farmer - A vendor that sells fresh produce from his or her farm and/or a vendor that sells food products made of produce from his or her farm.

PRIORITY 3: Jeweler - A vendor that sells unique, handmade jewelry of their own making and design. limited space available in this category (12 per market date).

PRIORITY 4: Gourmet Food - A vendor that sells foods or baked goods, made in Utah, which are intended/packaged for off-site consumption. Preferential consideration given to members of Utah's Own.

PRIORITY 5: Designer - A vendor that plans the precise form, look or working of an item, excluding jewelry, in writing before such item(s) is manufactured pursuant to that vendor's specific request. To qualify as a designer, the vendor shall be required to submit specific design plans of all item(s) to be sold at the market. Preferential consideration given to local designers based in the state of Utah.

PRIORITY 6: Young Vendor - A vendor, 17 years of age or younger, that sells their own unique, handmade goods.

PRIORITY 7: Food - A vendor that prepares and sells food for consumption at the Market. First right of refusal is offered through the HPCA membership. Limited space available in this category (12 per market date, 10 of which are propane approved space)

PRIORITY 8: Service Vendor -A vendor that provides on-site services to market attendees (ex. - henna, face-painting).

LAST PRIORITY: Importer - A vendor that purchases goods manufactured and/or procured outside the U.S. (jewelry not permitted in this category). This category is considered a 'last sell' vendor type. Vendors in this category are invited in

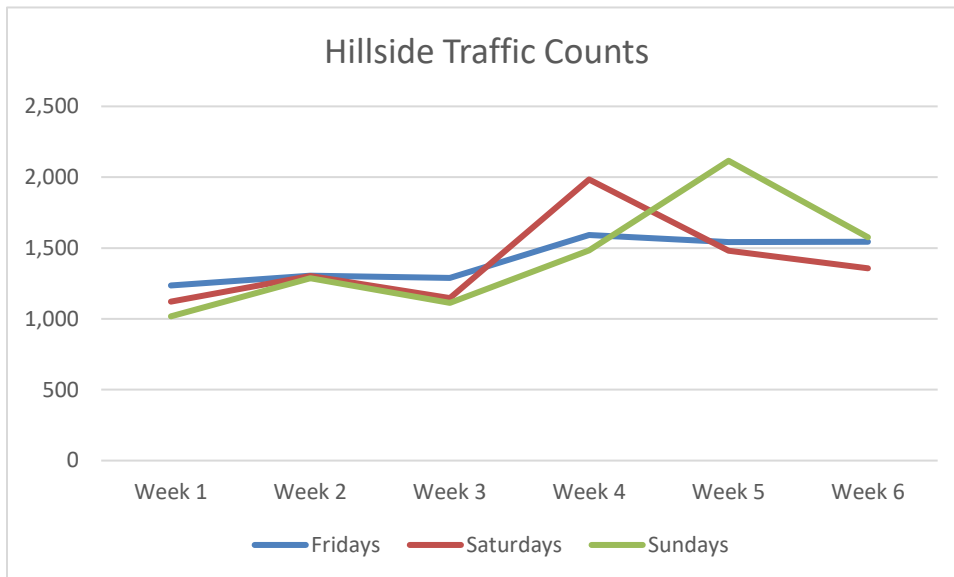
Exhibit A: PSSM Mid Season Measures of Success

April, based on remaining space available, in an effort to maximize opportunity to other vendor types. Limited space available in this category (6 per market date)

City Transportation Data

On Hillside we have seen an average of 1,432 cars per Sunday. Specifically we saw less traffic on Hillside the first four Sundays, compared to Fridays and Saturdays the first four weeks of the event.

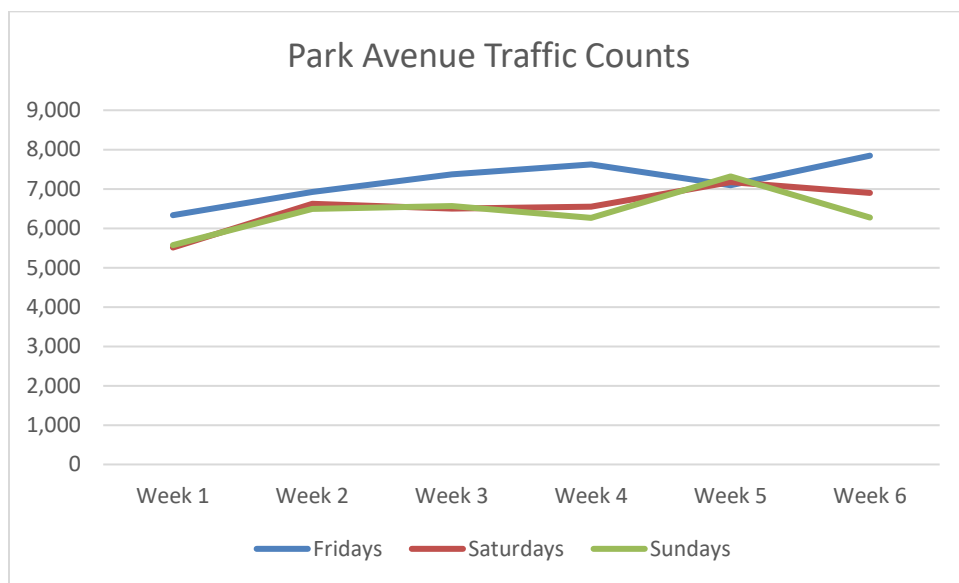
Hillside Traffic Counts	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Totals	Average/Week
Fridays	1,236	1,306	1,290	1,592	1,542	1,544	8,510	1,418
Saturdays	1,122	1,303	1,147	1,984	1,482	1,356	8,394	1,399
Sundays	1,018	1,287	1,112	1,484	2,116	1,576	8,593	1,432
Monday, July 4					1,402			



On Park Avenue, we have seen an average of 6,416 cars on Sundays. Specifically, we saw less traffic on Sundays on Park Avenue, compared to Friday and Saturdays the first four weeks of the event.

Park Ave Traffic Counts	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Totals	Average/Week
Fridays	6,334	6,927	7,369	7,623	7,094	7,846	43,193	7,199
Saturdays	5,512	6,624	6,504	6,548	7,174	6,898	39,260	6,543
Sundays	5,573	6,496	6,569	6,268	7,318	6,273	38,497	6,416
Monday, July 4					4,109			

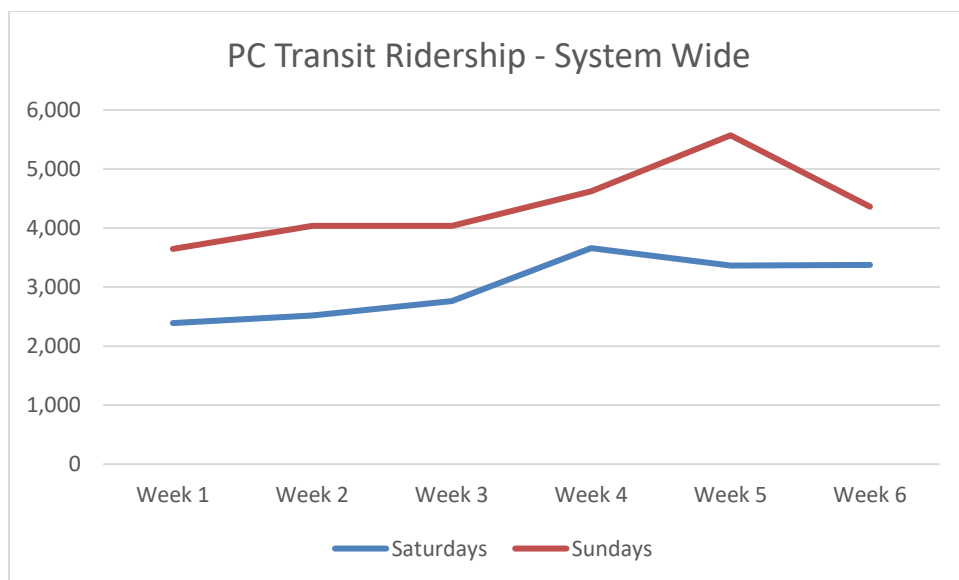
Exhibit A: PSSM Mid Season Measures of Success



Park City Transit Ridership

Average Sunday ridership system wide is 4,279. We consistently see increased ridership over the market, near 1,000 more riders on Sundays compared to Saturdays. So far on Sundays we have seen 26,271 riders during the first six markets.

PC Transit Ridership - Systemwide								
Day	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Totals	Average
Saturdays	2,390	2,519	2,761	3,659	3,365	3,374	18,068	3,011
Sundays	3,646	4,035	4,034	4,624	5,570	4,362	26,271	4,379
Monday, July 4					7,815			



Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Business License Fee Study Update

Suggested Action:

Attachments:

[Business License Fee Study Communication](#)

City Council Staff Communication



Subject: Business License Fee Schedule Update
Author: Mindy Finlinson, Jonathan Weidenhamer
Department: Finance, Economic Development
Date: July 21, 2022
Type of Item: Informational

Executive Summary

Park City is in the process of conducting a comprehensive update to its business license fees, last updated in 2006. Per [Utah Code § 10-1-203](#), a municipality may assess a “base fee” to cover its administrative costs of issuing business licenses and additional costs for “disproportionate” or “enhanced” services, including police, fire mitigation, stormwater, traffic control, parking, transportation, beautification, and snow removal.

On June 23, 2022, the City Council received a Staff Communication on the Business License Fee Study underway ([June 23, 2022, Report](#) p.175). The Study was initiated by the Finance Department to ensure applicants cover the City’s costs of processing applications and additional service needs, where applicable. As stated, the City Council retains the ability to recoup some or all of those costs. As the Study progressed and initial stakeholder outreach was conducted, we realized that a phased approach may create unnecessary confusion and not allow enough time for adequate stakeholder engagement and dialogue.

As a result, the Finance and Economic Development Departments recommend completing the entire fee study, including the disproportionate and enhanced service fees, before asking Council to consider alternatives. Doing so would defer any new fees until the October 2024 license renewal deadline.

Background

The original timeline contemplated a phased-in adoption of any new fees. The three phases consist of base or administrative fees, disproportionate fees, and enhanced fees. We originally intended the adoption of new base fees in July 2022 so that they could be included in the 2023 annual business license renewal process. Renewal notices are sent in mid-August, and licenses expire on October 1. We then contemplated the completion of the disproportionate and enhanced fee study and stakeholder engagement before Council consideration in the fall, which would provide ample time to publicly review and consider any disproportionate and enhanced fees for the 2024 renewal cycle.

At this time, the base fee study is still being finalized, and all indications are that base business license renewal fees may not increase. In most cases, we expect them to decrease marginally due to efficiencies in internal administration and software systems. Conversely, we expect the base cost for a new business license to increase marginally, recognizing the City's increased cost of providing administrative services since 2006 (the last time we considered a comprehensive update), including utilities, labor, fleet, materials, and other expenses.

Rather than taking a phased approach as previously recommended, Finance and Economic Development recommend completing the entire fee study, including the disproportionate and enhanced service fees, before asking Council to consider the information. This will prevent any confusion with a phased approach of mixing new and old fees and allow business stakeholders sufficient time for a thorough and meaningful conversation with key staff and Council liaisons.

Please refer to an updated timeline estimate:

- July 8 Complete Base Fee Study.
- Aug. 19 Complete Disproportionate Fee Study.
- Aug. – Oct. Stakeholder engagement - disproportionate fees.
- Sept. 16 Complete Enhanced Fee Study
- July - Oct. Stakeholder engagement - enhanced fees
- Nov. Council work session(s)
- Dec. Council adoption

Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Engineering

Item Type: Work Session

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Neighborhood Traffic Management Program (NTMP) Update

Suggested Action:

Attachments:

[Neighborhoods First NTMP Staff Report](#)

City Council Staff Report

Subject: Neighborhoods First Update
Author: John Robertson, City Engineer
 Nestor Gallo, P.E.
Department: Engineering
Date: July 21, 2022
Type of Item: Staff Communications

Executive Summary

Traffic in Park City's neighborhoods can negatively impact the quality of life for our residents. Still, people who live, work, and play in Park City can have a louder voice in developing balanced solutions. Efforts are currently underway to overhaul the City's existing Neighborhood Traffic Management Program (NTMP) to modernize our approach to ongoing traffic issues that impact the health and livability of our primarily residential neighborhoods.

Back in 2008, the City successfully created the [Neighborhood Traffic Management Program \(NTMP\)](#) to address growing resident traffic and safety concerns using a broad array of regulatory-approved policies and programs. While the NTMP has served the City well for over a decade, it needs to be updated to elevate and expand the program's scope and toolbox to meet the changing needs of our evolving community.

With Council support, the NTMP will undergo a major rebrand – now called **“Neighborhoods First.”** This rebranded program will reflect a more dynamic, resident-focused approach that combines engagement, education, enforcement, evaluation, and essential engineering standards to mitigate some of the adverse effects of speeding traffic on neighborhood streets.

Neighborhoods First



Resident-focused and proactive by design, Neighborhoods First will modify the NTMP's regulatory review of citizen requests to a more dynamic resident-involved program. Neighborhoods First will be managed by a committee, using experts from engineering, public works, transportation planning, fire, police, community engagement, trails and open space, and parking. The committee will also include a Council liaison and representatives from important community stakeholder groups (Park City School District, Utah Department of

Transportation, and appointed resident representatives, if desired). The committee will meet monthly and work with residents to prioritize the safety of neighborhood streets by:

- Improving livability and promoting safe conditions for residents, motorists, bicyclists, and pedestrians;
- Educating residents about traffic safety solutions to address problems occurring in neighborhoods;
- Implementing traffic calming techniques that are right-sized, effective, and compliant with current federal road safety standard rules and regulations; and
- Applying traffic calming solutions ([Complete Streets](#) and [People First Streets](#)) that compliment Park City's transportation policies and values through enhanced communication and collaboration with residents.

The new program will also incorporate best practices from other jurisdictions while considering current community concerns and providing hands-on guidance for residents requesting action to address cut-through traffic, increased volume, and public awareness. In addition, Neighborhoods First will include a suite of new and existing tools, including:

- A new, interactive [Neighborhoods First website](#) featuring an [online project request portal](#), [project request status tracking](#), and completed project highlights;
- A dedicated, full-time engineering representative offering leadership and direct resident service and support;
- Speed limit enforcement in partnership with the Park City Police Department;
- Signs and pavement markings to help motorists recognize and obey the posted speed limit and neighborhood restrictions;
- Real-time speed display signs ordered by Public Works;
- Traffic studies (i.e. speed, volume, pedestrian, bike, and sight distance) to determine traffic-related problems and identify actions needed to help resolve these problems;
- On-site neighborhood street safety workshops;
- Temporary traffic calming demonstration projects in partnership with residents ([People First Streets](#)) to test ideas before recommending permanent installations; and
- A comprehensive public awareness campaign including radio, print, and digital collateral and messaging reminding drivers to obey neighborhood speed limits, watch for pedestrians and cyclists, avoid cutting through neighborhoods, and more.

Progress Update

On a busy year, the NTMP will typically receive and process 8-10 resident requests annually. However, this past year, the committee processed 27 applications, demonstrating the desire of residents to be a part of finding solutions in their neighborhoods and the need to overhaul the NTMP. The applications processed resulted in the following actions:

- Held 19 virtual and in-person neighborhood coordination meetings;
- Submitted 38 work orders to the Public Works Department for striping and signing improvements.
- Completed 5 “All Way Stop” traffic studies.
- Created a process to provide a centralized location for the collection of all traffic data collected throughout the city.
- Increased efficiency in the collection of traffic data for analysis by gathering data from counters already in place, placing newly purchased mobile feedback signs managed by the Police Department, and installing additional permanent feedback signs. Current and historical data is in the process of being analyzed and edited to make available to residents and other city departments when requested.
- Held on-site road safety audits with residents to identify traffic safety issues related to existing striping and signing; drainage systems; and intersection sight distance.
- Partnered with the Utah Department of Transportation’s (UDOT) Division of Traffic Safety to gain access to their accident database, which includes data for the past ten years.
- UDOT granted access to traffic signal data that includes turning movements, vehicular volumes, and vehicle speed.
- The Park City School District shared their Safe Route to School maps, which are submitted annually to the Utah Department of Transportation; and
- Worked with the Park City Police Department to collect traffic data citywide using the Police Speed Radar Trailer.

Funding Source

Funding for Neighborhoods First has been budgeted in the Engineering and Streets Department budget.

Department Review

Community Engagement, Engineering, Executive, and Legal

Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: CONSIDERATION OF MINUTES

Subject:

Consideration to Approve the City Council Meeting Minutes from June 16, 2022

Suggested Action:

Attachments:

[June 16, 2022 Minutes](#)



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

June 16, 2022

The Council of Park City, Summit County, Utah, met in open meeting on June 16, 2022, at 2:45 p.m. in the City Council Chambers.

WORK SESSION

FY2022-23 City Manager's Recommended Budget: Budget Policies, Fee Schedule, and Council Compensation Presentation and Review:

Jed Briggs and Kirsten Darrington, Budget Department, presented this item. Darrington indicated there were some updates to the budget policy. The changes included the policy would reflect a one-year budget cycle. Council Member Toly asked why it was previously done every two years. Briggs stated it had not been done that way since he worked for the City and a biennial budget was typically done for smaller municipalities.

Darrington indicated the other budget policy amendment was to suspend the existing Economic Development Grant applications until a discussion was conducted by the Economic Development Department with Council to align priorities. Council Member Gerber asked if the applications on the agenda tonight should be approved. Weidenhamer stated those applications were made under the current policy and should be considered. Council Member Toly asked if Council should name representatives to work in small groups in conjunction with other stakeholders like the Chamber. Weidenhamer recommended having two liaisons such as Council Members Rubell and Dickey and they would bring solutions back for Council's consideration. Council Member Rubell thought liaisons would be a good start and they could figure out how to represent Council priorities with the different focus groups. Council favored suspending the grant program for FY23. Dias indicated this policy could be reinstated mid-year when solutions were found.

Darrington noted there were edits to the Special Service Contracts (SSC) language to reflect current practices and allow for flexibility. This would also remove the March 31st application deadline. Mayor Worel asked about the status of the mental health SSC. Darrington stated that contract was still happening. Council Member Toly noted there was only \$60,000 in the fund. Council Member Gerber explained there was \$60,000 in Mental Health and \$60,000 for Communities that Care. Briggs stated the decision on those contracts was to wait for the community mental health gaps analysis results and then discuss how best to utilize the funding. Darrington indicated this policy amendment

1 would clean up the higher level policy. Dias stated Darrington was organizing a new
2 website to guide the user through the SSC application process in a transparent way.
3 Council Member Rubell remembered there was discussion on the Council having a
4 holistic view of City support for organizations, whether through contracts, events, etc.,
5 and asked if that would be part of the website. Darrington requested more information
6 on what was considered holistic, and asked if that would show all funding given to an
7 organization. Council Member Rubell gave an example of showing an organization that
8 received a fee waiver and a special service contract. Darrington stated she would work
9 with other departments to determine the best way to show that data.

10
11 Council Member Rubell stated the reasons for the policy cleanup was twofold: one was
12 to cleanup out-of-date things, but other things were substantive and he asked if cleanup
13 was one and substantive amendments would be addressed separately. Briggs stated
14 the procurement policy would be discussed at a future date. Other items could be
15 amended throughout the year. Dias stated the policies could be summarized and he
16 thought there were four to six that needed to be discussed. Those would come back in
17 the fall for discussion. Council favored the three clean up amendments.

18
19 Fee Schedule: Darrington indicated she had asked managers to evaluate their
20 departments' fees with inflation considerations. Briggs explained taxes generated
21 revenue but fees were for a service to benefit the user and it defrayed the cost of that
22 service. Fees charged should cover the costs of service but should not generate
23 additional revenue. Council Member Toly asked about Police and Parking personnel
24 who regulated construction sites, and how those costs were covered. Plane stated
25 Building Fees were highly regulated by the State Legislature and local governments
26 didn't have a lot of authority. She gave examples and indicated fees could be imposed
27 as long as they were reasonable. Dave Thacker, Chief Building Official, stated the code
28 enforcement element of building permitting were in a couple buckets. One was the
29 regulation of construction sites which would fall in the inspection category, and would be
30 covered under the building permit fee. Other elements not related to construction would
31 be paid from another bucket.

32
33 Council Member Gerber asked about the business license fees and the service
34 enhancement fees, and noted a survey was being done to make sure the City fees were
35 in alignment with the costs the City had, especially with regard to the resort fee. There
36 were a lot more funds used for transit and the City provided an enhanced service to
37 ensure people got in and out of the resorts. She asked how licensing and assigning fees
38 to the resorts worked with regard to Transit, Police services and Special Events staff
39 helping with load in/out. Jonathan Weidenhamer, Economic Development Manager,
40 indicated the City was allowed to charge the amount that it took to administer the
41 business license. Enhanced service fees could be added to the base fee, such as
42 police, traffic, parking, or flower baskets on Main Street. Resorts were charged an
43 enhanced fee and staff was looking at different metrics to apply for the traffic control. It

1 was not ready, but base fees would be ready by July 1st. Council would have the ability
2 to apply the base fees or all fees. Council Member Gerber stated the fees were totaled
3 and a bill was sent to the resorts. She asked if the new fee would be ready for the
4 upcoming winter to which Weidenhamer affirmed and stated this would be discussed on
5 July 14th and potential action taken at the July 21st meeting, with heavy outreach to the
6 community between now and then. Darrington stated the information today was
7 informational. Council Member Toly asked if this would be adopted next week, to which
8 Briggs stated the fee schedule with the changes would be amended at a future date.
9 Council Member Rubell asked if the fee schedule amendments in the future would be
10 broader across all areas. Darrington stated the business license fee study only
11 pertained to that section. If there were other areas that weren't amended, they could be
12 discussed later and amended. Council Member Rubell stated the cost of living was
13 going up and cost recovery should be assessed on the other fees as well.

14
15 Council Member Doilney indicated each department requested the fee changes and he
16 thought that should be the protocol, instead of Council reviewing every fee. Council
17 Member Rubell stated the City's costs were increasing and he thought the sooner fees
18 were adjusted to get cost recovery the better for the City. Darrington explained the
19 managers looked at the fees first. Some managers didn't request fee amendments this
20 year because they had increased them in previous years. She noted she reached out to
21 the managers reminding them to review their fees and send their changes. Council
22 Member Rubell asked that managers look at their fees again and adjust the fees as
23 needed to remain cost neutral.

24
25 Council Member Toly asked to understand what the City could and could not charge for
26 construction mitigation fees. Council Member Doilney indicated the City went through
27 three years of abnormal spending due to COVID and then the recovery period. He knew
28 the managers had been looking at their fees and doing their best in this realm. Council
29 Member Rubell asked if water fee rates would be discussed in July, to which McAfee
30 affirmed.

31
32 Parking Fees: Council Member Toly stated the fee for a Main Street parking pass was
33 being reduced to \$250 from \$400. Wasden explained it was the midyear rate for the last
34 half of the calendar year. The full year rate was increasing from \$400 to \$500. Council
35 Member Toly asked about construction parking fees, to which Wasden stated those
36 were part of the building permit. The nightly parking or plumber parking was different.
37 Council Member Toly recommended removing the word construction so it was clear.

38
39 Council Member Rubell noted one thing in the fee schedule was that the first offender
40 would not receive a fine. It was discussed before that the Parking Department enforced
41 Old Town but the new policy was different now. Wasden stated the wording should be
42 adjusted and stated the warning only applied to first offenders on Main Street. Outside

1 that, it was the officer's discretion. Council Member Rubell asserted the language
2 should be removed, even for Main Street.

3
4 Recreation Fees: Council Member Rubell discussed fees for residents versus out of
5 area users. In terms of the MARC, there was a 70% cost recovery and he noted the
6 taxpayers paid for the other 30%. He asked if the City considered the 30% when
7 assessing fees. Fisher stated 70% was the cost of recovery for recreation and
8 cemetery. Tennis recovered 130% of its costs, so not all programs were weighted the
9 same. He also didn't calculate the snow removal or mowing costs. It was difficult to pull
10 out fees based on where users lived. Council Member Rubell thought there was a policy
11 question of having nonresidents pay more to recover the costs since the residents paid
12 taxes. Fisher stated 55% of users lived in the City and if the Basin users were included
13 it would be 75%. A very low percentage of users lived in Heber or Kamas. He didn't
14 think an increase would make a big difference in the revenue generated. Daenitz
15 explained the 30% cost recovery funding gap was filled by General Fund operations
16 money, which were property tax and sales tax. The non-residents were helping fund the
17 majority of the cost gap. Council Member Toly thought there were many tourists who
18 bought punch cards, but there weren't many tourists displayed. Fisher noted they came
19 on the daily drop in.

20
21 Golf Fees: Council Member Rubell stated the same discussion that applied to Rec
22 should be discussed for Golf. Vaughn Robinson, Golf Manager, stated the philosophy of
23 Golf was to have an affordable amenity for the residents. The non-resident rate was \$20
24 more than the resident rate. Council Member Rubell asked if other avenues were being
25 pursued to do things for the residents. Robinson stated there was no preference given
26 for tee times for residents. Council Member Rubell asked to look at some perks for
27 residents or charge visitors more in order to have more time for residents. Robinson
28 noted residents made up 65%-70% of the users.

29
30 Housing Capital Budget: Jason Glidden, Affordable Housing Manager, stated funds
31 were requested for maintenance of the City-owned affordable housing projects. Daenitz
32 explained the bulk of the Housing Fund was dedicated to the Woodside Park II project,
33 but Council was not required to use the money for that. Glidden stated the housing
34 projects had placeholder funds, but they would be shifted as the projects became firmer.
35 Daenitz noted the Additional Resort Sales Tax helped fund affordable housing projects
36 and he explained how those funds were appropriated. He discussed the 2019 Sales Tax
37 Revenue Bond and that it was meant for affordable housing. Mayor Worel stated the
38 senior center would be part of the Woodside Park II project and asked how that would
39 be funded. Daenitz stated that could be part of the Lower Park RDA. Glidden indicated
40 he was still in discussions with the seniors and there was a fund balance of \$900,000
41 that could be brought over for the senior center.

Daenitz received questions on how to have ongoing funds for affordable housing projects and noted there were potential revenue sources, but they would require expanding sales tax, issuing a GO Bond, reallocating revenue, raising property taxes, and/or continuing to structure public/private partnerships.

Mayor Worel opened the item for public input.

Katy Wang, Executive Director of Park City Film, discussed the mission of Park City Film. She noted the arts were important and stated films shown were very diverse. The Santy Auditorium was the venue used for the Park City Film and Sundance Film Festival. She requested the replacement of the chairs in the auditorium and noted the County gave a \$100,000 grant for the seating. Park City closed the gap by providing \$50,000 and she was grateful for the City's support.

Mayor Worel closed the public input.

CityTour Recap by Myles Rademan, Park City Leadership Director:

Myles Rademan stated 60 people went on the recent CityTour in May. He reviewed the things learned and shared in Twin Falls, Boise, Bellevue, Halley, Ketchum, and Sun Valley, Idaho.

Rademan reviewed Twin Falls had a Chobani factory with 1,000 employees because of all the cows in the area. Boise was a fast-growing area and public art was important and emphasized. Boise had an Anne Frank Memorial to connect the community to the global good. In Bellevue, the group went to the community food center. This center had been turned into a complete community center and not just a food pantry. Rademan noted there were many elements of this already set up in Park City, such as the Christian Center, Peoples Health Clinic, and other entities. In Ketchum, the group visited a culinary institute and Rademan thought this type of school would be a good fit for Park City. The group visited affordable housing projects and saw the city's housing efforts. These experiences caused the attendees to reflect on how these types of things could be implemented in this community.

Mayor Worel thanked Rademan for putting together his 48th CityTour. This was a rigorous tour and she appreciated all his work.

Special Event Requests: Bonanza Park Neighborhood Area Programming and Event Parking Rates:

Jenny Diersen, Special Events Manager, presented this item and indicated this was a follow-up to a previous discussion.

Bonanza Art Park: Diersen stated this location was used to bring local residents together. Council supported mild to moderate programming in the fall. After the work

1 session, staff discussed and proposed three options: do nothing, have minor or default
2 programming so it was like a park until the City decided how to use the space, or event
3 programming over eight days. Mayor Worel asked if nonprofits could do things on the
4 site if Council chose to do nothing. Diersen stated the nonprofits could apply to use the
5 site, but staff would not be doing anything on the site.

6
7 Council Member Toly asked if minor programming could occur in September. Diersen
8 stated benches could be put up in June and other passive measures. Council Member
9 Toly asked if it would be insured, to which Diersen affirmed. Council Member Toly
10 asked why the budget for Option Three was \$80,000 instead of \$60,000, to which
11 Diersen stated it was due to staffing and programming, and it could be reduced by
12 eliminating some of the eight planned days of programming.

13
14 Council Member Gerber thought the events grew each week last year as different
15 groups came to program events. She thought it would be beneficial to program Option
16 Three. Council Member Doilney agreed and stated the goal was to get people out to
17 new spaces. He saw a desire that local people wanted to get out where they didn't
18 normally go.

19
20 Council Member Rubell stated the latest Prospector event was put on for \$500 so he
21 thought \$80,000 was excessive. He suggested not programming it every week and
22 allowing other entities to program it some weeks. He supported programming every
23 other week to save costs. He thought it was a plus to allow other groups to host events.
24 Council Member Doilney thought the Prospector event was different and his takeaway
25 was that people in that neighborhood wanted activity near them. He suggested investing
26 money in the infrastructure to make it attractive so people would want to have events
27 there. He asked if the arts organizations asked to hold events there. Diersen stated they
28 were waiting to see what the City was doing. Council Member Rubell supported the
29 passive programming and every other week for events so other groups had the
30 opportunity to program the space.

31
32 Mayor Worel liked that the residents came together to fill a need. She thought this would
33 be a great opportunity for organizations to activate the space. She supported the
34 passive programming and inviting groups to hold events. Council Member Doilney
35 favored making the area more attractive to see the participation from the art community.
36 Council Member Gerber was fine if the City did less programming, and asked to make it
37 clear what the City was offering to do.

38
39 Weidenhamer stated in the past, staff allowed a food truck area, and asked if Council
40 approved the City prequalifying vendors for the site. It was indicated the area would
41 have passive, park programming as soon as possible, with tables, games, and
42 structures. Staff would explore a scope for programming up to \$50,000 and Council
43 preferred that nonprofits programmed the area. There was support for the City to

1 program a Halloween festival and facilitate other nonprofits to activate the area. Staff
2 would make a protocol sheet for nonprofits to follow. Council Member Toly noted the
3 Council might have something planned for that site by next year.

4
5 Event Parking Rates: Diersen stated parking rates were generally approved with each
6 special event permit. The Historic Park City Alliance (HPCA) sent a letter requesting a
7 portion of the parking revenue during special events. Diersen reviewed the history of
8 splitting special event parking rates with HPCA beginning in 2010 and noted over the
9 years, the City had stopped splitting those revenues. The rates were now tied to
10 Transportation Demand Management. She displayed a chart showing peak traffic and
11 parking demands in the summer. When the parking rate conversation began, HPCA
12 was involved. Now HPCA wanted a consistent rate structure over all events. She
13 indicated there was a flat rate for July 4th, which was different than the rates for Silly
14 Market or Arts Fest. The Parking and Special Events Departments were recommending
15 the proposed rate structure.

16
17 Council Member Toly suggested pausing the conversation until she and Mayor Worel
18 could discuss it with HPCA - to review parking rates for events and the amount of
19 money they requested, as well as look at parking overall and what could happen to the
20 City once the resort started charging for parking.

21
22 Council Member Rubell agreed with the principle of raising rates for tourist events, but
23 he was concerned that transit solutions were not available for some areas of town. He
24 was undecided, but supported rate increases as a traffic mitigation tool. He would like to
25 see solutions for locals who attended. He didn't want to share the revenue since the City
26 ran the operations and had all the costs.

27
28 Council Member Gerber felt the rates were reasonable and commented the locals knew
29 better than anyone not to park on Main Street during events. Everyone was impacted
30 during peak events. The rates made sense and she agreed the City did all the work and
31 the enforcement. The goal was to create better transportation and parking management
32 and it should be tied together. Regarding the Park City Mountain Resort (PCMR)
33 parking rate implementation, she thought there was time to discuss that.

34
35 Council Member Doilney thought the letter requesting money was unreasonable. There
36 was a lot of work involved with traffic mitigation. He hoped the rates could be
37 implemented as soon as possible and the money should go to the City. He noted emails
38 were sent to Council when the traffic impacts were felt. He thought Wasden was a
39 forward thinker for things that would benefit the community. This was a visitor economy
40 and he wanted them to have a good experience in town, but it was not out of line to
41 charge \$7/hour to park in the best spot in town.

Council Member Rubell suggested promoting bike riding. Diersen stated there were event protocols for bike valets and bike parking. The majority of Council agreed to implement rates and were not in support of revenue sharing. Council Member Toly was not supportive of the decision. Council agreed to have the liaisons meet with HPCA.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
Council Member Ryan Dickey	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Report:

1. FY 2022 Fraud Risk Assessment:

Council Member Rubell referred to Exhibit A and noted the City didn't have a signed statement committing to no fraud or an audit. He thought it would be valuable to implement both those things. Sara Nagel, City Treasurer, stated there was a policy in the works for a fraud disclosure statement. The assessment was for governments of all sizes so there could be a discussion on having an audit. Council Member Rubell favored a discussion and thought it would be beneficial considering the amount of money moved in the organization. Nagel noted the City was in a low-risk category and she felt the emphasis was having good policies.

Council Questions and Comments:

Council Member Doilney stated Father's Day would fall on Juneteenth and he commended the City for closing on Monday out of respect for the holiday. He noted bigger cities in Utah had events around the holiday. He quoted Barak Obama that Juneteenth was a holiday of progress.

Council Member Gerber stated Tim Henney was recognized by Mountainlands Community Housing for all he did for affordable housing. She noted rising fuel costs

1 affected the community and stated Recycle Utah had a \$235 fuel surcharge for every
2 bale of cardboard hauled away.

3
4 Council Member Toly attended a library board meeting and she noted many outdoor
5 events were at the library this summer. She also announced the Elks event and the
6 Open Your Barn Door event this weekend. She indicated there was a survey on
7 Recreation. She also disclosed she lived on 9th Street and the 9th Street Stairs item was
8 on today's agenda

9
10 Mayor Worel indicated the Latino Fest was June 20-26. She had open office hours on
11 June 27th. She also announced there would be a joint City Council/County Council
12 meeting on June 28th.

13
14 **III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE**
15 **AGENDA)**

16
17 Mayor Worel opened the meeting for any who wished to speak or submit comments on
18 items not on the agenda.

19
20 Deb Hartley, Executive Director for Bridge 21, stated this organization was an affordable
21 housing nonprofit for neuro-diverse intellectually disabled (IDD) people. She stated it
22 was hard for this population to find housing and she felt they needed to be part of the
23 affordable housing conversation.

24
25 Shirin Spangenberg, HPCA, thought it was strange that the parking rates and the
26 revenue share were introduced together, and she looked forward to discussing the
27 issue with Mayor Worel and Council Member Toly.

28
29 Casey Hansen asked for clarification on what was considered a public right-of-way. He
30 was a local musician and he utilized many alleys so he didn't have to go all the way
31 around. A couple weeks ago a security guard attacked him, threw him to the ground and
32 threw him out of the alley. There used to be a stairwell in the alley and he used it for
33 years. The stairs were removed, the gate was broken, and it was south of the veteran's
34 war building. One of the Cabin security guards tackled him. He asked if the City had
35 specified which alleys were public rights-of-way. The Planning Commission couldn't
36 clarify which alleys were rights-of-way. He indicated some businesses owned some of
37 the alleys. Mayor Worel asked City Manager Dias and staff to help Hansen get answers
38 to his questions.

39
40 Mayor Worel closed the public input portion of the meeting.

41
42 **IV) CONSIDERATION OF MINUTES**

1. Consideration to Approve the City Council Meeting Minutes from May 26, 2022:

Council Member Gerber moved to approve the City Council meeting minutes from May 26, 2022. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Council Member Dickey

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute Contracts for Water Quality Consultant Services, in Forms Approved by the City Attorney, with Water Quality & Treatment Solutions, Inc., in an Amount not to exceed \$50,000. and Confluence Engineering Group, LLC, in an Amount Not to Exceed \$50,000:

Council Member Rubell moved to approve the Consent Agenda. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Council Member Dickey

VI) OLD BUSINESS

1. Consideration to Approve Ordinance No. 2022-18, an Ordinance Annexing Approximately 1,200 Acres of Property Located in the Southeast Quinn's Junction Area into the Corporate Limits of Park City, Utah, and Amending the Official Zoning Map of Park City to Zone the Property Recreation and Open Space within the Entry Corridor Protection and Sensitive Land Overlays:

Rebecca Ward, Assistant Planning Director, presented this item. Dias stated many staff and community members had come forward and were impressed with the progress staff had made on the annexation. He thanked staff who worked on this over the last six months. Ward reviewed the process for annexing this parcel and noted the area would be annexed as Recreation and Open Space. There was a lease within the annexation area for a park and ride. The Clark Ranch property was included and Ward noted the purchase included a conservation easement on part of the parcel.

Ward stated the environmental quality was evaluated on the parcel and a portion was designated the Richardson Flat Tailings Impoundment-Operable Unit 1 (OU1). Council Member Gerber asked if annexing would affect the City's ability to request the owner of OU1 to clean up that area. Plane stated the City could make a request, but it had no authority to demand the cleanup. Council Member Gerber asked what the next steps of

1 the property being the boundary were. Ward stated the annexation would be certified by
2 the Lt. Governor.

3
4 Mayor Worel opened the public hearing.

5
6 Landon Allred on behalf of the Town of Hideout stated there was a conflict between this
7 annexation and Hideout's annexation. There were six lawsuits with regard to the
8 annexation dispute. There was a link on Page 204 of the Council packet to Hideout's
9 protest letter, but he wanted to discuss the procedural issues. He explained the statute
10 and process for annexation. The problem with this annexation was the process was
11 defective because the County Clerk did not forward the Hideout protest letter to the
12 Boundary Commission. She determined that Hideout's annexation was invalid.
13 Hideout's annexation was actually valid and that area was already annexed. The
14 annexation was not voided and it was an affected entity and the letter should have gone
15 to the Boundary Commission. The Boundary Commission acted on the assumption the
16 annexation was invalid. So, the Council had no analysis from the Boundary Commission
17 and they didn't have a full land use report. If this was approved, another lawsuit would
18 ensue. Procedure mattered and the procedure for this annexation was wrong. He
19 requested Council pause on approving this.

20
21 Mayor Worel closed the public hearing.

22
23 Margaret Plane, City Attorney, stated there had been six lawsuits for a while. Park City
24 followed the statutory process. There were two lawsuits currently in the Fourth District
25 Court and Hideout and Summit County, and the Hideout Annexation was voided as of
26 two hours ago. An appeal could be made to the higher courts. There was another
27 lawsuit with Summit County and Brockbank, which was not with Larry H. Miller, on the
28 Flagstaff Development Agreement which stated the area was designated as recreation
29 and open space. Summit County prevailed on that lawsuit. Summit County Clerk Eve
30 Furse used her authority to determine if protests were valid and only one of four letters
31 was valid. That protest went to the Boundary Commission and the commission
32 determined the protest was invalid. It was appealed and the District Court upheld the
33 decision. The decision was appealed to the Court of Appeals and the stay was denied.
34 There was a suit if Furse had the authority and it was making its way through the
35 system. Process and substance mattered, and the City was working in good faith to
36 annex the property. The recommendation was to consider this now and there were no
37 legal barriers from approving the annexation.

38
39 Council Member Doilney moved to approve Ordinance No. 2022-18, an ordinance
40 annexing approximately 1,200 acres of property located in the Southeast Quinn's
41 Junction area into the corporate limits of Park City, Utah, and amending the Official
42 Zoning Map of Park City to zone the property Recreation and Open Space within the
43 Entry Corridor Protection and Sensitive Land Overlays. The area was already subject to

the Flagstaff Development Agreement and the open space acquisition restrictions. The Council determines that under the circumstances of the annexation, the conditions of Land Management Code Section 15-8-5 do not apply and no other agreement is necessary. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Council Member Dickey

VII) NEW BUSINESS

1. Consideration to Set the Date of June 23, 2022, for a Public Hearing on Ordinance 2022-20, an Ordinance Establishing Compensation for the Elected and Statutory Officers for FY 2023:

Penny Frates, Budget Analyst, and Sarah Mangano, Human Resources Director, presented this item. Frates noted the wages for statutory officers and the Council and Mayor were increasing 10.33%.

Council Member Doilney explained the Council had flexibility to give officers raises, subject to performance reviews, education, certifications, etc. The ranges were set to be equal to peer communities. Council Member Rubell asked what metrics were available for the actual salary increases. Frates stated that wasn't set yet. After the actual pay was established, she could return with an average.

Council Member Toly asked if Council wages were similar to Summit County officials. Frates indicated she would return with those numbers. Council Member Rubell asked if the increase in health benefits was due to the insurance cost increase, to which Frates affirmed.

Mayor Worel opened the public hearing. No comments were given. Mayor Worel closed the public hearing.

Council Member Rubell did not support the elected officials' pay increase and felt as leadership, he would rather see the money going to the employees earning at the bottom of the spectrum. He preferred to have an increase next year, after observing what happened over this next year with attracting and retaining employees. He supported the raises for statutory officers and the increase in health insurance for Council.

Council Member Gerber stated the Mercer study tried to make the pay attractive for those who needed it and for future councils. There had been a discussion on whether Council members had a more time-consuming job. Council Member Rubell suggested tabling the raise this year and discussing it next year before the election. Council

Member Gerber thought passing a smaller percentage now would be better than approving a 13% pay increase next year, especially if there was a downturn. Frates stated they wanted to stay consistent across the board. Council Member Toly stated this was not a part-time job and Council should be paid commensurate to their work. Council Member Doilney indicated it was hard to look at compensation for yourself. He hoped to see many candidates for City Council and the pay could make a difference. He was interested to see what other Council members earned in other jurisdictions. If people ran for office who had the time, a living wage could help gain interest from other groups who needed a full-time job.

Mayor Worel stated the Council wage was what was recommended a few years ago and she asked for a blue-ribbon commission to reconvene. The majority of Council favored moving forward with both raises. Council Member Rubell disagreed.

Council Member Gerber moved to set the date of June 23, 2022, for a public hearing on Ordinance 2022-20, an ordinance establishing compensation for the elected and statutory officers for FY 2023. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Council Member Dickey

2. Discuss 9th Street Stairs Capital Project:

Matt Twombly, Senior Project Manager, and Michelle Downard, Resident Advocate, presented this item. Twombly reviewed the history of how the City was platted and how the east/west rights-of-way were actually hills too steep to use as roads. He displayed a map showing the three levels of stairs that would improve walkability. The plan was to break up the construction into two phases. The issue with the 9th Street Stairs was 8th Street and Crescent Tram, since the street was narrow and steep with many driveways, which made it difficult for pedestrians. Ninth Street was not accessible in the winter, and there was no off-street parking.

Twombly stated the stairs were four feet wide and there was room for wildlife and possibly a bike trail alongside them. On 6th Street, there was a ramp on the side of the stairs so bikers could push their bikes alongside the stairs instead of carrying the bikes. He noted the outreach efforts made with onsite and zoom meetings and the Spring Projects Open House. The input on the project was mixed. Some concerns raised were a lack of open space and reduced privacy. Supportive residents asserted the stairs would increase walkability in the area.

Twombly noted there would be a budget request for snow removal next budget year. He gave options if Council decided not to construct the stairs on 9th Street.

1 Council Member Doilney asked what the reason was for constructing the stairs in two
2 phases. Twombly stated funding was a big reason. Also, the upper section of 9th Street
3 had many utilities and a different approach would be taken for those stairs, such as
4 using concrete instead of footings. Council Member Doilney asked if there would be a
5 benefit for completing both phases at the same time. He wanted to minimize the
6 construction impacts and stated the walkability in the area was lacking. Twombly stated
7 he did not have firm estimates for the project, but he knew it would be expensive.
8 Council Member Toly noted a lot next to the proposed stairs was for sale so there could
9 be simultaneous construction.

10
11 Mayor Worel opened the item for public input.

12
13 Jody Whitesides lived in the area and he thought it would be nice to have the stairs. He
14 was instrumental in making Crescent a one-way street because the road was so
15 narrow. He thought 8th Street should be completed too. There was a footpath on 9th
16 Street so it made sense to put stairs there. Also on 10th Street between Norfolk and
17 Empire, the street was starting to slide and it was pushing the stairs out.

18
19 Ed and Annette Keller via Zoom, were opposed to the stairs. It was one of the few
20 remaining open spaces where children could play and wildlife could traverse. The
21 people walking to go skiing walked on Norfolk Avenue, Woodside Avenue, or Crescent
22 Tram. He doubted many people would carry skis to the 9th Street stairs if they wanted to
23 go to the Main Street area because it was 75 yards out of the way. They wanted to
24 know the percentage of comments that were favorable to putting up the stairs.

25
26 Cheryl Soshnik via Zoom, stated many people were going up the 10th Street stairs or
27 were walking on the street. It made sense to construct the 9th Street stairs for safety and
28 walkability reasons. Since COVID, there had been an increase in people walking around
29 town. It was very needed.

30
31 Maria McNulty eComment: "In reviewing the packet, I don't see any mention of the in-
32 person meeting that was help with you and Matt on May 4. At that meeting, there were
33 4 old town residences represented, of this 3 lived right on 9th street. Those three asked
34 to go on record in opposition to the stairs. During this meeting we discussed at length
35 the opposition to implementing stairs on 9th between Woodside and Norfolk, if there is
36 not a comprehensive plan (or even understanding the feasibility) for stairs all the way to
37 Empire; and further, we discussed the use of signage and other traffic calming
38 measures BEFORE building stairs. Apologies if I missed anything in the packet in
39 reference to this, but if the meeting notes are missing, will they be added? I also failed
40 to see my correspondence dated May 17 (attached.). I was told they would be shared
41 with Council. Again, apologies if I missed this in the packet, however I would like
42 confirmation that my opposition to the 9th street stairs has been noted by Council.
43 During our May 4 meeting, we were assured that should the stairs be approved on 9th

1 street that there would still be ample green space for animals, kids and mountain bikers.
2 I have immense concern around this. Simply looking at how homes have landscaped
3 the land alongside other sets of stairs (see images below) demonstrates that not only is
4 there no access for other users, it further underscores the need to maintain this
5 important remaining green corridor (9th street).”

6
7 Mayor Worel closed the public input for this item.

8
9 Council Member Doilney supported moving forward but wanted staff to explore the idea
10 of doing it all at once. Council Member Gerber indicated there were several applications
11 from residents to use the 9th Street stairs property for driveways and she wanted it
12 preserved for stairs. She thought it would be great if it could all be completed at the
13 same time. She favored planting vegetation to help with privacy for the residents.

14
15 Council Member Rubell asked if the stairs would be installed on an easement. Twombly
16 stated it was an undeveloped right-of-way. Council Member Rubell agreed with Council
17 Member Doilney and thought it was a safety issue and should be completed as soon as
18 possible.

19
20 Council Member Toly indicated Treasure Hill was a great hiking area and had only a few
21 parking spots. People going to the trail used Crescent Tram and the stairs would help
22 pedestrians get there. She hoped to see signage for all the City stairs. There also
23 needed to be more "No Parking" signs. She hoped to see a solution for cars on 8th
24 Street since that street was so narrow. She agreed with Council Member Doilney to
25 complete both phases simultaneously.

26
27 Downard reiterated there was mixed feedback and asked Council if they supported
28 mitigation efforts for those living directly next to the stairs. Council agreed. Council
29 Member Rubell stated the City's responsibility was to provide safe access, and being a
30 good neighbor was nice. He didn't want to hear from staff that the stairs could not be
31 completed because of landscaping next to the neighbors. Council Member Doilney
32 agreed and suggested having connections to homes from stairs or masking was nice,
33 but he wanted to be consistent.

34
35 Council Member Toly asked if this was the last project for stair connectivity. Twombly
36 stated this was the last area where stairs could go. The upper Main Street area was
37 completed. She asked why stairs couldn't be constructed on 8th Street. Twombly stated
38 the width was an issue for that right of way but he could look at it to see how much room
39 there was.

40
41 **3. 2021 Annual Drinking Water Quality Consumer Confidence Report:**

42 Michelle DeHaan, Water Quality Manager, reviewed the State law that required the City
43 to provide an annual water quality report to all residents. Several Public Utilities staff

introduced themselves. DeHaan indicated over the last 10 years, the City constructed several water treatment plants to ensure pure water. There was state of the art treatment technologies, there was continuous water monitoring, and the City had good regional partners. She noted the 3Kings Water Treatment Plant would begin providing water this summer. She reviewed the City's different plants and the different technologies needed for treatment at each one. One challenge was the salt content from wells around the City. This was slightly above the State limit and the City was involved in discussions with the State.

DeHaan discussed efforts going forward, including the 3Kings Water Treatment Plant, ice pigging, a pilot program with homeowners to determine the evidence of copper and lead pipes, and being proactive with chemicals detected in groundwater wells. The Utah Division of Water would come out with regulations on the chemicals and would set a limit for these chemicals in the water supply.

Council Member Rubell referred to the immunocompromised section of the report, and asked for information on cryptosporidium. DeHaan stated the Environmental Protection Agency (EPA) required the table that was published include compounds detected, but cryptosporidium was not detected. Council Member Rubell asked if the customer meter site evaluation was live. DeHaan stated it was a pilot program to gather information from homeowners. The public side would be harder because the City would have to dig.

Council Member Gerber was glad the PFAS chemical was discussed because it was in the news a lot, and she asked if washing a nonstick pan would put the chemical into the water supply. DeHaan stated large water systems monitored for PFAS, but detection levels were much higher. Now monitoring could be detected at lower levels. Utah was monitoring groundwater wells and they were not detecting the chemicals. Council Member Doilney stated the chemical was found in three wells, and asked what the mitigation would be. DeHaan indicated they would wait for a determination from the EPA. They didn't know if the levels found were above what the EPA would set as a limit. It needed to be assessed before a determination was made. McAfee stated part of the pipeline project included blending water sources so there were many options available. Council Member Toly stated part of the process was to educate the public not to buy the products.

4. Consideration to Approve an Economic Development Grant Contract for \$10,000 for Wild Events, LLC:

Jonathan Weidenhamer and Ellie Cutting, Wild Events, were present for this item. Weidenhamer stated there was money in the current budget and this was a case for community. The business provided a service not met in the community. The applicant requested \$20,000, but the recommendation was to grant \$10,000. Cutting lived in Park City for eight years and worked in events for the past 10 years. She started her event

company because she had seen a demand for tabletop rentals. She had done 31 events so far this year and had 65 bookings in the next few months.

Mayor Worel asked if this was a franchise, to which Cutting stated no, but she would travel to other locations. Mayor Worel asked if she picked up the tableware, to which Cutting stated she did at times. Council Member Gerber reviewed that grants historically were geared to bring people to the City. Now the focus was people here who wanted to expand and grow their business. Council Member Toly asked what the marketing strategy was for bringing in more clientele. Cutting stated she knew people in town who referred her.

Mayor Worel opened the item for public input. No comments were given. Mayor Worel closed the public input portion of the item.

Council Member Doilney stated businesses like this made Park City feel like a small town and he liked to help these entrepreneurs. Council Member Toly agreed and stated she liked the small businesses and didn't want everything to turn corporate.

Council Member Doilney moved to approve an economic development grant contract for \$10,000 for Wild Events, LLC. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Council Member Dickey

VIII) ADJOURNMENT

PARK CITY REDEVELOPMENT AGENCY MEETING

I) ROLL CALL

Attendee Name	Status
Chair Nann Worel Board Member Max Doilney Board Member Becca Gerber Board Member Jeremy Rubell Board Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
Board Member Ryan Dickey	Excused

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

Chair Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda. No comments were given. Chair Worel closed the public input portion of the meeting.

III) NEW BUSINESS

1. Consideration to Approve an Economic Development Grant Contract for \$20,000 for Alpine Distilling:

Jonathan Weidenhamer and Sara Sergent, Alpine Distilling, presented this item. Weidenhamer asked for a grant to offset costs from tenant improvements as Alpine Distilling relocated from the basement into their storefront. He noted when the City needed hand sanitizer, Sergent and her family worked to make it for the City.

Sergent stated the Alpine Pie Bar and Distilling was in line with community values: they opened their space to nonprofits when they weren't open, and they employed diverse people in their business.

Board Member Rubell asked about water impact fees and the benefits of moving into the City. Sergent stated when they operated in Silver Creek, the impact fee was \$4,805.56, and it would be \$66,000 in the City limits which they got reduced to \$58,000. She wanted to make sure they could accommodate their team.

Chair Worel opened the item for public input. No comments were given. Chair Worel closed the public input portion of the item.

Board Member Doilney stated it wasn't often where members of the community embodied the word community. The Sergents had been givers since they came to the City. The grant process showed they were participating in every way. Board Member Rubell agreed and stated in looking forward, the program needed to look at what the City was trying to accomplish to attract businesses and what barriers existed that prevented businesses from moving to the community.

Board Member Rubell moved to approve an economic development grant contract for \$20,000 for Alpine Distilling. Board Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Board Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Board Member Dickey

IV) ADJOURNMENT

1 With no further business, the meeting was adjourned.

2

3

4

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Enter into a Professional Services Agreement in a Form Approved by the City Attorney with American Mailing Services for Daily Courier Services in an Amount Not to Exceed \$250,000

Suggested Action:

Attachments:

[Courier Services Staff Report](#)

[Exhibit A: Scope of Services](#)

City Council Staff Report



Subject: Daily Courier Services Contract
Author: Mindy Finlinson, Finance Manager
Department: Finance
Date: July 21, 2022
Type of Item: Consent – Award of Contract

Recommendation

Review and consider approving a professional services agreement, in a form approved by the City Attorney, with American Mailing Services for daily courier services not to exceed \$250,000 over a five-year term.

The approximate amount of the courier service for a five-year term is \$224,000. The amount is approximate because while some of the prices are fixed monthly fees (i.e. mail pick-up and delivery), some fees are a not to exceed price and the volume of each type of transaction can vary. For example, the number of metered mail pieces and deposits can vary during the month depending on the volume of official City business. Examples include public noticing, business license renewals, transit postcards and mailings, and the vast majority are mandated by State law.

Background

The City uses a contractor to provide daily courier services between seven (7) City offices, one (1) post office, and one (1) banking location to execute timely delivery of postal mail, interoffice mail, deposits, and change orders to and from each respective location. On [June 26, 2018](#), City Council approved the courier services contract that is set to expire on August 31, 2022. The amount was not to exceed \$350,000.

Analysis

- On June 15, 2022 the City posted a Request for Proposal (RFP) for daily courier services. The City also advertised the RFP in the local newspaper on June 18th and 22nd.
- The City received one response from American Mailing Services. The provider that submitted a proposal met the following required conditions:
 - o Ability to provide the required services,
 - o Previous experience providing similar services,
 - o Ability to meet the insurance, bonding, equipment and staffing requirements.
- The cost of the proposed services increased by approximately \$400 per month. This increase is due primarily to the increase in fuel prices.
- Staff met internally to review the proposal and unanimously decided to award the contract to American Mailing Services, our current courier service provider. The decision was based on several factors, including, but not limited to: the provider's ability to provide the required services, qualifications, and experience.

- The term of the contract will be a five-year term commencing September 1, 2022.

Department Review

Executive, Legal and Finance Departments have reviewed this report

Funding Source

Funding is already allocated in Departmental annual budgets.

Exhibits

Exhibit A: Scope of Services

**PARK CITY MUNICIPAL CORPORATION
SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT**

This Service Provider/Professional Services Agreement (the "Agreement") is made and entered into as of this ____ day of _____, 20__, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and _____, a _____, ("Service Provider"), collectively, the City and the Service Provider are referred to as (the "Parties)."

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities;

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the Parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "**Exhibit A**" and incorporated herein (the "Project"). The total fee for the Project shall not exceed _____ Dollars (\$_____).

The City has designated _____, or his/her designee as City's Representative, who shall have authority to act on the City's behalf with respect to this Agreement consistent with the budget contract policy.

2. **TERM.**

No work shall occur prior to the issuance of a Notice to Proceed which cannot occur until execution of this Agreement, which execution date shall be commencement of the term and the term shall terminate on _____ or earlier, unless extended by mutual written agreement of the Parties.

3. **COMPENSATION AND METHOD OF PAYMENT.**

- A. Payments for services provided hereunder shall be made monthly following the performance of such services.
- B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.
- C. For all "extra" work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as "**Exhibit B,**" or if none is attached, as subsequently agreed to by both Parties in writing.
- D. The Service Provider shall submit to the City Manager or her designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.
- E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.
- F. Service Provider acknowledges that the continuation of this Agreement after the end of the City's fiscal year is specifically subject to the City Council's approval of the annual budget.

4. **RECORDS AND INSPECTIONS.**

- A. The Service Provider shall maintain books, records, documents, statements, reports, data, information, and other material with respect to matters covered, directly or indirectly, by this Agreement, including (but not limited to) that which is necessary to sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement, and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement.

- B. The Service Provider shall retain all such books, records, documents, statements, reports, data, information, and other material with respect to matters covered, directly or indirectly, by this Agreement for six (6) years after expiration of the Agreement.
- C. The Service Provider shall, at such times and in such form as the City may require, make available for examination by the City, its authorized representatives, the State Auditor, or other governmental officials authorized by law to monitor this Agreement, all such books, records, documents, statements, reports, data, information, and other material with respect to matters covered, directly or indirectly, by this Agreement. The Service Provider shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly or indirectly to this Agreement.
- D. The City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code, 1953, as amended and Park City Municipal Code Title 5 ("GRAMA"). All materials submitted by Service Provider pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure rests solely with Service Provider. Any materials for which Service Provider claims a privilege from disclosure based on business confidentiality shall be submitted marked as "confidential - business confidentiality" and accompanied by a concise statement from Service Provider of reasons supporting its claim of business confidentiality. Generally, GRAMA only protects against the disclosure of trade secrets or commercial information that could reasonably be expected to result in unfair competitive injury. The City will make reasonable efforts to notify Service Provider of any requests made for disclosure of documents submitted under a claim of confidentiality. Service Provider specifically waives any claims against the City related to any disclosure of materials pursuant to GRAMA.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

- A. The Parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

- B. In the performance of the services herein contemplated, the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. HOLD HARMLESS INDEMNIFICATION.

- A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's negligent performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the Parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.
- B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

- A. General Liability insurance written on an occurrence basis with limits no less than One Million Dollars (\$1,000,000) per occurrence and Three Million Dollars (\$3,000,000) aggregate for personal injury, bodily injury and property damage.

The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63G-7-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

- B. Automobile Liability insurance with a combined single limit of not less than Two Million Dollars (\$2,000,000) each accident for bodily injury, death of any person, and property damage arising out of the ownership, maintenance, and use of owned, hired, and non-owned motor vehicles. This policy must not contain any exclusion or limitation with respect to loading or unloading of a covered vehicle.
- C. Professional Liability (Errors and Omissions) insurance (if applicable) with annual limits no less than One Million Dollars (\$1,000,000) per occurrence. Service Provider agrees to continue to procure and maintain professional liability insurance coverage meeting these requirements for the applicable period of statutory limitation of claims (or statute of repose, if applicable) after the project completion or termination of this Agreement.

If written on a claims-made basis, the Service Provider warrants that the retroactive date applicable to coverage precedes the effective date of this agreement; and that continuous coverage will be maintained for an extended reporting period endorsement (tail coverage) will be purchased for a period of at least three (3) years beginning from the time that work under this agreement is complete.

- D. Workers Compensation insurance and Employers Liability coverage with Workers Compensation limits complying with statutory requirements, and Employer's Liability Insurance limits of at least One Million Dollars (\$1,000,000) each accident, One Million Dollars (\$1,000,000) for bodily injury by accident, and One Million Dollars (\$1,000,000) each employee for injury by disease.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of Park City Municipal Corporation for all work performed by the Service Provider, its employees, agents and subcontractors.

- E. Crime Insurance or a Fidelity Bond covering employee theft and dishonesty with limits no less than Twenty-Five Thousand Dollars (\$25,000) per occurrence.
- F. Park City Municipal Corporation, its officers, officials, employees, and volunteers are to be covered as additional insureds on general liability and auto liability insurance policies, with respect to work performed by or on behalf of the Service Provider including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance.
- G. Should any of the above described policies be cancelled before the expiration date thereof, Service Provider shall deliver notice to the City within thirty (30) days of cancellation. The City reserves the right to request certified copies of any required policies.
- H. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- I. For any claims related to this Agreement, the Service Provider's insurance coverage shall be primary insurance coverage with respect to Park City Municipal Corporation, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by Park City Municipal Corporation, its officers, officials, employees, or volunteers shall be excess of the Service Provider's insurance and shall not contribute with it.

9. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS AND WARRANTIES.

- A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs

and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

- B. Unless otherwise exempt, the Service Provider is required to have a valid Park City business license.
- C. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.
- D. If this Agreement is entered into for the physical performance of services within Utah, the Service Provider shall register and participate in E-Verify or an equivalent program. The Service Provider agrees to verify employment eligibility through E-Verify, or an equivalent program, for each new employee that is employed within Utah, unless exempted by Utah Code § 63G-12-302.
- E. Service Provider shall be solely responsible to the City for the quality of all services performed by its employees or sub-contractors under this Agreement. Service Provider hereby warrants that the services performed by its employees or sub-contractors will be performed substantially in conformance with the standard of care observed by similarly situated companies providing services under similar conditions.

11. NONDISCRIMINATION.

Any Service Provider that enters into an agreement for goods or services with Park City Municipal Corporation or any of its boards, agencies, or departments shall:

- A. Implement an employment nondiscrimination policy prohibiting discrimination in hiring, discharging, promoting or demoting, matters of compensation, or any other employment related decision or benefit against a person otherwise qualified, because of actual or perceived race; color; sex; pregnancy, childbirth, or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; disability; sexual orientation; gender identity; genetic information; or military status.
- B. In the performance of this Agreement, Service Provider shall not discriminate on account of actual or perceived race; color; sex; pregnancy, childbirth, or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; disability; sexual orientation; gender identity; genetic information; or military status.
- C. Incorporate the foregoing provisions in all subcontracts or assignments hereunder and take such actions as may be required to ensure full compliance with the provisions of this policy.

12. ASSIGNMENTS/SUBCONTRACTING.

- A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment. Any assignment made without the prior express written consent of the City, as required by this paragraph, shall be deemed null and void.
- B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.
- C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.
- D. Each subcontractor that physically performs services within Utah shall submit an affidavit to the Service Provider stating that the subcontractor has used E-Verify, or an equivalent program, to verify the employment status of each new employee, unless exempted by Utah Code § 63G-12-302.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both Parties. Such amendments shall be attached to and made part of this Agreement.

14. PROHIBITED INTEREST, NO THIRD PARTY RIGHTS AND NO GRATUITY TO CITY EMPLOYEES.

- A. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.
- B. Nothing herein is intended to confer rights of any kind in any third party.
- C. No City employee who has procurement decision making authority and is engaged in the procurement process, or the process of administering a contract, may knowingly receive anything of value including but not limited to gifts, meals, lodging or travel from anyone that is seeking or has a contract with the City.

15. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

- A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.
- B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.
- C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary, for performing the services herein.

16. TERMINATION.

- A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days' written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.
- B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days' written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

17. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the Parties below. Notice is effective upon the date it was sent, except that a notice of termination pursuant to Paragraph 16 is effective upon receipt. All reference to “days” in this Agreement shall mean calendar days.

18. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in connection with that action or proceeding.

19. JURISDICTION AND VENUE.

- A. This Agreement has been and shall be construed as having been made and delivered within the State of Utah and it is agreed by each party hereto that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance.
- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

20. SEVERABILITY AND NON-WAIVER.

- A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
- B. If it should appear that any provision hereof is in conflict with any statutory provision of the State of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.
- C. It is agreed by the Parties that the forgiveness of the non-performance of any provision of this Agreement does not constitute a subsequent waiver of the provisions of this Agreement. No waiver shall be effective unless it is in writing and signed by an authorized representative of the waiving party.

21. ENTIRE AGREEMENT.

The Parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both Parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both Parties recognize time is of the essence in the performance of the provisions of this Agreement.

22. COUNTERPARTS.

This Agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.

23. ELECTRONIC SIGNATURES.

Each party agrees that the signatures of the parties included in this Agreement, whether affixed on an original document manually and later electronically transmitted or whether affixed by an electronic signature through an electronic signature system such as DocuSign, are intended to authenticate this writing and to create a legal and enforceable agreement between the parties hereto.

IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION, a
Utah municipal corporation
445 Marsac Avenue
Post Office Box 1480
Park City, UT 84060-1480

Matt Dias, City Manager

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

SERVICE PROVIDER NAME

Address:

Address:

City, State, Zip:

Tax ID#: _____
PC Business License# BL_____

Signature

Printed name

Title

I declare under criminal penalty under the law of Utah that the foregoing is true and correct. Signed on the ____ day of _____, 20____ at _____ (insert State and County here).

Printed name _____

Signature: _____

Exhibit “A”

Scope of Services

1. The contractor shall execute the assigned pick-ups and deliveries between divisional locations each working day, Monday through Friday, excluding any City holidays.
2. PCMC will provide the contractor money bags and documents in protective envelopes/bags. The contractor shall provide secure transport of all items. The contractor shall not remove any materials from their packaging at any time. The contractor shall keep all contents secure at all times and shall take all necessary precautions to protect against theft, loss, or damage.
3. The contractor shall execute the pick-up from each location no earlier than 8:00 a.m. and shall execute delivery to each location no later than 4:30 p.m. the same day.
4. The contractor shall pick-up all outgoing USPS mail from City Hall no later than 4:30 p.m. the same day. The contractor shall seal envelopes and affix postage, if applicable. Postage should be tracked and billed by department. All mail should be to the local post office no later than the following business day.
5. The contractor may be required to fold and stuff envelopes for larger mailing requirements, i.e., in August/September for business license renewals. PCMC will provide sufficient notice of these large mailings to the contractor. Charges should be tracked and billed by department.
6. The contractor shall sign for all deposits/change orders upon pick-up and delivery. The contractor shall obtain the signature of the banking personnel to verify receipt. The contractor shall then return the signed documents to the Finance office the following business day. Charges should be tracked and billed by department.
7. The contractor shall have crime insurance or a fidelity bond covering employee dishonesty and theft with limits no less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence.
8. The contractor shall provide all equipment, material, and labor necessary to perform the requirements of the contract, including providing and maintaining vehicles necessary to meet the requirements of the courier services. The contractor shall take all action necessary to protect its own and PCMC’s furnished materials, supplies, equipment and personal property of its employees from loss, damage, or theft.
9. Contractor’s couriers shall be subject to a background check.

10. The contractor shall provide the highest level of professionalism including performance, security, and conduct.
11. The contractor shall manage the total work effort associated with the services and equipment required herein to fully assure timely execution of the requirements.
12. Sufficient staffing levels are necessary to provide uninterrupted, timely, and reliable services to the City. The proposer must submit evidence of staffing available that can meet and be responsive to the daily scheduled services.
13. The contractor shall ensure each mail courier driver employed by the Proposer:
 - a. Possesses a valid and appropriate Utah Driver's license for the type of vehicles being driven.
 - b. Possess and present upon request a copy of current vehicle registration and have valid vehicle insurance coverage within required limits.
14. The contractor shall invoice monthly in arrears. Payment terms are NET30 upon receipt of approved invoice. Contractor shall submit invoices electronically to PCMC's Finance Department or hard copies via USPS to:

Park City Municipal Corporation
Attn: Accounts Payable
PO Box 1480
Park City, Utah 84060

15. The term of the contract will be five (5) years.
16. Upon award of a contract, PCMC may schedule a kick-off meeting.
17. Place of performance includes the following seven (7) City locations:
 1. City Hall (Finance)
445 Marsac Avenue
Park City, UT 84060
 2. Police Department
2060 Park Avenue
Park City, UT 84060
 3. Golf Course
1541 Thaynes Canyon Drive
Park City, UT 84060
 4. Library
1255 Park Avenue
Park City, UT 84060

5. PC MARC (Recreation)
1200 Little Kate Road
Park City, UT 84060
6. Public Works
1053 Ironhorse Drive
Park City, UT 84060
7. Ice Arena
600 Gillmor Way
Park City, UT 84060

United State Post Office location:
450 Main Street
Park City, UT 84060

Zions Bank Branch location:
1100 Snow Creek Drive
Park City, UT 84060

Service Description Summary			
Meter outgoing mail daily, take any mail that requires special handling to the office. Track all outgoing postage costs to the 20 separate departments for billing. Prepare an itemized list of all postage costs by department monthly.			
Library has 2 additional PO Boxes in Old Town that is picked up and delivered to the Library Monday-Friday			
Provide all departments with tri-copy deposit slips and change order slips.			

**Exhibit “A” Continued –
Courier Services Bid Form**

Service Description Summary	Monthly Average	Item Cost	Monthly Cost	Annual
Daily Mail Pickup and Delivery (M-F, excluding Holidays)				
City Hall	21.5	\$	\$ 455.00	\$ 5,460.00
Ice Arena	21.5		280.00	3,360.00
Golf Course (PO Box)	21.5		120.00	1,440.00
Golf Course (Seasonal <u>7 months only</u>)	21.5		180.00	1,260.00
PC MARC (Recreation)	21.5		348.00	4,176.00
Library (interoffice and PO Boxes)	21.5		420.00	5,040.00
Public Works	21.5		348.00	4,176.00
Police	21.5		348.00	4,176.00
Change Orders (based on monthly average)				
City Hall	1	8.00	8.00	96.00
Ice Arena	1	9.75	9.75	117.00
PC MARC (Recreation)	4	8.50	34.00	408.00
Public Works	1	8.00	8.00	96.00
Deposits (based on monthly average)				
City Hall	15		120.00	1,440.00
Ice Arena*	23		225.00	2,700.00
PC MARC (Recreation)*	40		255.00	3,060.00
Library	7		66.50	798.00
Public Works	20		185.00	2,220.00
Affix Postage and Mail (based on monthly average)				
City Hall	2800		350.00	4,200.00

EXHIBIT “B”

Payment Schedule for “Extra” Work

See Exhibit A for item cost.

Council Agenda Item Report

Meeting Date: July 21, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize a Contract with Kimley-Horn Transportation Consultants in the Amount of \$48,200, in a Form Approved by the City Attorney for the Thaynes Canyon Parking Study

Suggested Action:

Attachments:

[Thaynes Canyon Parking and Transportation Demand Management Study Staff Report](#)

[Exhibit A: Thaynes Canyon Parking Study Proposal](#)



City Council Staff Report

Subject: Hotel Park City/Thaynes Canyon Parking and Transportation Demand Management Study
Author: Heinrich Deters
Department: Sustainability
Date: July 21, 2022
Type of Item: Administrative – Award of Contract

Recommendation

Authorize the City Manager to execute a Professional Service Agreement in a form approved by the City Attorney's Office with Kimley-Horn Transportation Consultants for the Hotel Park City/Thaynes Canyon Parking and Transportation Demand Management Study, not to exceed \$48,200. The cost will be shared between Hotel Park City and the Municipal Golf Course.

Background

As part of the [April 28, 2022 White Pine Concessionaire Update](#), Council asked for a review of the informal overflow parking along Thaynes Canyon Drive and to explore short and long-term solutions under a temporary parking management plan. [April 28, 2022 Minutes \(page 7\)](#)

Analysis

Since April 28, numerous short-term parking strategies were implemented to mitigate use impacts. Strategies include 'roping off' the informal parking area when overflow parking is not necessary, additional signage, enhanced parking enforcement, and promotional incentives for golf patrons to use transit, carpool, or ride bikes. A [Project Website](#) containing parking information and the ability to provide public comment was also created, and City teams held a public open house at the driving range. The remaining step in developing a long-term strategy is to secure a professional transportation study.

Below is a high-level overview of the study:

Task 1: Supply/Demand Analysis

Complete a parking supply/demand analysis, which includes an assessment of current conditions, and a background review of special events frequency and attendance. Review and take into consideration planning approvals, staff reports, and litigation associated with the project area and any ancillary issues such as golf cart parking.

Task 2: Parking Management Strategies

Complete a review of current on-site and overflow parking operations during site visits and supplement findings with information supplied by the hotel and vendors. Based on industry best practices, make recommendations to improve current operations to help mitigate overflow parking.

Task 3: Transportation Demand Management (TDM) Strategies

Complete a review of current on-site and nearby transit options, the hotel and other operational TDM plans, and strategies that might be applied (or applied differently) to improve more efficient parking management.

Task 4: Parking Expansion Options and Feasibility Analysis

Exploration and feasibility of parking expansion options.

Department Review

The City Manager, Sustainability, Transportation Planning, and Executive Departments have reviewed this report.

Funding

Funding for the study will be split evenly between the City Transportation Planning Budget and Hotel Park City.

Exhibits

Exhibit A- Kimley- Horn Proposal and Scope of Services



June 30, 2022

Ms. Caitlyn Tubbs, AICP
Senior Transportation Planner
Park City Municipal Corporation
445 Marsac Avenue, PO Box 1480
Park City, UT 84060

Re: ***On-Call Scope and Fee Proposal, Thayne's Canyon Drive and Hotel Park City Parking Study, Park City, Utah***

Dear Ms. Tubbs:

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this On-Call Scope and Fee Proposal to **Park City Municipal Corporation** ("PCMC" or "Client") to provide parking study professional services for the project area including Thayne's Canyon Drive and Hotel Park City (collectively, the "Site"). This proposal is in response to the Proposed Scope of Work ("Scope") document provided by the Client on June 17, 2022, which is included as Attachment A.

Our project understanding and general approach are described below. This narrative is intended to describe our approach generally and supplement or clarify the detailed tasks already included in the Scope. Our fee proposal encompasses the project tasks as outlined herein.

PROJECT UNDERSTANDING

Per the Scope provided by the Client, and based on our clarifying conversation on 06/24/2022, we understand that the Client is interested in addressing a current overflow parking issue that is occurring along Thayne's Canyon Drive, between Park Ave. and Three Kings Dr., just to the west of the Hotel Park City. The overflow parking conditions are generated during certain peak activity periods when the hotel parking lot is filled and/or when visitors would like to park closer to the driving range for convenient access to winter activities such as cross-country skiing. It is unclear how frequently the overflow parking condition occurs, though peak periods are generally associated with special events such as weddings and golf tournaments, and the afore-mentioned winter season events.

The overflow parking has become a potential issue for the City and a nuisance for nearby residents. Parking on the shoulder of this road is also in violation of PCMC Land Management Code (LMC).

The proposed Scope of Services is directed at quantifying how often the overflow parking is occurring and exploring options to mitigate this overflow. Mitigation options might include developing new surface parking sources and/or pursuing more aggressive (or modified) application of the hotel's Transportation Demand Management (TDM) programs.

Based on our project understanding, we will provide the following scope:

SCOPE OF SERVICES

Task 1: Supply/Demand Analysis

Kimley-Horn will complete the parking supply/demand analysis as outlined in the proposed scope of work (Scope) which includes an assessment of current conditions, a background review of special events frequency and attendance, and a draft and final report on exiting parking conditions.

Scope clarifications and modifications include the following:

- To document baseline conditions, Kimley-Horn will conduct up to three (3) site visits to collect parking occupancy data during the month of July or August. Conditions to be observed will include one typical Saturday afternoon, and up to two other special events, such as weddings or tournaments. Dates will be identified in collaboration with PCMC. Parking supply (usable capacity) and demand counts will be collected during each site visit along with general observations.
- Kimley-Horn will provide an initial request for information (RFI) to the Client to collect data such as the hotel program (square footages and land uses), entitlement documents, hotel TDM plan and parking strategy, and a list of events and their attendance. This RFI will be distributed by the Client with program and relevant planning department information provided by the Client.
- Kimley-Horn attend up to three (3) virtual meetings / calls with hotel events staff and on-site events vendors to clarify any questions related to events. Contacts for these calls will be provided by the Client.
- Reports and other deliverables specific in the Scope will be prepared by Kimley-Horn.
- A total of up to five (5) virtual meetings/calls are included in our fee proposal including a kick-off meeting and a Task 1 review meeting with the Client.

Task 2: Parking Management Strategies

Per the Scope, Kimley-Horn will complete a review of current on-site and overflow parking operations during site visits and supplemented by information supplied by the hotel and vendors. Based on industry best practices, Kimley-Horn will make recommendations to potentially improve current operations to help mitigate spill over parking and in support of the hotel's TDM plan and other Client goals and objectives.

Scope clarifications and modifications include the following:

- Task 2 reports and review calls will be combined with Task 1 to condense the project schedule. Otherwise, Task 2 will include up to one (1) additional virtual meeting/call with the Client.

Task 3: TDM Strategies

Per the Scope, Kimley-Horn will complete a review of current on-site and nearby transit options, the hotel's TDM plan, and strategies that might be applied (or applied differently) to improve effectiveness. These will be documented in a task report (combined with prior tasks).

Scope clarifications and modifications include the following:

- Existing transit ridership statistics will not be analyzed unless the Client can provide information specific to boardings and alightings at nearby transit stops.
- Task 3 reports and review calls will be combined with Task 1 to condense the project schedule.

Task 3: Parking Expansion Options and Feasibility Analysis

With input from the Client, Kimley-Horn will meet the objectives of Task 3 with the following scope clarifications and modifications:

- Parking expansion options will be investigated in concept with the Client assisting in identifying 2-3 alternatives for preliminary screening. Screening results will be shared with the Client with a focus on a pre-established go and no-go criteria, such as maximum budget, stalls needed to address projected parking deficits, site efficiency, and whether the property can legally be developed for parking. The alternatives will be narrowed to one (1) selected option for further due diligence/feasibility analysis.
- For the one (1) option selected for due diligence, Kimley-Horn will prepare the following:
 - General concept sketch (pre-schematic)
 - Stall count and efficiency table
 - General pros and cons narrative for this option
 - Rough order-of-magnitude cost

*The due diligence / feasibility report above does not constitute any engineering or implied level of design besides basic layout and ingress/egress conditions.

Task 4: Final Report and Presentation

Kimley-Horn will provide the final draft and final report as specified in the Scope. Kimley-Horn will prepare for and host one (1) in-person public meeting and will prepare for and attend one (1) City Counsel public meeting.

Additional Services

Any services requested by the Client and not specifically provided for in the above scope will be submitted to the City as a formal additional services request and can be completed for an agreed upon lump sum fee or time-and-materials budget.

Additional services we can provide include, but are not limited to, the following: on-site parking occupancy surveys for additional dates or other data collection, market-based research or surveys of comparable properties, attendance at in-person meetings not specified above, addressing committee, or other comments with additional research or modified reports, preparation of design plans or construction documents. Kimley-Horn will provide an amendment to this Agreement if additional services are requested by the Client.

Information Provided by Client

Prior to the start of services, Client shall provide a fully executed agreement. Within 1 week of the project start date Kimley-Horn will provided an RFI and Client shall provide requested background data identified in Task 1. We shall be entitled to rely upon the completeness and accuracy of all information

provided by the Client or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project.

SCHEDULE

Kimley-Horn will provide our services as expeditiously as practicable to meet a schedule to be mutually agreed upon after receipt of this executed agreement and notice to proceed. This scope assumes occasional consultation during the process, which should conclude in Fall 2022. This schedule will be dependent on expeditious reviews and prompt communications by the Client. Additional services will be completed in a timely manner after they are authorized.

FEE AND EXPENSES

Kimley-Horn will provide the consulting services described within the Scope of Services on a labor fee plus expense basis with the maximum labor fee shown below. LS = Lump Sum; NTE = Not-to-Exceed.

Task	Task Description	Fee	Fee Type
Parking Study (base scope)			
1	Parking Supply/Demand Analysis	\$15,600	LS
	Expenses for in-person data collection	\$800	NTE
2-3	Parking Management and TDM Strategies	\$7,400	LS
Parking Alternatives			
3	Parking Expansion Options / Feasibility Analysis	\$11,000	LS
Final Meetings and Presentation			
4	Final Reports + two (2) in-person meetings	\$11,000	LS
	Expenses for two (2) in-person meetings	\$2,400	NTE
	TOTAL LABOR	\$45,000	LS
	Expenses	\$3,200	NTE

LS = Lump Sum Fee - Services indicated by a "LS" will be provided for the identified Lump Sum Fee. Where applicable, the Lump Sum Fee consists of a budgeted effort (number of hours) Client will be notified, and an amendment agreed upon in the event that additional effort will be required for completion of the project. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed.

Direct Reimbursable Expenses – In addition to fees noted above, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.15 times cost. A percentage of labor fee (5%) will be added to each invoice to cover certain other expenses such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project will be billed hourly. All permitting, application, and similar project fees will be paid directly by the Client. Should the Client request Kimley-Horn to advance any such project fees on the Client's behalf, a separate invoice for such fees, with a fifteen percent (15%) markup, will be immediately issued to and paid by the Client.

Payment will be due within 25 days of your receipt of the invoice. Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in an Adobe PDF format. Please include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

CLOSURE

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to **Kimley-Horn and Associates, Inc.**, and "Client" shall refer to **Park City Municipal Corporation**.

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute both copies of this Agreement in the spaces provided below, retain one copy, and return the other to us. We will commence services only after we have received a fully executed agreement. Fees stated in this Agreement are valid for sixty (60) days after the date of this letter.

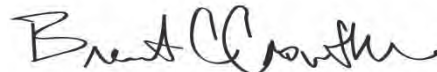
We appreciate the opportunity to provide these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Jeremiah Simpson
Parking Planner / Project Manager



By: Brent C. Crowther, P.E., PTOE
Sr. Associate / Vice President

Attachments: Standard Provisions

AUTHORIZATION

Park City Municipal Corporation (or representative)

SIGNED: _____

PRINTED NAME: _____

TITLE: _____

Date: _____

ATTACHMENT A – SCOPE OF WORK



Thayne's Canyon Drive and Hotel Park City Parking Supply and Demand Study

Proposed Scope of Work

Overview:

Park City Municipal Corporation owns approximately 125 acres of land at the intersection of Park Avenue (SR 224) and Thayne's Canyon Drive. This land is utilized as a driving range and golf course adjacent to the Hotel Park City property. This land is also utilized in the winter season as a cross-country skiing hub and for assorted winter season events. Currently hotel patrons and golf patrons park within the parking lot at Hotel Park City and remaining parking spills over onto the shoulder of Thayne's Canyon Drive and city-owned property. This 'overflow' is a violation of the PCMC Land Management Code (LMC) and was never approved through the Hotel's planning approvals. PCMC is seeking analysis associated with the currently approved Hotel parking and an evaluation of how current conditions associated with all uses may or may not be justified through an additional planning application.

Supply/Demand Analysis:

- Meet with Park City staff to further clarify study objectives, define the study area(s) and parking analysis zones, and review and update the work plan and schedule.
- Obtain and review pertinent reports, prior land use approvals, studies and statistical data related to the study area.
- Identify major parking generators in the study area and individually contact concerned parties identified by Park City. This analysis should include normal operations and special events.
 - Hotel Park City
 - PCMC Golf
 - White Pine Touring (Winter Concessionaire)
 - Additional Commercial within the Hotel
 - Restaurants and Spas

- Inventory the on-street and off-street parking within the study area. Record the type of off-street parking (e.g. public or private). Record the number of vehicles utilizing the right of way along Thayne's Canyon Drive as informal on-street parking.
- Collect current and historic data on parking counts and demand during peak and non-peak times on both weekdays and weekends during peak demand seasons (winter and summer). Coordinate with stakeholders to determine when special events are scheduled and record counts and demands during these events. The City will collaborate with the Consultant to collect any missing data and will provide previously collected data. Determine parking turnover and duration by means of a license plate survey, ticket analysis or other appropriate methods.
- Analyze field survey data and present in graphic and text form.
- Calculate and compare parking demand with the current parking supply and identify areas with deficits and surpluses.
- Identify areas with parking deficiencies likely to require expansion of the parking supply.
- Prepare a draft report for review and discuss findings with Park City staff.
- Incorporate City comments and issue final draft report.

Parking Management Strategies:

- Review operational layout, usage and control of existing parking facilities within the study area.
- Review current parking management strategies and methods of operation, including, but not limited to, the following:
 - Basic physical structure and operation
 - Methods of designating parking areas
 - Potential for shared parking
 - Potential for the incorporation of TDM strategies
 - Enforcement and policing of parking areas
- Recommend changes to parking management strategies
- Prepare task report
- Meet with Park City staff to discuss task report, incorporate City comments and issue final draft.

Impact of Traffic Demand Management Strategies on Parking Demand:

- Review existing transit system routes and ridership and TDM strategies and programs in use.
- Develop strategies for reducing single-occupant vehicle trips into the study area.
- Prepare an "order of magnitude" estimate of the cost of recommended capital improvements.
- Prepare task report and submit to Park City staff for review and comment.
- Incorporate City comments and submit final draft report.

Parking Expansion Options:

- Meet with Park City staff to review previous tasks and identify locations for development of new parking facilities or other transportation services, if warranted.
- Replacement parking for displaced spaces and meeting future demand.
- Provide preliminary or 30% engineering designs.
- Prepare conceptual estimates of probable construction costs for each site.
- Prepare task report and issue to Park City staff for review and comment.
- Incorporate City comments and issue final task report.

Final Report and Presentation:

- Assemble all task reports into a final report and submit to Park City staff for review and comment.
- Incorporate City comments and issue final report.
- Hold a public meeting to gather feedback on the report from the community and attend Planning Commission and City Council meetings where the report is presented and discussed.
- Present final report to the Park City staff and City Council in a public meeting.

Attachments:

- Vicinity map of preliminary study area

City Council Staff Report



Subject: Fox Tail Subdivision
Application: PL-21-04826
Author: Alexandra Ananth, Sr. Planner
Date: July 21, 2022
Type of Item: Administrative – Subdivision Plat

Recommendation

(1) Review the Fox Tail Subdivision; (2) hold a public hearing; and (3) consider Ordinance 2022-25, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval recommended by the Planning Commission in the Draft Ordinance (Exhibit A).

Description

Applicant: Douglas Ogilvy, REDUS Park City, LLC
Location: 3805 Fox Tail Trail (Parcel No. PCA-S-98-SEC-11)
Zoning District: Estate and Recreation Open Space
Adjacent Land Uses: Residential, Open Space
Reason for Review: Subdivisions require Planning Commission review and City Council action¹

LMC Land Management Code
LOD Limits of Disturbance
ROS Recreation Open Space
ROW Right-of-Way
SLO Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

3805 Fox Tail Trail has received considerable public input and scrutiny from the public, neighborhood, and Park City Planning Commission.

The property known as 3805 Fox Tail Trail consists of 32.71 acres of land that was annexed into Park City in 1995 (Hidden Meadow Annexation, [Resolution No. 2-94](#)). A portion of the site (approximately 10%) is zoned Estate (E) and the rest of the Parcel (approximately 90%) is zoned Recreation and Open Space (ROS); the Parcel is also located within the Sensitive Land Overlay (SLO).

The parcel is privately owned but portions are improved with public trails, as required by the Annexation Agreement. The property is subject to a series of prior land use approvals that determined the density and sensitive land restrictions that apply to the

¹ [LMC § 15-7.1-2, Procedure.](#)

proposed Lot.

The property was originally anticipated to be platted as a Lot of record in the conceptual Hidden Meadow Phase II subdivision, which was expected to follow the Hidden Meadow Phase I subdivision; however, the Hidden Meadow Phase II subdivision did not move forward. Hidden Meadow Phase I was approved with 53 lots, leaving one unit of Density allocated to 3805 Fox Tail Trail. The Annexation Agreement also established the obligation for the owner/developer to dedicate trails to Park City on the final Plat for Open Space, areas to be designated as Recreation Open Space, and for the Open Space areas to be dedicated to the City.

The Applicant originally proposed a one-lot Subdivision to develop one Single-Family Lot and one large Open Space Parcel (Parcel A). The Applicant proposed rezoning the Subdivision to re-allocate the Estate and Recreation Open Space Zoning for the site because the property is near a designated Ridge Line Area. The Applicant has since withdrawn the rezoning application.

The [withdrawn] rezone application was legislative, and the City had much more discretion to evaluate the proposal under broader general plan considerations. However, the current one-lot subdivision where one lot was previously approved in the annexation is much more limiting under the City's review criteria. Most public comments received and neighborhood input to date remain strongly against the proposal and argue there is no good cause to consider approval. Additionally, the public comment and neighborhood input has also questioned the City's Planning Departments' role in processing the land use application.

Utah Code requires cities to "timely" process land use applications "with reasonable diligence," or the applicant may request confirmation of their complete submittal within 30 days or final action within 45 days. See Utah Code Section 10-9a-509.5. Additionally, Utah Code mandates a review posture in favor of the application unless the plain language of the ordinance restricts the use on the property:

10-9a-306. Land use authority requirements -- Nature of land use decision.

(1) A land use authority shall apply the plain language of land use regulations.

(2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.

(3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

The revised application for 3805 Fox Tail Trail reduced the size of Lot 1 and locates the Lot adjacent to the public right-of-way (ROW), thereby minimizing disturbance to the site while maintaining the 150-foot Ridgeline Area Setback and minimizing views of the house from the SLO designated Vantage Points.

The proposed subdivision eliminates the Fox Tail Cut trail, which is not an official trail, but a shortcut to the Fox Tail Trail. The City's Trails and Open Space Manager has stated the removal of the shortcut is not a concern since the trails network can still be reached from Fox Tail Trail. In response to neighborhood concern, the Applicant also agreed to a 12-month minimum rental restriction and Deed Restriction to the Hidden Meadows HOA (Exhibit N).

Subsequently, the Planning Commission held an extensive public hearing on June 22, 2022, and voted 3-1 to forward a positive recommendation regarding Ordinance 2022-25 to the City Council for consideration on July 21, 2022 ([Staff Report](#), [Audio](#)).

As the Table on pages 4-6 of this Staff Report indicates, several concerns were raised by neighbors that the Applicant has attempted to address, including maximum house size, neighborhood compatibility, concerns with nightly rentals, traffic at trailheads, and impacts on wildlife, open space, and trails.

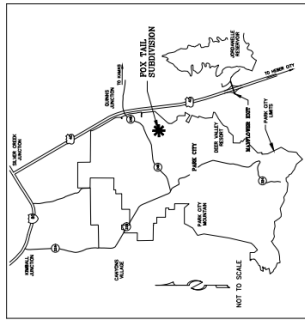
The proposed Lot itself is within the Estate Zoning District, which allows for one Single-Family Dwelling on three acres. The Applicant is proposing one Lot of record, consistent with the allocated Density of the site, and agreed to dedicate almost 29 acres to the City (Parcel A), ensuring the continued use of this Parcel as trails and Open Space, consistent with the Zoning and Annexation Agreement. The proposed Limits of Disturbance are located within the Estate Zoning District, minimizing impacts on the Recreation and Open Space Zoned Parcel A, and existing trails. The existing cul-de-sac provides limited parking for trail users and the proposed Lot is not anticipated to create traffic or parking impacts on the surrounding neighborhood.

Although none of the existing Hidden Meadows residences have been constructed to the Maximum Allowed Floor Area of 10,000 square feet, existing homes could construct additions or be rebuilt to the Maximum Allowed Floor Area. The Applicant's proposed Maximum Floor Area and Limits of Disturbance are consistent with what is allowed in the surrounding neighborhood and what was originally envisioned for Hidden Meadows Phase 2.

As stated, the Applicant agreed to Conditions of Approval and a Restrictive Covenant of which the Hidden Meadows HOA is a party to restricting the Lot from short term rentals, or use as a timeshare, private residence club, or fractional ownership arrangement. The HOA may enforce the Restrictive Covenant, and the City may enforce any zoning violations.

Conversely, the Applicant did not agree to join the Hidden Meadows HOA as requested by the neighborhood and public comment. Neither the Park City Land Management Code nor Utah Law can require this type of stipulation.

See the Subdivision Plat below for more information.



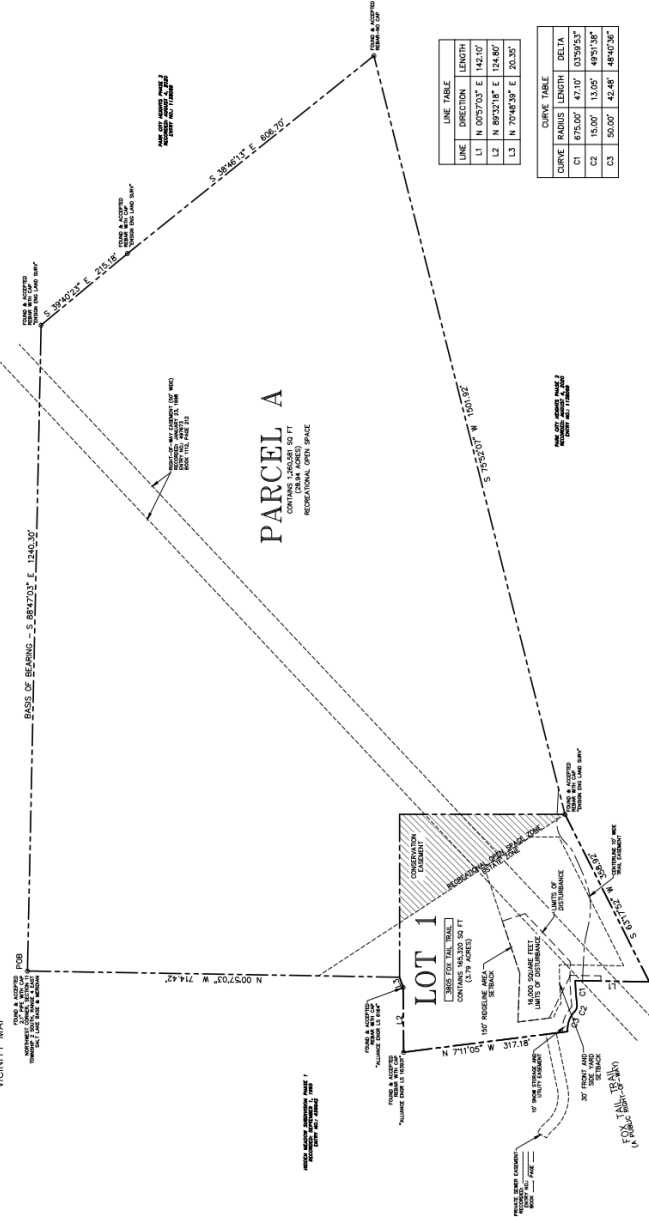
SURVEYOR'S CERTIFICATE

I, Michael Demick, do hereby certify that I am a Professional Land Surveyor and that I have surveyed the above described land in accordance with the laws of the State of Utah and the rules and regulations of the State Board of Surveyors, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

The various parts of these portions of the Sections No. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

VICINITY MAP

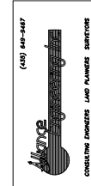


LINE	DIRECTION	LENGTH
L1	N 09°57'03" E	142.10'
L2	N 89°32'18" E	124.80'
L3	N 72°48'39" E	20.35'

CURVE	RADIUS	LENGTH	DELTA
C1	675.00'	47.10'	0.79°54'33"
C2	15.00'	13.05'	49°51'58"
C3	50.00'	42.48'	44°42'59"

FOX TAIL SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



SYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____, 2022
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I HEREBY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF _____, 2022
BY _____ PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS DAY OF _____, 2022
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
AT THE REQUEST OF _____ STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____

Background

The project review to date is outlined below:

May 25, 2021	Park City Development Review Committee No significant issues or concerns were identified as part of the interdepartmental, district, and utility review.
July 28, 2021	Planning Commission Public Hearing (Staff Report, Minutes beginning on p. 12) The Commission heard from the Applicant and members of the public on the Rezone and Subdivision applications. At the meeting, Commissioners asked for additional information, including what mechanisms could be used to ensure relocation of the trails, an explanation of the difference between current configuration of trails versus how segments would be relocated, whether Limits of Disturbance would include the proposed driveway, and how large the proposed home would be in relation to homes in the Hidden Meadow Subdivision.
August 26, 2021	Neighborhood Traffic Management Program Committee On August 26, 2021, the Neighborhood Traffic Management Program (NTMP) committee, including representatives from Trails and Open Space, Transportation Planning, and Engineering, drafted a monitoring and management plan for the trailheads. Additionally, there are no plans to provide any amenities, such as a kiosk, trash cans, maps, etc., at the trailheads. As with most trails, the City will monitor use per required maintenance levels and management. Monitoring will include: • Placing trail counters • Adding this location to the Trails & Open Space Rangers reporting system, where they: ○ Check trail signage ○ Collect data (trail) ○ Speak with users if any ○ Document parking if any • Residents may contact trails@parkcity.org if they have concerns and for additional information If the City receives concerns, complaints or sees issues, such as parking, the Trails, and Open Space Department will bring those to the NTMP and propose several steps:

	• Review with public safety to determine if turning/access issues are present in cul-de-sac or blocking of hydrants, driveways, etc. ○ Add signage if needed (parking-related) ○ Continue to monitor and enforce if necessary ○ Provide trail-related signage (private property, noise, dog-related) The Park City Trails and Open Space Manager reviewed the Applicant's proposal on September 7, 2021, and again on January 20, 2022, and supports the application as outlined in the Plat Amendment Staff Report.
October 13, 2021	Planning Commission Public Hearing (Staff Report, Minutes beginning on p. 32) Staff elaborated on the proposed Conditions of Approval relating to limits of disturbance, natural drainage and existing grades, vegetation protection, ridgeline protection, and trails. Six members of the public spoke at the public hearing, raising questions related to the Limits of Disturbance for the home site, for the length of the driveway, the location of the sewer easement, concerns over nightly rentals, the option of the property joining the adjacent Hidden Meadow HOA, the buildability of the property, and the size of the potential home. The Commission requested more information regarding the Ridgeline Area, the Limits of Disturbance, and context regarding the property in relation to the neighboring HOA.
February 9, 2022	Planning Commission Public Hearing (Staff Report, Minutes beginning on p. 21) Staff addressed questions that were raised at the previous meeting, including background and history of the parcel, the sensitive lands ordinance, and the history of the annexation. The Applicant shared that there were updated visual renderings, an adjustment to the sewer lateral location, a refined driveway alignment, and an agreement to not allow nightly rentals on the property. Four members of the public spoke at the public hearing and said that they felt the proposal was inconsistent with what was already built in the neighborhood, and that the proposal would be detrimental to wildlife, open space, and trails.
April 19, 2022	Park City Development Review Committee The Applicant revised the proposed plans pursuant to the existing

	Estate and Recreation Open Space Zoning. Staff took the application back to the Development Review Committee to review the updated plans. Park City Fire District notes that under state law, fire sprinklers are not required on a single-lot, single family subdivision. However, the Annexation Resolution (Resolution No. 2-94, Exhibit G) requires exterior and interior fire sprinklers for all construction in within the Hidden Meadow annexation area (Condition of Approval 12). No other issues or concerns were identified as part of the interdepartmental, district, and utility review.
May 11, 2022	Planning Commission Site Visit and Work Session (Staff Report, Minutes beginning on p. 5) Staff presented the Applicant's revised proposal with the new building pad much closer to the public ROW and no need for the originally proposed Rezone application. The proposal will comply with the zone Building Height and requires less disturbance. Possible Conditions of Approval were also discussed. Four members of the public gave public input and said they were interested in the lot becoming part of the Hidden Meadow HOA, had remaining concerns about wildlife and runoff, had concerns with the ability for nightly rentals, and that the proposal was not consistent with the neighborhood.
June 22, 2022	Planning Commission Public Hearing (Staff Report, Audio) Staff presented the Applicant's revised proposal and proposed Conditions of Approval. Eight members of the public provided public input at the hearing raising concerns such as impacts on those who use the Open Spaces, disturbance to wildlife, lack of Good Cause, traffic, concerns with commercial uses or group homes, and that the Applicant not being amenable to joining the Hidden Meadows HOA.

The Applicant proposes the Fox Tail Subdivision create one 3.8-acre (165,320 SF) Lot in the Estate Zoning District for a Single-Family Dwelling with a portion of the Lot in the Recreation Open Space zoning. The Recreation Open Space portion of Lot 1 will be protected, pursuant to a Deed Restriction in favor of the City (Condition of Approval 20 and Exhibit M). ***This portion of the site is not developable, and the proposed Limits of Disturbance (LOD) do not encroach into this portion of the lot.***

The Applicant also proposes to create a 28.94-acre (1,260,583 SF) Parcel dedicated to Park City as Recreation Open Space (Condition of Approval 21).

The image below is the recorded Annexation Plat, with emphasis added to show the 3805 Fox Tail Trail property (red outline), and the area to be in the Estate Zoning District where a single-family home could be constructed (yellow highlight).

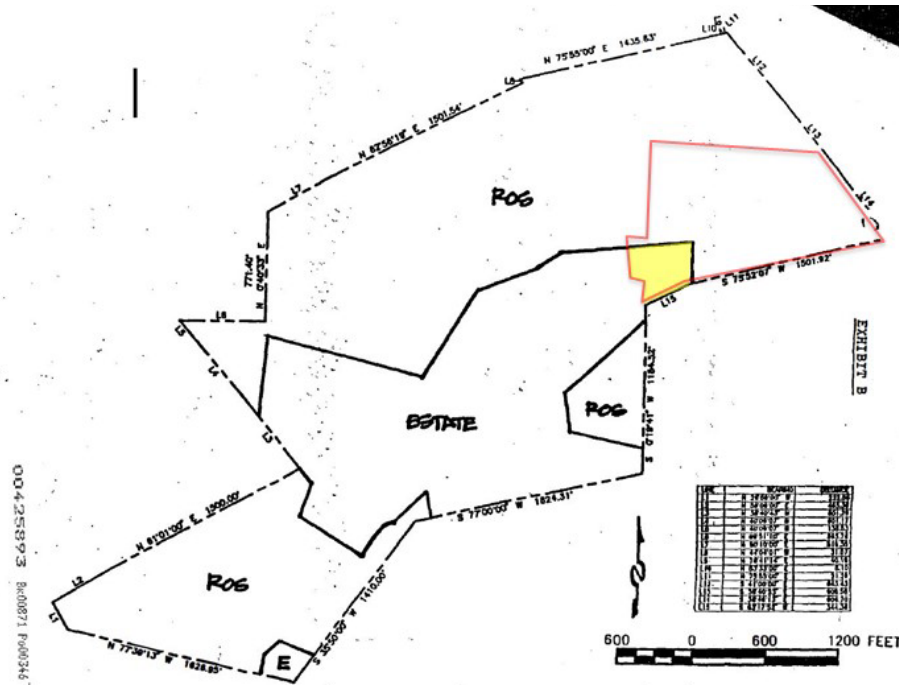


Figure 1. Annexation Plat.

Source: Hidden Meadow Annexation Resolution No. 2-94, Emphasis Added by Staff.

The 3805 Fox Tail Trail property is located between the Hidden Meadow subdivision to the west and Park City Heights to the east. The property was originally anticipated to be platted as a Lot of record in the conceptual Hidden Meadow Phase II subdivision, which was expected to follow the Hidden Meadow Phase I subdivision; however, this proposed subdivision did not move forward.

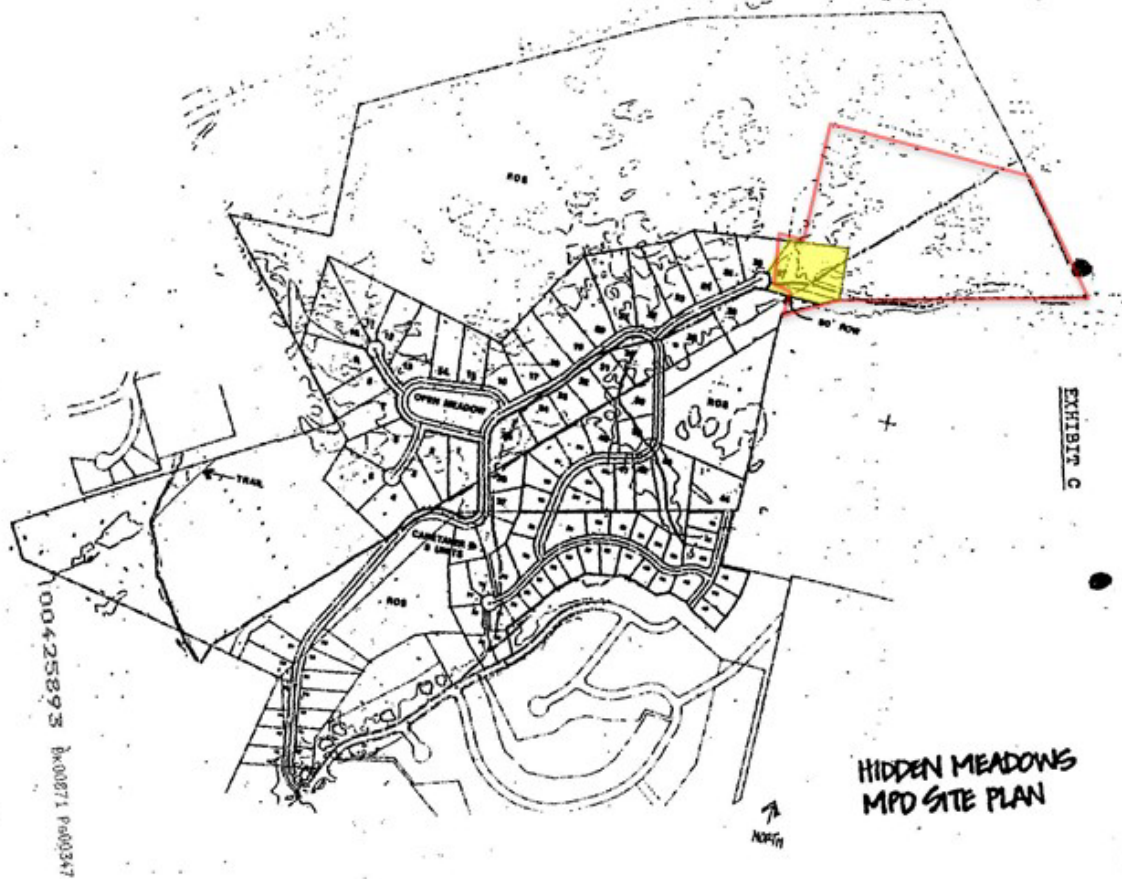


Figure 2. Site Plan Per Approved MPD.

Source: Hidden Meadow Annexation Resolution No. 2-94, Emphasis Added by Staff.

In 1995, the City Council approved the Hidden Meadow Subdivision Phase I and Parcel No. PCA-S-98-SEC-11 was not included in the Subdivision (Exhibit G; Summit County Recorder Entry No. 436642). ***The Hidden Meadow CC&Rs outlined a timeline to include Parcel No. PCA-S-98-SEC-11 in the Hidden Meadow Subdivision and Homeowner Association (HOA). However, the option expired on September 1, 2002. (Exhibit H, Article XII).***



Figure 3. Conceptual Rendering for Lot 1 of the Fox Tail Subdivision, looking east.
Source: Applicant's submittal.

Analysis

(I) The proposed Fox Tail Subdivision complies with previous land use approvals, including the Annexation Resolution.

The property is subject to a series of prior land use approvals that have determined the density and sensitive land restrictions that apply to the proposed Lot. The relevant approvals are detailed in the table below.

Date Adopted	Item	Description
September 24, 1992	Ordinance No. 92-17	An Ordinance Adopting the Sensitive Area Overlay Zone Regulations and Amending the Official Zoning Map of Park City, Utah to Include the Sensitive Area Overlay Zone and Amending the Land Management Code of Park City, Utah to Better Regulate Development on Sensitive Lands

October 21, 1993	<u>Ordinance No. 93-9</u>	An Ordinance Amending Chapters 2 and 9 of the Land Management Code and Section 4 and Appendix A of the Sensitive Land Ordinance
February 3, 1994	<u>Resolution No. 2-94</u>	A Resolution Annexing 227.99 Acres of Hidden Meadow Into the Corporate Limits of Park City, Utah
February 3, 1994	<u>Ordinance No. 94-2</u>	An Ordinance Amending the Official Zoning Map of Park City, Utah, to Include the Hidden Meadow Property
May 11, 1995	<u>Ordinance No. 95-19</u>	An Ordinance Approving the Final Plat of Hidden Meadow Located at Solamere Drive, Park City, Utah
May 16, 1995	Summit County Recorder Entry No. 430356 (Exhibit H)	Amendment to the Hidden Meadow Annexation Agreement
August 31, 1995	<u>Ordinance No. 95-45</u>	An Ordinance Amending the Final Plat of Hidden Meadow Located at Solamere Drive, Park City, Utah
August 15, 1996	<u>Ordinance No. 96-40</u>	An Ordinance Accepting the Public Improvements at Hidden Meadow Subdivision

The Hidden Meadow Annexation Resolution (Resolution No. 2-94) established the zoning and development restrictions for 3805 Fox Tail Trail—stating that:

“Upon annexation, the Hidden Meadow property will become subject to the Park City Land Management code, Subdivision Regulations, Sensitive Lands Ordinance, and all other Park City ordinances and building regulations. ... It is understood that the underlying zone for the entire parcel for the purpose of density calculations is Estate (E) and that the open space area will be zoned Recreation Open Space (ROS) to ensure the area remains in open space.”

(Exhibit G).

The Annexation Resolution also establishes the density allocated to the three subdivisions located within the Hidden Meadow annexation area— Hidden Meadow Phase I, Royal Oaks Phase II, and the proposed Fox Tail Trail Subdivision. Pursuant to the Annexation Resolution:

“The total density on the Hidden Meadows Property shall be 53 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 lots shall be Hidden Meadow lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots”

However, in May of 1995, an Amendment to the Hidden Meadow Annexation Agreement was adopted and reallocated the density of the subdivisions based on an adjusted affordable housing obligation agreement where the developer paid a fee-in-lieu rather than build affordable housing on-site. With this, the density allocated to Hidden Meadow and the future Fox Tail Trail subdivision became 45 single-family lots:

“The total density on the Hidden Meadow Property shall be 53 54 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 45 lots shall be Hidden lots. The density shall comply with the provisions of the Sensitive Lands Ordinance with the exception of the bonus and Royal Oaks Phase II lots.”

(¶ 4. C. of Summit County Recorder Entry No. 430356, Exhibit H).

Hidden Meadow Phase I was constructed with 53 lots, leaving one unit of Density allocated to the subject property. The Annexation Agreement also established the obligation for the developer to dedicate trails to Park City on the final plat, for Open Space, areas to be designated as Recreation Open Space on the final plat, and for the Open Space areas to be dedicated to the City in fee simple. The Open Space area is also required to be restricted and preserved in perpetuity in the form of a deed restriction, conservation easement, or similar mechanism.

“The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City. The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.”

(¶ 6 of [Resolution No. 2-94](#), Exhibit G)

“The open space areas shall be subject to a restriction which will ensure the perpetual preservation of the open space and restrict the uses of the parcels. This restriction may take the form of a deed restriction, conservation easement, or some other mechanism acceptable to the City Attorney.”

(¶ 7.B. of [Resolution No. 2-94](#), Exhibit G).

The proposed Fox Tail Trail Subdivision complies with the requirements stated above. The single-family residential unit is entitled to the property by nature of the Annexation Resolution and Estate Zoning. The proposed Subdivision dedicates the Open Space parcel to the City (Condition of Approval 21), Condition of Approval 20 requires the Recreation Open Space portion of Lot 1 to be subject to a Deed Restriction, and Condition of Approval 13 requires trail easements to be dedicated to the City. Additionally, the proposed Subdivision maintains the amount of the property that is in the Recreation Open Space Zoning District.

(II) The proposed Fox Tail Subdivision complies with the purposes of the Estate and Recreation Open Space Zoning Districts.

Of the existing Parcel's 32.73 acres, 10% is in the Estate Zoning District, encompassing 3.27 acres, and the remaining 90% in the Recreation Open Space (ROS) Zoning District, encompassing 29.45 acres. The Property is within the Sensitive Land Overlay.

The purpose of the Estate District is to:

- A. Allow very low density, environmentally sensitive residential development which:
 - 1. Preserves ridge tops, meadows, and visible hillsides,
 - 2. Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - 3. Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - 4. Mitigates geologic and flood hazards,
 - 5. Protects views along the City's entry corridors, and
 - 6. Decreases fire risk by keeping Development out of sensitive wildland interface Areas.²

The purpose of the ROS District is to:

- A. Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- B. Permit recreational Uses and preserve recreational Open Space land,
- C. Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- D. Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridgelines, meadows, stream corridors, and forests.
- E. Encourage sustainability, conservation, and renewable energy.³

The purpose of the Sensitive Land Overlay is to:

² LMC [§ 15-2.10-1](#)

³ LMC [§ 15-2.7-1](#)

- A. Require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- B. Encourage preservation of large expanses of Open Space and wildlife habitat;
- C. Cluster Development while allowing a reasonable use of Property;
- D. Prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- E. Protect and preserve environmentally sensitive land.⁴

The proposed Subdivision creates one Lot for development of a Single-Family Dwelling within the Sensitive Land Overlay, including a Ridge Line Area buffer to protect the Site from Ridge Line Area development, and one Parcel to be zoned Recreation Open Space and dedicated to Park City to be protected as Open Space (Condition of Approval 21).

(III) The proposed Fox Tail Subdivision complies with the Lot and Site requirements for the Estate and Recreation Open Space Zoning Districts.

The Applicant is proposing a Subdivision of the Parcel to create one Lot and one Parcel. The Lot for Single-Family Dwelling development meets the Lot and Site Requirements of both the Estate and ROS Zoning Districts.

The portion of the Lot in the Estate Zoning District meets the minimum requirements for a Single-Family Dwelling:

Zone Allowance:	Estate Requirements	Proposed
<i>Min. Lot Size</i>	<i>130,680 sf. (3-acres)</i>	<i>Complies 165,320 sf. (3.79-acres)</i>
<i>Min. Lot Width</i>	<i>100 ft.</i>	<i>Complies 340 ft.</i>
<i>Min. Front/Rear Setback</i>	<i>30 ft.</i>	<i>New Construction Must Comply</i>
<i>Min. Side Setbacks</i>	<i>30 ft.</i>	<i>New Construction Must Comply</i>
<i>Building Height</i>	<i>28 ft.</i>	<i>Condition of Approval 9 New Construction Must Comply and the Applicant has agreed that no point of the Building shall exceed an elevation of 7,135', which is the zone height plus the 5-foot pitched</i>

⁴ LMC [§ 15-2.21-1](#)

		<i>roof exception.</i> <i>LMC § 15-2.10-4 establishes a Zone Height of 28' from existing grade. This section also excepts Gable, hip, Barrel, and similar pitched roofs to extend up to 5' above the Zone Height if the roof pitch is 4:12 or greater. This established a maximum building height of 33' from Existing Grade, which for this property is 7,135'.</i>
<i>Architectural Review</i>	<i>Required</i>	<i>New Construction Must Comply</i>

The Parcel designated to be protected under a Deed Restriction in favor of the City meets the requirements for the ROS Zoning District, which allows for Conservation Activities as an allowed use, and trail improvements as a Conditional Use.

The property is in the Sensitive Land Overlay. The purposes of the Overlay include protecting and preserving environmentally sensitive land, prohibiting development on Ridge Line Areas, and encouraging the preservation of large expanses of open space.⁵ Significant Ridge-Line Areas must be retained in a natural state and development cannot create a silhouette against the skyline or mountain backdrop when viewed from designated Vantage Points.⁶ The Land Management Code prohibits development within 150 feet of a Ridge Line.⁷

Condition of Approval 21 requires the Applicant to dedicate 28.94 acres to Park City and to record a Deed Restriction in favor of the City within the Recreation Open Space portion of Lot 1, with the possibility to develop additional public trails within that acreage (Condition of Approval 20). The Deed Restriction must be completed and recorded prior to recordation of the proposed plat amendment.

⁵ LMC [§ 15-2.21-1](#)

⁶ LMC [§ 15-2.21-5](#)

⁷ LMC [§ 15-15-1](#)

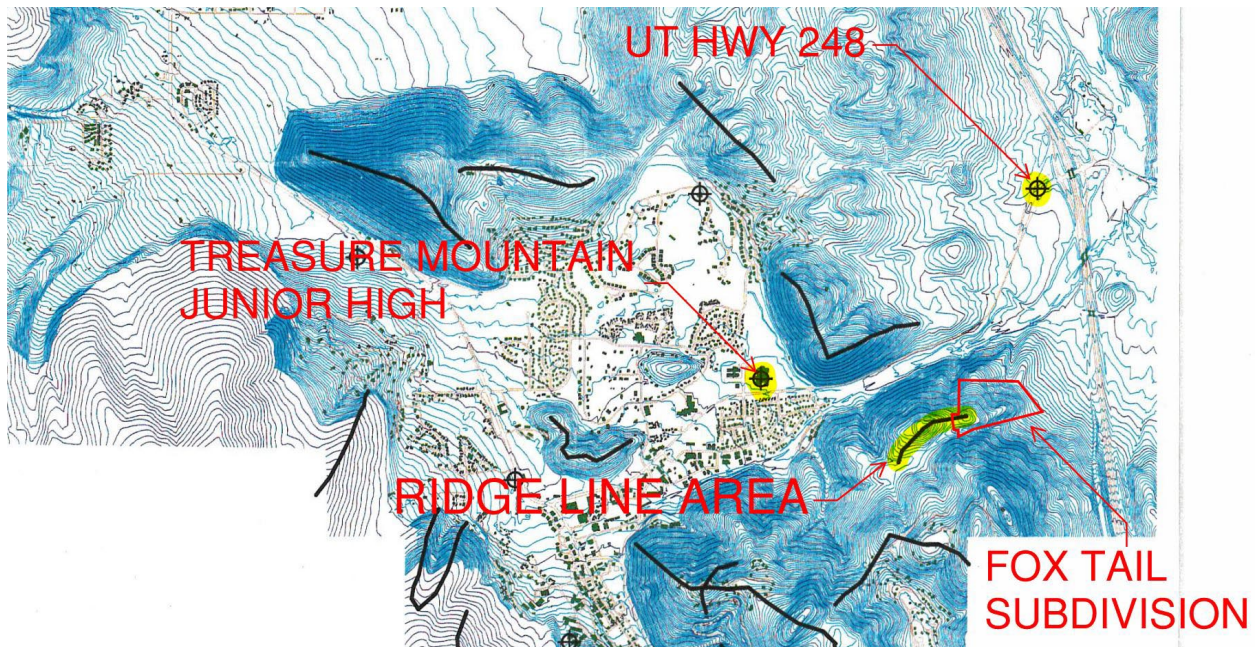


Figure 9: Ridge Line Areas, Designated Entry Corridors, and Vantage Points

The Land Management Code denotes nine (9) typical Vantage Points from which Development should not create a silhouette against the skyline or mountain backdrop.⁸ Additionally, the LMC states that the Applicant may be required to submit a Visual Assessment, which can include identifying the Property from Vantage Points designated by the Planning Department. This Visual Assessment should depict conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

The Applicant submitted a Sensitive Land Overlay (SLO) Analysis including a slope and topography map indicating the building pad is located outside of the 150-foot Ridgeline Setback and adjacent to the cul-de-sac, thereby minimizing disturbance of the Lot. Because the Lot has a significant amount of shrub oak brush some will have to be removed for this project, but most of the Parcel will be dedicated Open Space to the City through a Deed Restriction

⁸ LMC [§ 15-2.21-4 \(4\)](#).

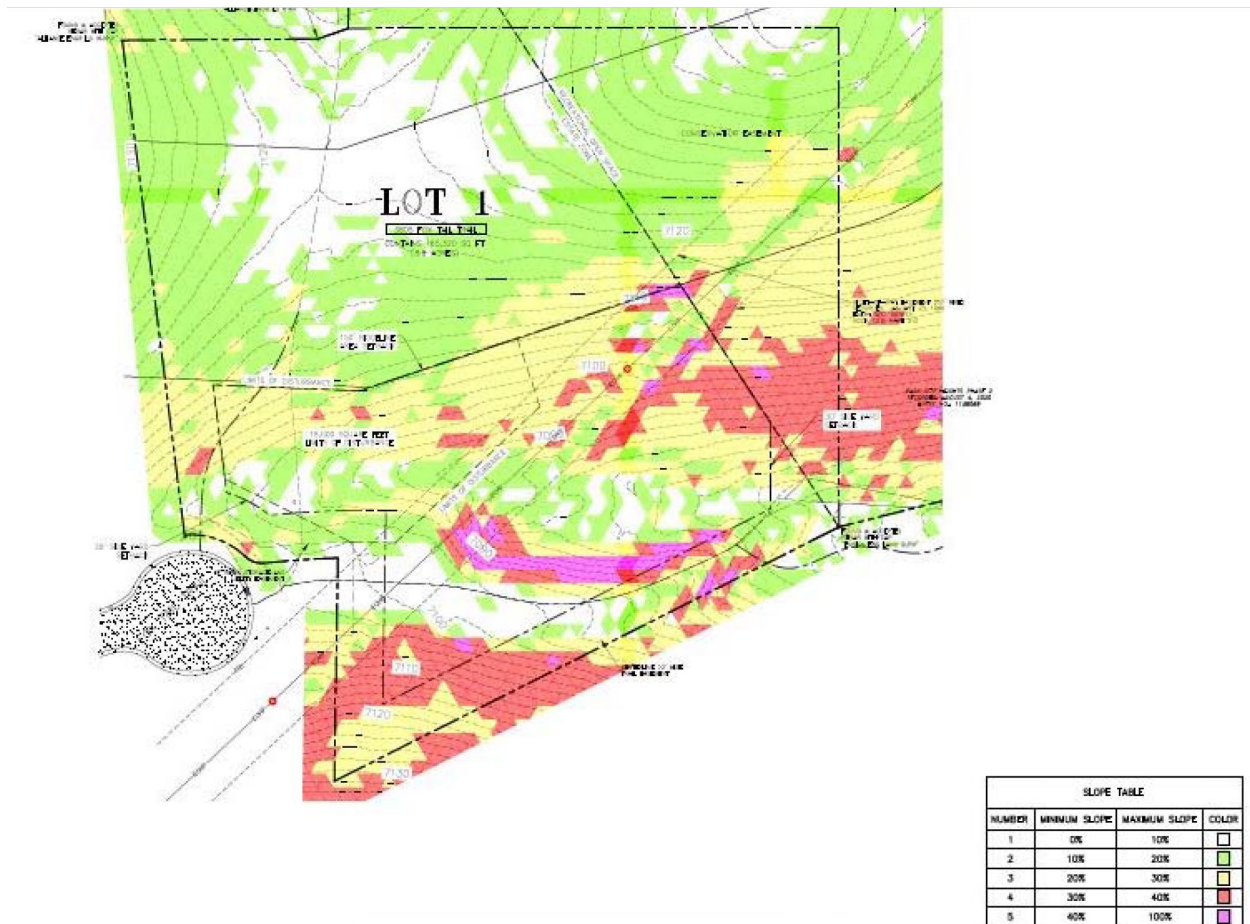


Figure 10: Applicant's Slope and Topography Analysis

The cross section below depicts the proposed building envelope Fox Tail Trail Ridge Line and one of the typical Vantage Points from which the project could be visible (Utah Highway 248 at the turn-out one-quarter mile west from U.S. Highway 40).

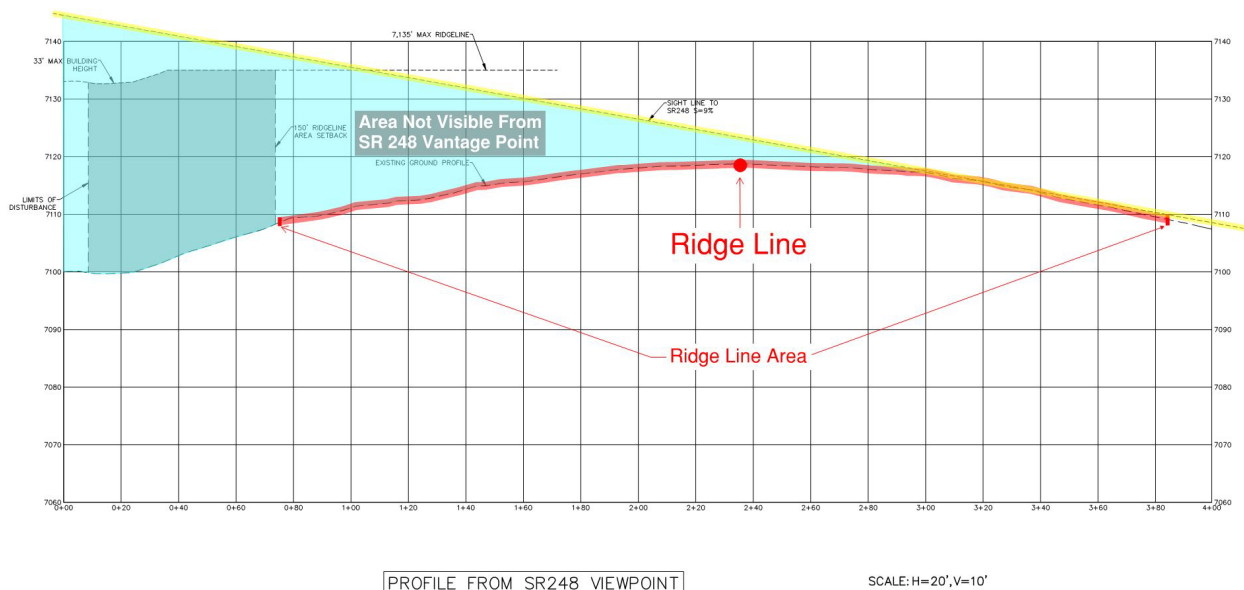


Figure 10: Ridge Line Areas Cross Section
Source: Applicant's submittal. Emphasis added by staff.

The views from the Vantage Points depict the maximum building envelope for the proposed building pad and show that the home would not create a silhouette against the skyline from the SR 248 Vantage Point location. The building would not intrude into any protected Ridge-Line Area. The Applicant submitted a visual analysis of the development from locations along Fox Tail Trail (Exhibit K).

The SLO Analysis indicates that the neighborhood consists of large lots with ample clearance between structures to allow wildlife to migrate through and inhabit the area. The Fox Tail Subdivision is a large property that will provide a recreational open space parcel of approximately 29 acres to the City, as well as one development lot of approximately 4 acres. The proposed building envelope is limited to 16,000 square feet on Lot 1 and the development of one additional single-family residence will not significantly affect wildlife activities.

(IV) Staff recommends Conditions of Approval to comply with LMC § 15-7.3-2, General Subdivision Requirements.

The Planning Commission and City Council have the authority to regulate the Subdivision of land and to attach reasonable conditions to the Subdivision.⁹ The Planning Commission also must take into consideration requirements of the Land Management Code, the General Plan, and Sensitive Lands Analysis, including the topography and natural features of the Property. Please see Exhibit D to view the existing conditions for the area.¹⁰

⁹ LMC [§ 15-7-6.](#)

¹⁰ LMC [§ 15-7.1-6\(C\).](#)

Land Management Code [§ 15-7.3-2](#) requires the following for Subdivisions:

Requirement	Proposal
The Subdivision name must not duplicate the name of any other Subdivision in Summit County	Complies Staff confirmed with Summit County that Fox Tail Subdivision does not duplicate an existing Subdivision.
Limits of Disturbance	Condition of Approval 7, Condition of Approval 8, Condition of Approval 19 Staff and the Applicant have determined that there is Significant Vegetation on the Site, defined as large trees of six-inch caliper or greater, groves of five or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet. The Applicant has proposed Limits of Disturbance for the residence of 16,000 square feet shown on the Final Plat that protect Significant Vegetation. The Applicant shall submit a separate plan to address vegetation protection prior to submitting a building permit, pursuant to Analysis V below.
Ridges shall be protected from development that is visible on the skyline from designated Vantage Points in Park City	Condition of Approval 9 Ridge Line Areas, defined as the ridge top and land located within one hundred fifty feet (150') on both sides of the top, crest, or ridge, are protected from development. The Applicant shall include the Ridge Line Area and 150-foot buffer prohibiting development on the final plat. Additionally, no point of the Building shall exceed an elevation of 7,135' or the zone height.
The Unit shall be clustered in the most developable and least visually sensitive portion of the Site	Condition of Approval 9 The final plat will include the Ridge Line Area and 150-foot buffer prohibiting development near the Ridge Line Area. The Applicant submitted an SLO Analysis showing that the home will not be visible from any of the Vantage Points.
Driveway and Utility Lines shall work with Existing Grade	Condition of Approval 10 The driveway and utility lines should be designed to work with Existing Grade and cut and fill Slopes should be minimized. The driveway shall be placed so that disturbance of Significant Vegetation is minimized.

Existing natural drainage shall be maintained	Condition of Approval 11
Soil conditions and ground water existence shall be considered	Condition of Approval 5 The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law. The Engineering Department will review plans for drainage prior to the issuance of a building permit.
Trails	Condition of Approval 13 Please see analysis below
Limits of Disturbance and Vegetation Protection	Condition of Approval 8 The Applicant shall show Limits of Disturbance on the final plat based on input and direction provided by the Planning Commission pursuant to Analysis V below and identified Significant Vegetation.
Fire Sprinkling	Condition of Approval 12 Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.

Exhibit B, ¶ 6 of [Resolution No. 2-94 Trails and Sidewalks](#), states that trails shall be concurrently reviewed and approved with plats and shall be dedicated to Park City. The Resolution additionally states that “Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.”

The Applicant’s Existing Conditions submission identifies two public trails on the property (Exhibit E). The Fox Tail Trail mountain biking trail forms a loop within the Parcel with two connector points accessed from the Fox Tail Trail cul-de-sac. This portion of the site, although privately owned, is within the Recreation Open Space zoning area and will be dedicated to Park City upon the Recording of the Plat.

The Applicant proposes removing the Fox Tail Cut trail as it conflicts with the proposed building pad. The Park City Trails and Open Space Manager reviewed the Applicant’s proposal on May 6, 2022, and does not oppose the removal of the shortcut for the following reasons:

- Public access to and from the public trail system and Solamere neighborhood is maintained;
- The existing trails provides for the continuation of and connection between the Lost Prospector Trail and Park City Heights Trails.

- The applicant has agreed to dedicate nearly 29 acres of Open Space to the City, portions of which contain public trails.

Condition of Approval 13 requires the Applicant to dedicate ten-foot-wide trail easements through the Estate portions of the Lot to provide public trail access from Fox Tail Trail on the plat. Condition of Approval 22 states that the Certificate of Occupancy for the property will not be issued until the dedication of the easements are complete to City trail standards and approved by the Open Space and Trails Manager.

(V) Staff recommends Conditions of Approval to comply with LMC Section 15-7.3-3, General Lot Design Requirements.

Land Management Code [§ 15-7.3-3](#) requires the following for Subdivisions:

Requirement	Proposal
The Lot shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions and in providing reasonable driveway access	Complies The proposed Subdivision accommodates a shortened driveway located in an area of the site that will minimize required grading and allows for construction of a Single-Family Dwelling outside of the Ridge Line Area. Pursuant to LMC Section, 15-3-3 (H) , the maximum allowed driveway width is 27'.
The Building envelope shall minimize disturbance of existing vegetation	Condition of Approval 8 The plat shall include the proposed Limits of Disturbance that preserves Significant Vegetation. Condition of Approval 7 All Significant Vegetation that is removed shall be replaced in kind.
Square Footage	Condition of Approval 18 Please see the analysis below for the recommended Maximum Floor Area.
In general, lot lines shall be radial to curving street lines	Complies The property is at the Fox Tail Trail cul-de-sac and conforms to the cul-de-sac radial.
Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwelling in accordance with the International Building Code	Condition of Approval 14
Limits of Disturbance and Vegetation Protection	Condition of Approval 7, Condition of Approval 8, Condition of Approval 15, Condition of Approval 19 A plan for vegetation protection during

	construction and revegetation after construction and a designated driveway location shall be shown on the final plat, subject to Planning Director, Chief Building Official, and City Engineer review and approval.
Revegetation, Seed, and Sod	Condition of Approval 16 All disturbed areas on the Lot shall be covered with topsoil and revegetated.
Debris and Waste	Condition of Approval 17 No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.

LMC [§ 15-7.3-3\(C\)](#) states that the Planning Commission may recommend maximum dwelling or unit square footage for Subdivisions. While the requested Subdivision is not subject to a Maximum Floor Area under the requirements of the Estate Zoning District, the approved Plat for the adjacent Hidden Meadow Subdivision includes Maximum Floor Area and Maximum Site Disturbance for each lot in the Subdivision (Exhibit C).

As mentioned above, in 1995, the City Council approved the Hidden Meadow Subdivision and Parcel No. PCA-S-98-SEC-11 was not included in the Subdivision (Exhibit C), but the Hidden Meadow CC&Rs outlined a timeline to include Parcel No. PCA-S-98-SEC-11 in the Hidden Meadow Subdivision and Homeowner Association. However, the option expired September 1, 2002.

The proposed Fox Tail Subdivision was originally slated to be a 4.3-acre Lot 26 in the Hidden Meadow Subdivision. The recorded Hidden Meadow Subdivision Plat did not include Lot 26. However, the Plat established a 16,000-square-foot Maximum Site Disturbance (8.56% of the 4.3-acre Lot) and a 10,000-square-foot Maximum Floor Area (5.35% of the 4.3-acre Lot) for Lot 26 (Parcel PCA-S-98-SEC-11).

The table below outlines the Lots within the Hidden Meadow Subdivision that exceed 100,000 square feet and compares the Maximum Allowed Site Disturbance and Maximum Allowed Floor Area percentages:

Lot and Size	Maximum Site Disturbance	% Based on Lot Size	Maximum Floor Area	% Based on Lot Size
5 – 157,921 SF	14,000 SF	8.87%	10,000 SF	6.33%
10 – 281,972 SF	16,000 SF	5.67%	10,000 SF	3.55%
11 – 122,989 SF	16,000 SF	13.01%	10,000 SF	8.13%
20 – 130,330 SF	14,000 SF	10.74%	10,000 SF	7.67%
21 – 129,150 SF	14,000 SF	10.84%	10,000 SF	7.74%
23 – 118,896 SF	14,000 SF	11.77%	10,000 SF	8.41%
Proposed Fox Tail Subdivision Lot 1 – 165,320 SF	16,000 SF	9.67%	10,000 SF	6.04%

To align with the existing Maximum Allowed Site Disturbance and Maximum Allowed Floor Area established for the Hidden Meadow Subdivision, Staff recommends Condition of Approval 8 to establish the Maximum Site Disturbance of 16,000 square feet and Condition of Approval 18 to establish a Maximum Floor Area of 10,000 square feet.

In the General Notes of the Hidden Meadow Subdivision (Exhibit G), note 4 states that the area of disturbance for each Lot in the subdivision is exclusive of driveway improvements.

4. The maximum floor area of homes constructed on Hidden Meadow lots shall be governed by the table shown hereon. Additionally, this table establishes the maximum allowable area to be disturbed during construction of home and yard improvements. This area of disturbance is exclusive of the driveway improvements. Any deviations from maximum site disturbance allowed for each lot may and must be reviewed and approved by the Park City Community Development Department and the Hidden Meadow Architectural Committee.

Note 6 of the proposed Fox Tail Subdivision (Attachment 1) is consistent with what was allowed for in the Hidden Meadow Subdivision and states that the maximum allowable area of disturbance is exclusive of the driveway and sewer improvements. Snyderville Basin Water Reclamation District (SBWRD) confirmed that no additional easement for the sewer line will be necessary. Because the line will need to be pressurized, there is more flexibility with where the sewer lateral will need to be located so long as it ultimately connects to the lateral stub in the existing private sewer easement. SBWRD indicated that they would defer to engineered drawings to establish limits of disturbance for a sewer lateral, since there may be issues such as grading or vegetation that could impact where it should be located.

The Applicant has indicated that the proposed development will accommodate a new location for a low-pressure sewer line that will run from the existing sewer easement and will connect with the proposed driveway and continue to the building pad. The proposed sewer line will disturb an area that is nine feet (9') wide, and the Applicant has agreed to

hydroseed the disturbed area with native species immediately follow the sewer installation.

(VI) The Applicant Has Agreed to a Minimum Rental Period of 12 Months.

Since the October 2021 Planning Commission Public Hearing, Staff has received significant public input from neighbors of the project. The comments express concern over several issues, including the provision of whether nightly rentals would be allowed, the relocation of trail segments, the location of the sewer easement, and the visual impact of the residence. Staff has responded to each owner who submitted comment and forwarded them to the Applicant.

The Applicant has agreed to Conditions of Approval and a draft Restrictive Covenant to the Hidden Meadows HOA prohibiting nightly rentals and fractional ownership and requiring that any lease shall be for a period of no less than 12-months, and prohibiting timeshare and private residence clubs or fractional ownership (Condition of Approval 23 and Exhibit N).

(VII) There is Good Cause for the Fox Tail Subdivision.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.¹¹ Land Management Code [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City community.”

Good Cause for this Subdivision is apparent as it protects the Ridge Line Area, does not increase density, encourages orderly and beneficial Development, and complies with Estate and ROS Zoning District Lot and Site Requirements, and the requirements of the Sensitive Land Overlay. The Applicant has also offered Deed Restrictions in favor of the City and HOA and has agreed to Conditions of Approval and a Plat Note prohibiting Nightly (short-term) rentals. In addition, the Applicant agreed to dedicate Parcel A to the City for continued use as trails and open space consistent with the Annexation Agreement.

Substantial public input was received at Planning Commission suggesting good cause could not be determined for the subdivision. However, the public misapplies this standard as the one-unit density is already approved. The application of this standard must be in the context of the subdivision criteria, which is administrative in nature and does not provide the City the ability to prohibit development on private property.

Furthermore, the nature of the ownership history, permissive trail use, and recent

¹¹ LMC [§ 15-7.1-6\(C\)](#)

property foreclosure are irrelevant to an application of the LMC in this regard. There has been no public input alleging non-compliance with the subdivision, nor the lot regulations for the zone. Also, no Public Street, Right-of-Way, or easement is vacated.

Department Review

The Development Review Committee reviewed this application on May 25, 2021, and on April 19, 2022. No major issues were raised. The Plat Amendment and Rezone Applications were reviewed by the Neighborhood Traffic Management Program committee on August 26, 2021, and established the criteria listed above in Analysis V.

Notice

On July 14, 2021, staff posted the property, mailed notice to property owners within 300 feet, and posted notice to the Utah Public Notice website. The *Park Record* published notice on July 14, 2021. After the July 28, 2021, Planning Commission Public Hearing, the application was continued to August 25, 2021, to September 22, 2021, and again to October 13, 2021. Additional courtesy notices were posted to the property and mailed to property owners within 300 feet on September 29, 2021, and again on April 26, 2022.

On April 26, 2022, staff posted the property, mailed notice to property owners within 300 feet, and posted notice to the Utah Public Notice website. The *Park Record* published notice on April 26, 2022. LMC [§ 15-1-21](#).

Staff re-posted the property, mailed notice to property owners within 300 feet, and posted notice to the Utah Public Notice website. The *Park Record* published notice on June 6, 2022.

Public Input

Public comments received since the May 11, 2022, Work Session are attached as Exhibit L, and previous public comments are attached to prior Staff Reports to ensure the City Council has developed a comprehensive review of materials and input received.

Exhibits

Exhibit A: Ordinance 2022-25 and Fox Tail Subdivision (Attachment 1)
Exhibit B: Applicant's Narrative
Exhibit C: Fox Tail Height Cap Visual Analysis
Exhibit D: Existing Conditions Survey
Exhibit E: Slope Constraints Map
Exhibit F: Hidden Meadow Annexation Plat
Exhibit G: Hidden Meadow Annexation Resolution, Resolution No. 2-94
Exhibit H: Amendment to the Hidden Meadow Annexation Agreement, Summit County Recorder Entry No. 430356
Exhibit I: Hidden Meadow Subdivision
Exhibit J: Hidden Meadow CC&Rs
Exhibit K: Fox Tail Sight Line Analysis
Exhibit L: Public Comments

Exhibit M & N: Draft Restrictive Covenants to City and Hidden Meadows HOA

Ordinance No. 2022-25

**AN ORDINANCE APPROVING THE FOX TAIL SUBDIVISION, LOCATED AT
3805 FOX TAIL TRAIL, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 3805 Fox Tail Trail petitioned the City Council for approval of the Fox Tail Trail Subdivision to create a 3.79-acre Lot for a Single-Family Dwelling, and a 28.94-acre Parcel to be dedicated to Park City subject to a Deed Restriction; and

WHEREAS, on July 14, 2021, the *Park Record* published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on July 14, 2021, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on October 13, 2021, the Planning Commission reviewed the proposed Fox Tail Subdivision and held a public hearing; and

WHEREAS, on February 9, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision and held a public hearing; and

WHEREAS, on May 11, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision, visited the site, and held a work session; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision and held a public hearing and forwarded a positive recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 21, 2022, the City Council reviewed the Fox Tail Subdivision and held a public hearing; and

WHEREAS, the Fox Tail Subdivision is consistent with the Park City Land Management Code, including Chapters 15-2.7, 15-2.10, and 15-2.21, and Sections 15-7.3-2 and 15-7.3-3.

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

SECTION 1. APPROVAL. The Fox Tail Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. In 1995, the City Council adopted Resolution No. 2-94, annexing 227.99 acres of Hidden Meadow.
2. Parcel No. PCA-S-98-SEC-11 was included on the annexation plat.
3. In 1995, the City Council approved the Hidden Meadow Subdivision. Parcel No. PCA-S-98-SEC-11 was not included in the Subdivision.
4. The Hidden Meadow CC&Rs outlined a timeline to include Parcel No. PCA-S-98-SEC-11 in the Hidden Meadow Subdivision and Homeowner Association. However, the option expired.
5. Hidden Meadow Phase I was constructed with 53 lots, leaving one unit of Density allocated to the subject property.
6. The Annexation Agreement also establishes the obligation for the owner/developer to dedicate trails to Park City on the final Plat for Open Space, areas to be designated as Recreation Open Space, and for the Open Space areas to be dedicated to the City.
7. The Applicant proposes the Fox Tail Subdivision to create a 3.8-acre Lot in the Estate Zoning District for a Single-Family Dwelling with a portion of the Ridgeline Area zoned Recreation Open Space, and to create a 28.94-acre Parcel, to be dedicated to Park City Municipal Corporation to retain as Recreation Open Space pursuant to a Deed Restriction.
8. The Recreation Open Space portion of Lot 1 will be protected, pursuant to a Deed Restriction in favor of the City. This portion of the site is not developable, and the proposed Limits of Disturbance (LOD) do not encroach into this portion of the lot.
9. Maximum Floor Area and Limits of Disturbance are consistent with what is allowed in the surrounding neighborhood and what was originally envisioned for Hidden Meadows Phase 2.
10. The proposed Subdivision complies with the purposes of the Estate and Recreation Open Space Zoning Districts, and Sensitive Land Overlay.
11. The proposed Subdivision complies with the Lot and Site requirements for the Estate and Recreation Open Space Zoning Districts.
12. The minimum lot size for the Estate Zoning Districts is 130,680 square feet. The proposed Lot contains 165,320 square feet.
13. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
14. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.

Conclusions of Law

1. There is Good Cause for this Subdivision because it protects the Ridge Line Area, encourages orderly and beneficial Development, complies with the Sensitive Land Overlay, and dedicates a 28.94-acre Parcel A to the City as Recreation Open Space.
2. The Subdivision complies with Land Management Code Chapters 15-2.7, 15-

- 2.10, and 15-2.21, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
 4. Approval of the Subdivision, 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 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 year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official.
4. A non-exclusive ten-foot public snow storage easement on Fox Tail Trail shall be dedicated on the plat.
5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. All Significant Vegetation that is removed shall be replaced in kind.
8. Limits of Disturbance for the not to exceed 16,000 square feet that protects Significant Vegetation shall be approved by the Planning Director and shown on the final plat.
9. A Ridge Line Area and 150-foot buffer prohibiting development shall be included on the final plat. The Lot shall comply with Estate Zoning District requirements for Maximum Building Height of 28 feet plus exceptions for roof pitch of 4:12 or greater. In addition, to further mitigate visual impact from Fox Tail Court, no point of the building shall exceed an elevation of 7,135 feet.
10. The driveway and utility lines should be designed to work with Existing Grade and cut and fill Slopes should be minimized. The driveway shall be placed so that disturbance of Significant Vegetation is minimized.
11. Existing natural drainage shall be maintained.
12. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
13. No existing trails will be relocated. The Applicant shall dedicate a ten-foot-wide trail easements on Lot 1 for the existing Fox Tail Trail and for the recently

- constructed trail connecting the cul-de-sac to Park City Heights. Fox Tail Short Cut, which is not a recognized trail, will be closed.
14. Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwelling in accordance with the International Building Code.
 15. The Applicant shall submit a vegetation protection plan prior to applying for a building permit outlining vegetation protection during construction and revegetation after construction and a designated driveway location shall be shown on the final plat subject to Planning Director, Chief Building Official, and City Engineer review and approval.
 16. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
 17. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.
 18. The plat notes shall state that the Maximum Floor Area for Fox Tail Subdivision Lot 1 is 10,000 square feet.
 19. The plat notes shall state that the Maximum Site Disturbance shall be 16,000 square feet exclusive of area disturbed for driveway and sewer improvements.
 20. The 0.9-acres of Lot 1 within the ROS zone shall be subject to a restrictive covenant in favor of Park City Municipal Corporation further restricting development. This Covenant shall be recorded on the same day as the final plat. This agreement shall also satisfy as a development agreement that allows for Architectural Review of the single-family residence.
 21. The Applicant shall dedicate 28.94 acres to Park City Municipal Corporation, to be recorded on the same day as the final plat.
 22. The Certificate of Occupancy shall not be issued until the recordation of the easements are completed to City trail standards and approved by the Open Space and Trails Manager.
 23. Nightly rentals, short-term rentals less than a 12-month term, commercial uses, and fractional ownership of the single-family dwelling are prohibited and a Restrictive Covenant in favor of the Hidden Meadows HOA shall further enforce this Condition.
 24. The Plat shall include a note stating that the Lot is subject to the Architectural Guidelines within the Park City LMC satisfying the requirement for a development agreement for Architectural Review of the single-family dwelling.
 25. A Plat Note shall indicate that the Subdivision is subject to Conditions of Approval in Ordinance 2022-25.

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

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachment A: Fox Tail Trail Subdivision

3805 Fox Tail Court

- **Plat for Single Family Residence**

Follow up to 5/11/22 Planning Commission Site Visit and Workshop

June 7, 2022

On 5/11/22, Planning Commission held a site visit and workshop on the proposed Fox Tail Plat. For the site visit, corners of the proposed improvement envelope (LOD limits) were staked and Alliance Engineering provided a drone to demonstrate proposed height constraints. One neighbor was present and expressed support for the amended application.

The Fox Tail property has been entitled for development of a single family home since annexation into Park City in 1995. Reviewing the historical record, it appears that the property was not included in the 1995 Hidden Meadows Plat because of the potential to connect Fox Tail Trail to the area below now known as Park City Heights. Any road connection from Fox Tail Trail to Park City Heights would cross the property, so it was held back from development in 1995. With Talisker's acquisition of United Park City Mines, development focus shifted to Empire Pass and the Fox Tail property lay dormant until foreclosed by Wells Fargo. Meanwhile, Park City Heights was developed without a road connection to Solamere.

Based on the recorded sewer easement on Hidden Meadows Lot 25, it seems clear that development on "Lot 26" was originally contemplated set back from the cul de sac, in a similar manner to the homes to the west. When Applicant acquired the property, a review of site constraints determined that a home set back that far would contravene the Sensitive Lands Ordinance. Following consultation with City Staff, Applicant proposed a new home site 800' east of the cul de sac with the belief that a home in that location would comply with the City's Sensitive Lands Ordinance while having the least impact on immediate neighbors. Applicant proposed a rezoning to facilitate establishing a homesite in that area. **In response to comments from neighbors, Applicant has dropped the proposed rezoning and is now proposing to plat a 4 acre single family lot in the exact location shown in the 1995 annexation approval.**

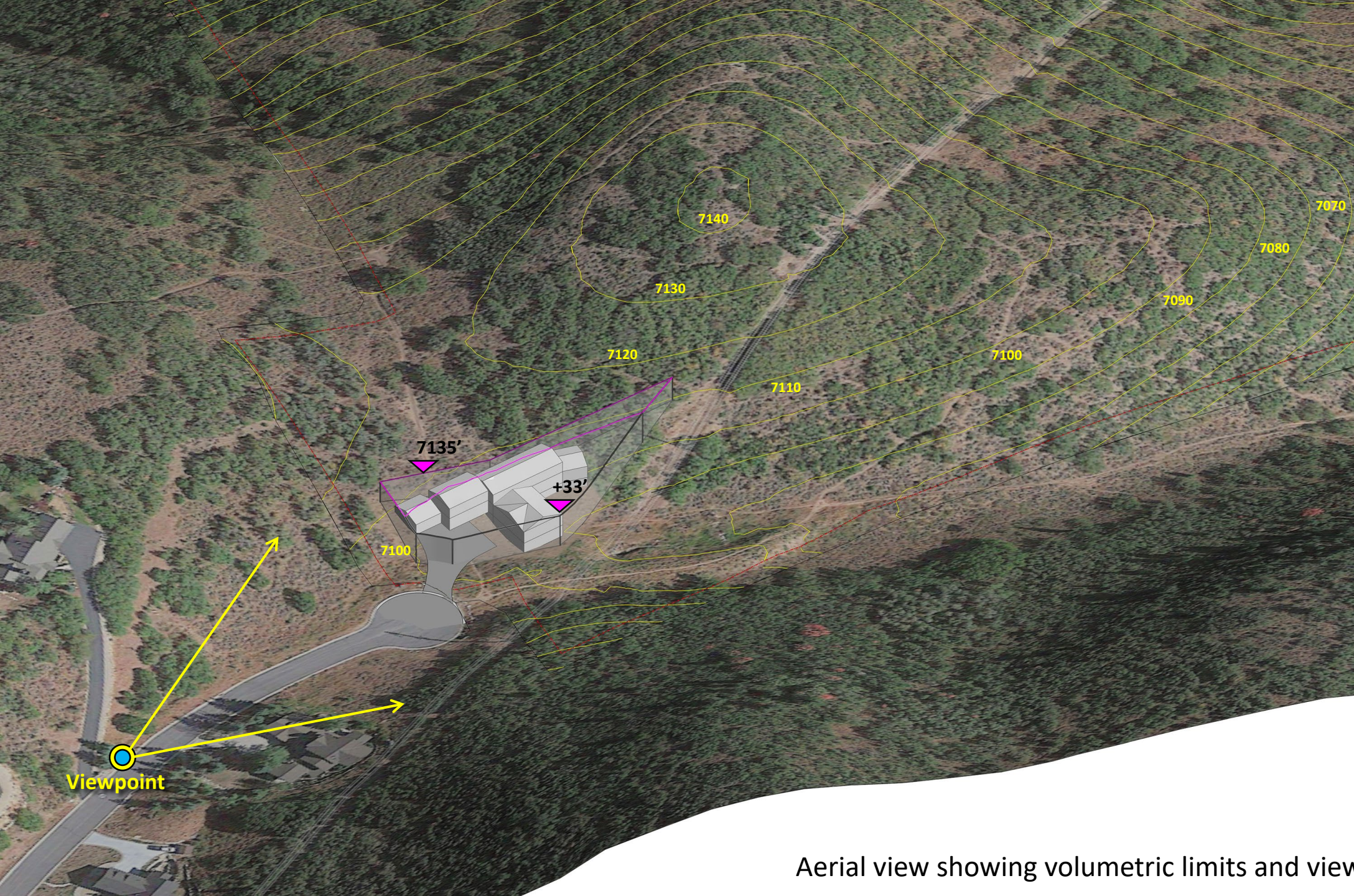
Since Applicant's original application submission, many neighbors have weighed in with concerns regarding the application:

- **Nightly rentals.** With a better understanding of the unrest associated with two recently constructed nightly rental properties in the nearby Hidden Oaks neighborhood, **Applicant proposes establishing a 12 month minimum rental**

restriction on the property secured by a deed restriction in favor of the City and the Hidden Meadows HOA.

- **Relocation of *Fox Tail Cut* trail.** The original application shifted trail closer to Lot 25 which was a concern to that property owner. Revised application eliminates *Fox Tail Cut* trail. The existing trail is not an official trail, but a short cut to the trail network. City Trails and Open Space Manager has no concerns about elimination of this short cut since the trail network may still be reached using the *Fox Tail Trail*.
- **Relocation of sewer easement on Lot 25.** Applicant has reached agreement with adjacent property owner to relocate private sewer easement to an alignment preferred by that owner.
- **View Studies.** Fox Tail Trail is not a designated vantage point under the Sensitive Lands Ordinance. However, in response to inaccurate visual impact simulations circulated to the neighborhood, Applicant commissioned a professionally prepared visual impact study showing view from Fox Tail Trail. An updated study for amended application shows that ridgeline views to the east would be preserved. Applicant has also prepared studies confirming views are not impacted from SR248 viewpoint adjacent film studio nor from Rail Trail crossing of Richardson Flat Road.
- **Open Space Dedication of little value.** The entire 33 acre property is currently private property. The Open Space dedication presents the opportunity for development of additional public trails improving the local trail network. Amended application includes 29 acre Open Space dedication. The Applicant also proposed a deed restriction on the ROS portion of Lot 1 further limiting property improvements.
- **10,000 sf home not consistent with neighborhood.** 1995 Hidden Meadows Plat contemplated a 10,000 sf home on “Lot 26”. Ten other lots in Hidden Meadows permit 10,000 sf homes.
- **Excessive driveway length.** Prior submission included an 800’ driveway with associated disturbance area. **Amended application eliminates long driveway by placing homesite immediately adjacent cul-de-sac.**

In his letter of March 7th, the owner of adjacent Lot 27 encourages Planning Commission to reject REDUS’ prior submission and “let him build on the original Lot 26”. The amended application is for approval to do just that. We recognize that for some neighbors, prohibiting development is the only satisfactory outcome, but that would not be fair to the owner of a 33 acre property entitled for development since 1995.



Aerial view showing volumetric limits and viewpoint



Existing View



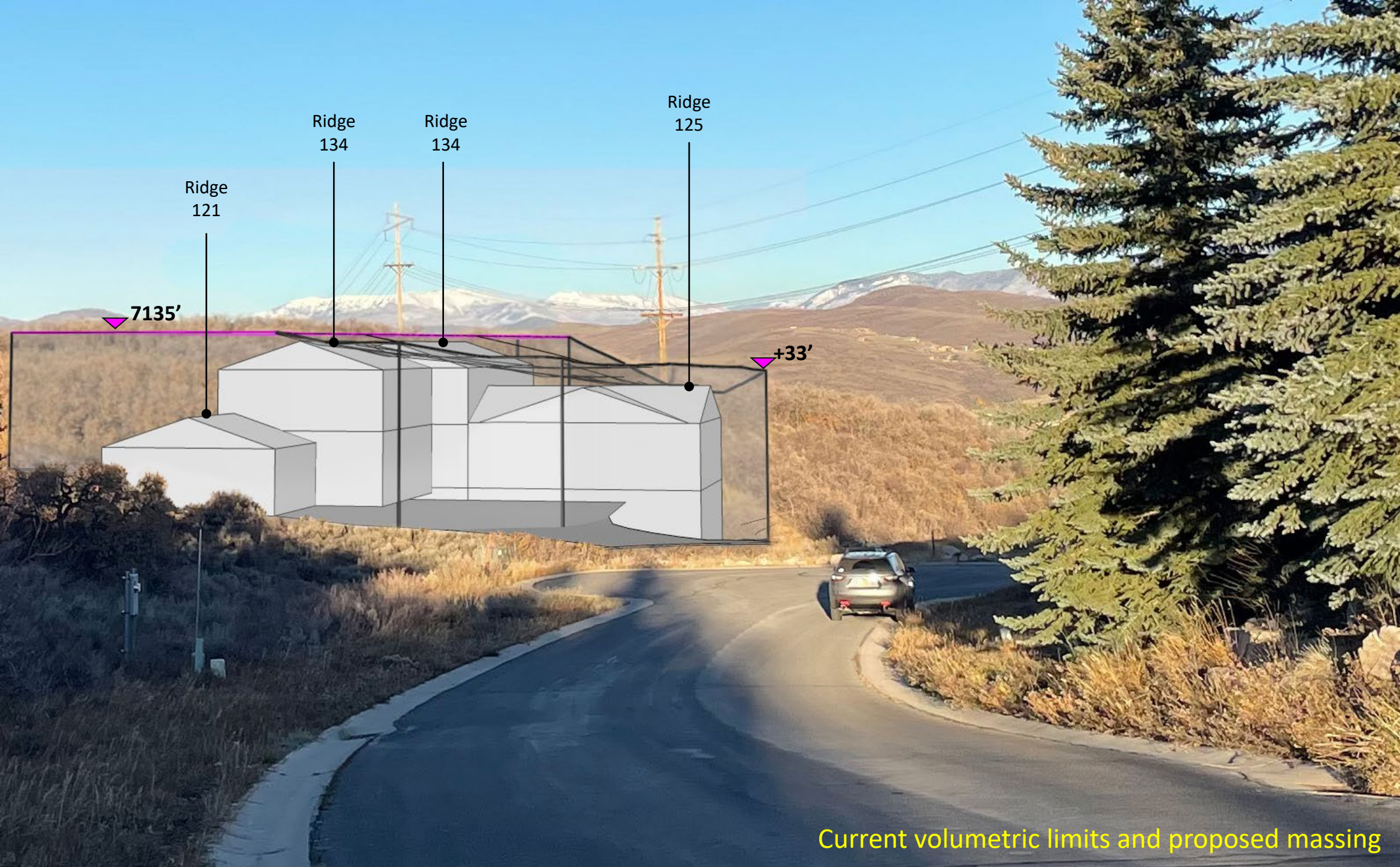
Current volumetric limits and proposed massing



Existing View



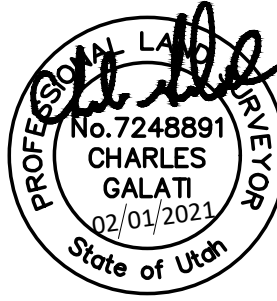
Current volumetric limits and proposed massing



Current volumetric limits and proposed massing

PARCEL
PCA-S-98-SEC-11

LOCATED IN THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
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.

PARK CITY HEIGHTS PHASE 2
RECORDED: AUGUST 4, 2020
ENTRY NO.: 1138069

LEGEND

- Found Monument (As-Noted)
- Found Street Monument (As-Noted)
- Found Section monument (As-Noted)

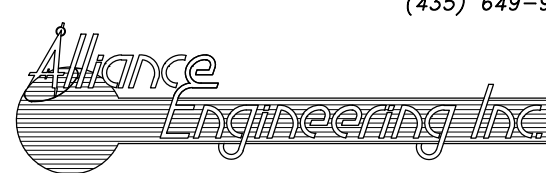
NARRATIVE/NOTES

- Basis of Bearing for this survey is between the found section monuments as shown on this plat.
- Field work for this survey was completed December 3, 2020, and is in compliance with generally accepted industry standards for accuracy.
- The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
- A Title Report was provided to the surveyor, File No. 27696 Dated November 13, 2018 prepared by Old Republic National Title Insurance Company, and only easements per said title report were located as part of this survey. The 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.
- County tax maps, recorded deeds, Hidden Meadow Subdivision Phase 1 (Entry N.: 436642), Park City Heights Phase 2 (Entry No. 1138069), Park City Heights Phase 3 (Entry No. 1120269), Grant of easement Entry No. 49018, Pole line easement Entry No. 497673, Pole line easement Entry No. 503332, and Record of Surveys S7180, S9447 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
- Easement Entry No. 49018 is a blanket easement and not addressed on this survey.
- Site Benchmark: Water Valve, Elevation=7104.86' as shown.
- The architect is responsible for verifying building setbacks, zoning requirements and building heights.
- Property corners were found as shown.
- Measured bearings and distances, when different than record, are shown in parenthesis. ()

EXISTING CONDITIONS & TOPOGRAPHIC MAP
HIDDEN MEADOWS PARCELS

FOR: REDUS
JOB NO.: 19-11-20

DATE: 2/1/21



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

STAFF:
CHARLES GALATI
DUSTIN CARRISH
JASON WYNNE
TIM WILSON

SHEET
1
OF
1

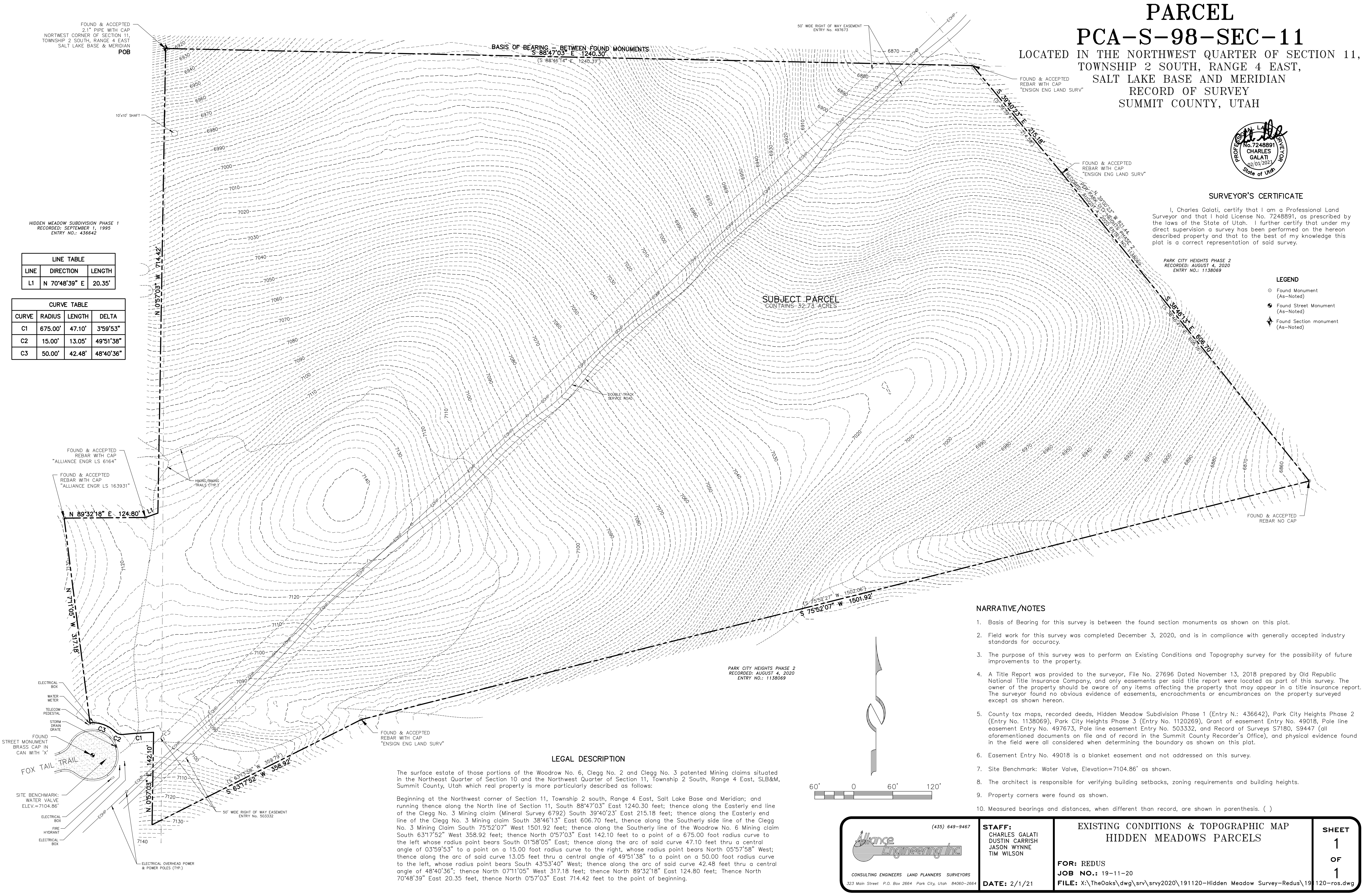
LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 70°48'39" E	20.35'

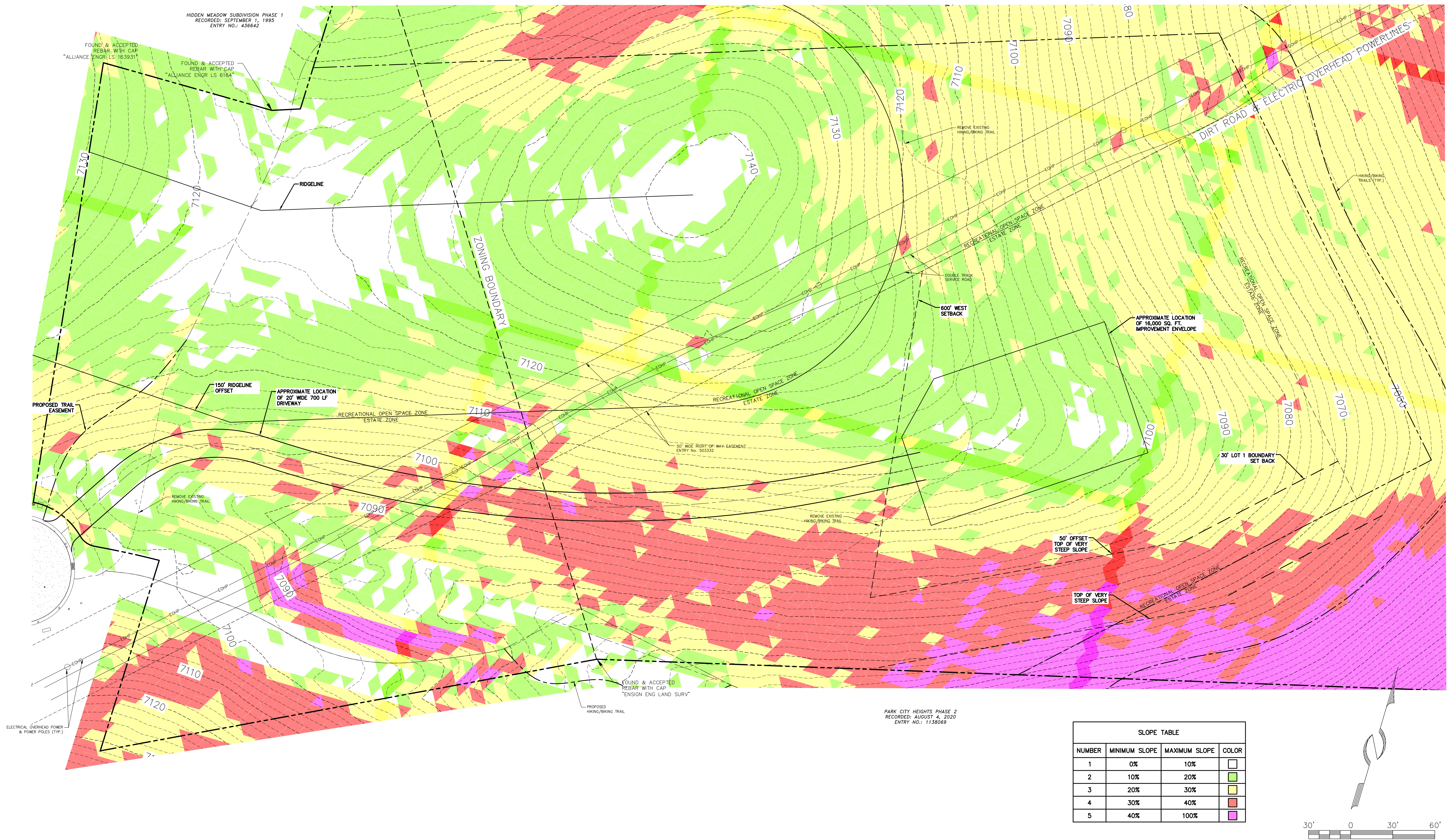
CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	675.00'	47.10'	3°59'53"
C2	15.00'	13.05'	49°51'38"
C3	50.00'	42.48'	48°40'36"

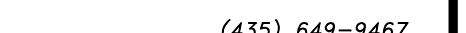
LEGAL DESCRIPTION

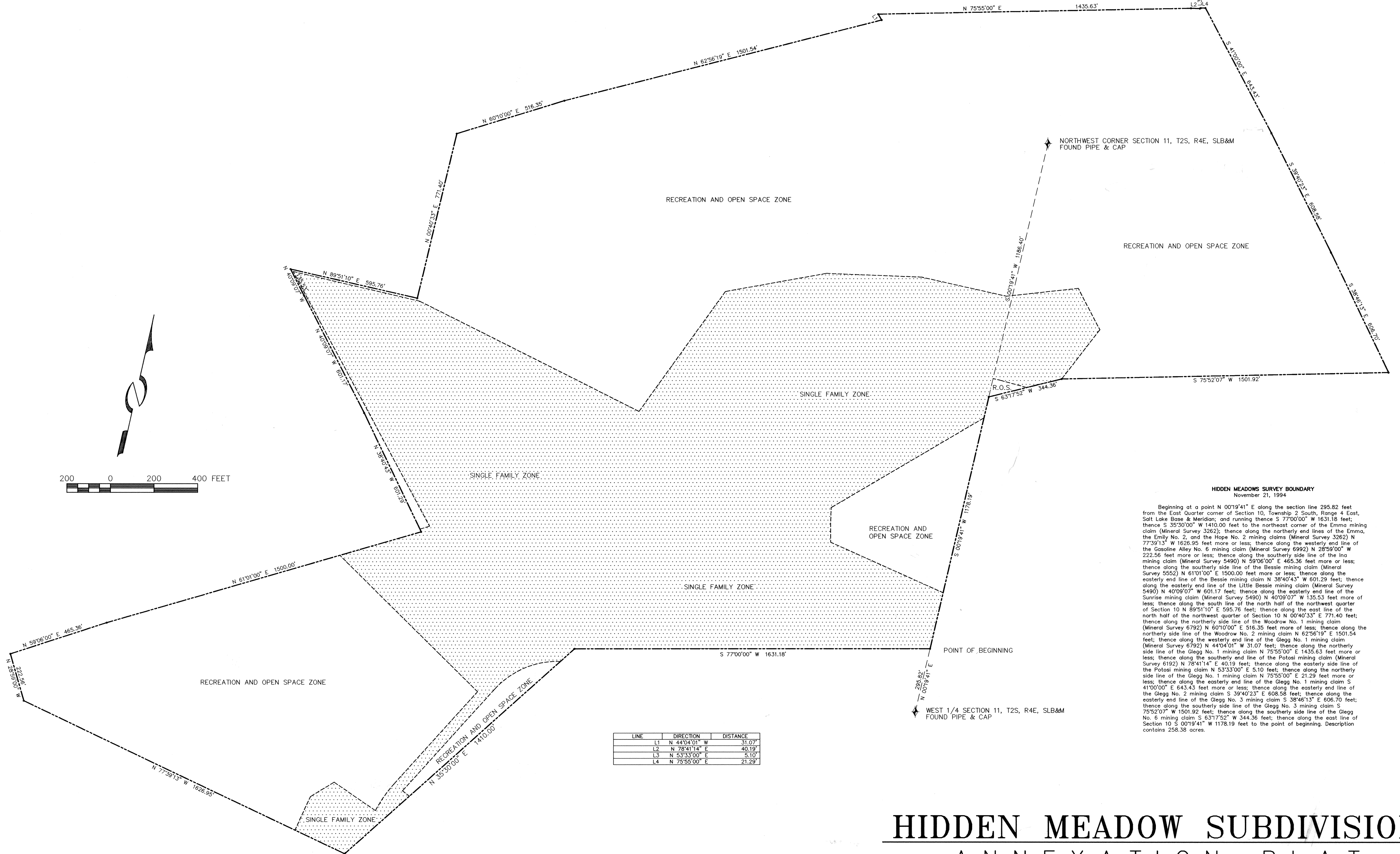
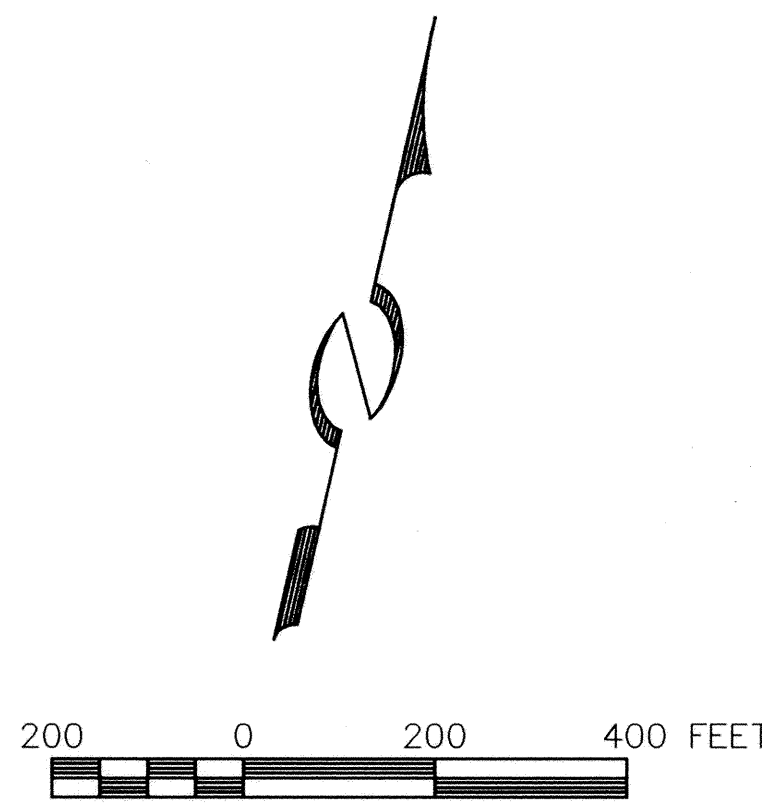
The surface estate of those portions of the Woodrow No. 6, Clegg No. 2 and Clegg No. 3 patented Mining claims situated in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11, Township 2 South, Range 4 East, SLB&M, Summit County, Utah which real property is more particularly described as follows:

Beginning at the Northwest corner of Section 11, Township 2 south, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11, South 88°47'03" East 1240.30 feet; thence along the Easterly end line of the Clegg No. 3 Mining claim (Mineral Survey 6792) South 39°40'23' East 215.18 feet; thence along the Easterly end line of the Clegg No. 3 Mining claim South 38°46'13" East 606.70 feet, thence along the Southerly side line of the Clegg No. 3 Mining Claim South 75°52'07" West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 Mining claim South 63°17'52" West 358.92 feet; thence North 0°57'03" East 142.10 feet to a point of a 675.00 foot radius curve to the left whose radius point bears South 01°58'05" East; thence along the arc of said curve 47.10 feet thru a central angle of 03°59'53" to a point on a 15.00 foot radius curve to the right, whose radius point bears North 05°57'58" West; thence along the arc of said curve 13.05 feet thru a central angle of 49°51'38" to a point on a 50.00 foot radius curve to the left, whose radius point bears South 43°53'40" West; thence along the arc of said curve 42.48 feet thru a central angle of 48°40'36"; thence North 07°11'05" West 317.18 feet; thence North 89°32'18" East 124.80 feet; Thence North 70°48'39" East 20.35 feet, thence North 0°57'03" East 714.42 feet to the point of beginning.





 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CHARLES GALATI DUSTIN CARRISH BRAYLON ROSE	CONSTRAINTS MAP PARCEL PCA-S-98-SEC-11 FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\srw\srwy2020\191120-Hidden Meadow Survey-Redus	SHEET 1 OF 1
---	--	--	--



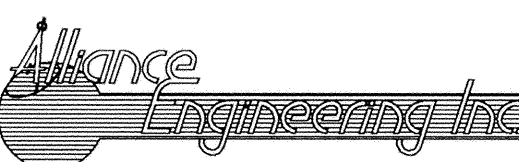
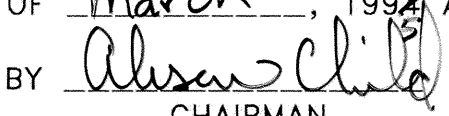
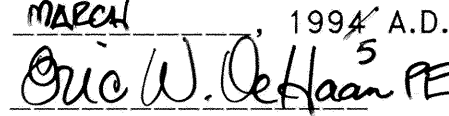
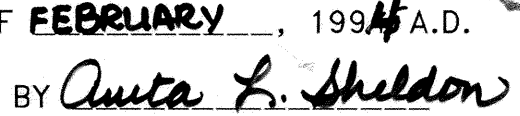
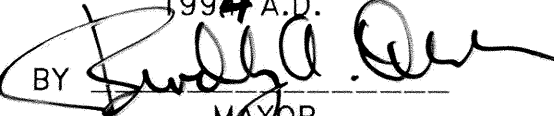
LINE	DIRECTION	DISTANCE
L1	N 44°04'01" W	31.07'
L2	N 78°41'14" E	40.19'
L3	N 53°33'00" E	5.10'
L4	N 75°55'00" E	21.29'

HIDDEN MEADOWS SURVEY BOUNDARY
November 21, 1994

Beginning at a point N 00°19'41" E along the section line 295.82 feet from the East Quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence S 77°00'00" W 1631.18 feet; thence S 35°30'00" W 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) N 77°39'13" W 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) N 28°59'00" W 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) N 59°06'00" E 465.36 feet more or less; thence along the southerly side line of the Bessie mining claim (Mineral Survey 5552) N 61°01'00" E 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim N 38°40'43" W 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) N 40°09'07" W 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) N 40°09'07" W 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 N 89°51'10" E 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 N 00°40'33" E 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) N 60°10'00" E 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim N 62°56'19" E 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) N 44°04'01" W 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim N 75°55'00" E 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) N 78°41'14" E 40.19 feet; thence along the easterly side line of the Potosi mining claim N 53°33'00" E 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim N 75°55'00" E 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim S 41°00'00" E 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim S 39°40'23" E 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim S 38°46'13" E 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim S 75°52'07" W 1501.92 feet; thence along the southerly side line of the Glegg No. 5 mining claim S 63°17'52" W 344.36 feet; thence along the east line of Section 10 S 00°19'41" W 1178.19 feet to the point of beginning. Description contains 258.38 acres.

HIDDEN MEADOW SUBDIVISION

ANNEXATION PLAT

 P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	ALLIANCE ENGINEERING INC. PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 3 RD DAY OF March, 1994 A.D. BY  CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 3 RD DAY OF March, 1994 A.D. BY  PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 3 RD DAY OF March, 1994 A.D. BY  PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 3 RD DAY OF FEBRUARY, 1994 A.D. BY  PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 3 RD DAY OF FEBRUARY, 1994 A.D. BY  MAYOR	# 425892 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Park City Municipal Corp. DATE 03-08-95 TIME 08:21 AM BOOK PAGE N/C FEE Doreen M. Dunn - deputy RECORDER
--	--	---	--	---	---	--

PLOT DATE: 2-24-95 JOB NO. 25-8-91 Y:\CE\DHMANEX

Recorded at the request of and return to:
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060
Attention: City Recorder

Resolution No. 2-94

00425893 Bk00871 Pg00335-00349
3-13
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 MAR 08 08:24 AM FEE \$1.00 BY DNG
REQUEST: PARK CITY MUNICIPAL CORP

**A RESOLUTION ANNEXING 227.99 ACRES OF
HIDDEN MEADOWS
INTO THE CORPORATE LIMITS OF PARK CITY, UTAH**

WHEREAS, a petition was filed by the owners of the land, Blue Ledge Corporation, included within the area described on the attached Annexation Plat, requesting Park City to annex that land to the City, zoned as Resort Open Space (ROS) and Estate (E); and

WHEREAS, the land is included within the City's Annexation Policy Declaration Statement and Annexation Boundary area; and

WHEREAS, public hearings, as required by law, were held before the Planning Commission on September 22, 1993, October 13, 1993, November 17, 1993 and December 15, 1993, and the City Council on January 20, 1994; and

WHEREAS, the attached Annexation Agreement (Exhibit B) was approved by the Planning Commission at its meeting of December 15, 1993, and approved by the City Council at its meeting of February 3, 1994; and

WHEREAS, the land in question is not included within any other municipal jurisdiction, and there have been no protests to the annexation filed by any other jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the land described on Exhibit A is hereby annexed to the corporate limits of Park City, Utah.

SECTION 1. ANNEXATION. The land so annexed shall enjoy the privileges of Park City and be entitled to receive all City services on the same basis as other land within the City except as provision of service is modified by the Annexation Agreement attached as Exhibit B, and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement attached as Exhibit B.

SECTION 2. COMPLIANCE WITH STATE LAW. The Annexation, in the judgment of Park City, meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect upon passage, provided that the annexation shall not be deemed completed until this Resolution is recorded in the Office of the Summit County Recorder together with the Annexation Plat.

PASSED AND ADOPTED 3rd day of February, 1994.

PARK CITY MUNICIPAL CORPORATION

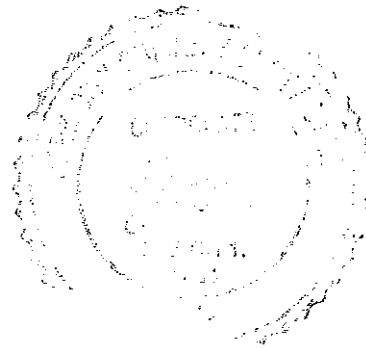
Ruth D. Gezelius
Ruth Gezelius, Mayor Pro Tem

Attest:

Anita L. Sheldon
Anita L. Sheldon, City Recorder

Approved as to form:

Jodi F. Hoffman
Jodi F. Hoffman, City Attorney



00425893 Bk00871 Pg00336

Exhibit A
to
Resolution 2-94

HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North 00°19'41" East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 77°00'00" West 1631.18 feet; thence South 35°30'00" West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77°39'13" West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28°59'00" West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North 59°06'00" East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61°01'00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 83°40'43" West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North 40°09'07" West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North 40°09'07" West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North 89°51'10" East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North 00°40'33" East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60°10'00" East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 62°56'19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44°04'01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78°41'14" East 40.19 feet; thence along the easterly side line of the Potosi mining claim North 53°33'00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41°00'00" East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South 39°40'23" East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38°46'13" East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South 75°52'07" West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South 63°17'52" West 344.36 feet; thence along the east line of Section 10 South 00°19'41" West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

00425893 Bk00871 Pg00337

Exhibit B

to

Resolution 2-94

HIDDEN MEADOWS ANNEXATION AGREEMENT

THIS AGREEMENT is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to set forth the terms and conditions under which Park City will annex land owned by Blue Ledge into the corporate limits of Park City, and extend municipal services to that property. This agreement is made under authority of Utah Code Annotated §10-2-414, (1953, as amended) and shall serve as part of a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. Property. The property to be annexed is described on the attached Exhibit A, and is referred to herein as the Hidden Meadows Property.

2. Zoning. Upon annexation, the Hidden Meadows property will become subject to the Park City Land Management Code, Subdivision Regulations, Sensitive Lands Ordinance, and all other Park City ordinances and building regulations. The property will be zoned in two areas as shown on the annexation plat for the property, which is incorporated into this agreement as Exhibit B. The open hillsides outside of the development area will be zoned RECREATION OPEN SPACE (ROS). The developed area will be zoned ESTATE (E), with maximum density as outlined in Paragraph 4 of this agreement. It is understood that the underlying zone for the entire parcel for the purpose of density calculations is Estate (E) and that the open space areas will be zoned Recreation Open Space (ROS) to ensure the area remains in open space.

3. Master Plan Approval. The Planning Commission has approved a master plan as part of the action on the annexation. The density, road and lot locations, open space and other parameters of the project shall be consistent with the master plan approval as shown in Exhibit C. The master plan approval is contingent upon approval of this agreement by the City Council. The MPD approval is valid for two years from the date of the Royal Oaks Phase II plat recordation.

4. Density.

A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be 53 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 lots shall be Hidden Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

5. Site Planning. The configuration of the Hidden Meadows Property shall be substantially as shown in Exhibit C and as described in the MPD approval.

6. Trails and Sidewalks. A trails plan shall be approved concurrently with the preliminary plat and shall conform to the MPD approval. The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.

7. Open Space. The Hidden Meadows Property open space shall be as shown in Exhibit C.

A. Ownership. Blue Ledge shall by statutory warranty deed transfer land designated as Recreational Open Space (ROS) to the City in fee simple. Blue Ledge hereby warrants marketable title to the entire area designated ROS in Exhibit C.

B. Use Restrictions and Preservation. The open space areas shall be subject to a restriction which will ensure the perpetual preservation of the open space and restrict the uses of the parcels. This restriction may take the form of a deed restriction, conservation easement, or some other mechanism acceptable to the City Attorney.

C. Maintenance. Open space shall be maintained by the entity holding fee title to the property unless other provisions have been made by agreement or as conditions of plat approval.

8. Fire Safety. Exterior and interior fire sprinklers are required. Wood roofs are prohibited.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D.

A. Duplex Units. Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.

B. Remaining Requirement. The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.

C. Security Required. Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.

D. Deadlines.

- i. Duplex Units. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.
- ii. Other Units. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.
- iii. Security. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.

E. Fee Waivers. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.

10. Roads and Road Design. All streets and roads within the Hidden Meadows property shall be public and public access may not be obstructed. All streets and roads, excluding the cul de sacs and the meadow loop road, must be platted and built in the first phase of the development. Park City agrees to consider road designs submitted by registered engineers on Blue Ledge's behalf, and agrees that roads within the project will be required to meet Park City standards for residential and collector streets, including adequate provisions for construction traffic.

A. The road traversing the hillside below the Oaks Clubhouse shall have a minimum width of twenty-four feet from back of curb to back of curb, with a ten-foot shoulder on each side. The road design will be rigorously reviewed by the staff for retaining walls, landscaping, and irrigation which will minimize the visual impact of the road crossing. This road shall have a very confined limit of disturbance, particularly on the downhill side, in order to retain as much of the natural screening as possible.

11. Future Rights-of-Way. The subdivision plat for the Hidden Meadows Property shall show a right-of-way, of at least fifty feet in width, on the east edge of the property bordering the Gillmor parcel in the general location of the existing dirt road. The right-of-way shall not be improved for public vehicular traffic until a review of the Park City Annexation Declaration Policy and Comprehensive Plan is completed and the use of the right-of-way is determined to be appropriate and desirable as a result of such comprehensive review. Blue Ledge, as the developer, shall have no obligation now or in the future to construct or pay for the construction of this road beyond the cul-de-sac bulb; provided that if Blue Ledge still owns lots at such time as a special improvement district is formed for that purpose, Blue Ledge would be subject to assessment on the same basis as other lot owners.

12. Sanitary Sewer. Alignment of the sanitary sewer through Chatham Crossing is subject to Park City review and approval prior to and after final design. Blue Ledge shall submit a revegetation plan for the disturbance associated with the installation of the sanitary sewer. This plan shall be approved by the staff prior to commencement of sanitary sewer construction.

13. Dedication of Water Rights. In consideration of the benefits incurred to Park City in the January 22, 1992 "Agreement between Park City Municipal Corporation and United Park City Mines Company Consenting to a Sale of Surplus Salt Lake City Water," Park City will not require dedication of water rights by Blue Ledge as a condition of annexation of the Hidden Meadows property.

14. Water Connection and Development Fees and Other Water Costs. As each building permit is obtained for individual houses within the subdivision, the owner shall pay the Park City water connection and development fees as provided by the Park City ordinance in effect at the time of application for building permits. Because there is no longer desirable distribution capacity in the Oaks Tank, Blue Ledge shall be required to pay a City approved portion of the cost of a pump station to send water from the Chatham area to the Solamere area.

15. Homeowners Association. A Homeowners Association shall be formed to maintain trails and any common open space under the ownership of the association.

16. Park Development Fees. Blue Ledge shall pay and agrees not to contest Parks and Recreation fees in the amount of \$1035 per Hidden Meadows lot prior to final plat recordation. However, pursuant to Paragraph 7 of this Agreement, Blue Ledge is dedicating substantial open space to Park City. Accordingly, all or part of the Park and Recreation fees may be waived by Park City in an amount to be determined by the Park City Parks, Recreation and Beautification Board. The potential for a fee waiver shall be scheduled on the first available agenda of the Park City Parks, Recreation and Beautification Board upon the execution of this Agreement. Blue Ledge shall not be responsible for payment of Parks and Recreation fees for the nine Royal Oaks Phase II lots located on Blue Ledge Property.

17. Planning Review Fees. Blue Ledge shall be responsible for all subdivision approval fees as deemed appropriate by the Community Development Director. Blue Ledge shall not be responsible for payment of fees for the nine Royal Oaks lots located on the Hidden Meadows parcel.

18. Impact and Building Fees. Blue Ledge or successor owners of lots will pay and not contest all generally applicable impact (including school facilities impact fees), building permit, and plan check fees due for construction on the annexed land as provided by Park City ordinance in effect at the time of application for building permits.

19. Acceptance of Public Improvements. Park City will accept title to the public improvements within each phase of the project upon final approval of the construction for each phase. Blue Ledge shall pay for the usage of water in each phase sufficient, in the opinion of the Park City Public Works Director, to avoid freezing of water lines until homes have been built on 23 lots (or 50% of the lots) in that phase.

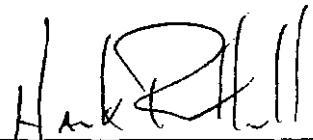
20. Snow Removal and Storage. Park City is not obligated to take over snow removal responsibility on public streets within Hidden Meadows Property until at least 23 lots in the Hidden Meadows Subdivision exclusive of the Nine Royal Oaks Phase II Lots) have been improved by the construction of a house on those lots as evidenced by issuance of a certificate of occupancy on those lots. Until that occurs, snow removal shall be Blue Ledge's responsibility, or that of the homeowners' association. Because of the project location within a drift line and on a north-facing slope, a ten-foot snow storage easement shall be provided on either side of all streets within Hidden Meadows.

21. Governing Law. This agreement shall be governed by the laws of Utah.

22. Full Agreement. This agreement contains the full and complete agreement of the parties regarding the annexation and there are no other agreements in regard to the annexation of the Hidden meadows Property. This agreement may only be modified or varied by in writing signed by the parties.

Dated this 2nd day of March, 1995.

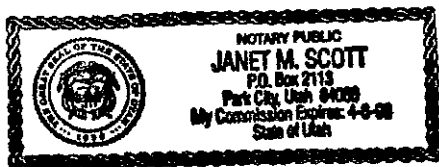
BLUE LEDGE CORPORATION

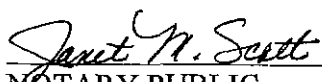

By: _____
Its: President

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
County of Summit)

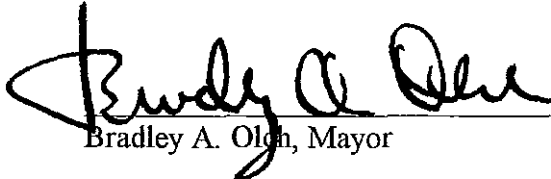
On the 3 day of March, 1995, personally appeared before me
HANK ROTHWELL, who did say that he/she is the
PRESIDENT of Blue Ledge Corporation, and that the foregoing Agreement was
signed in behalf of said corporation by authority of a resolution of its board of directors; and said
person acknowledged to me that said corporation executed the same.





NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION



Bradley A. Olson, Mayor

Attest:

Anita Sheldon
Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington
Mark D. Harrington, Asst. City Attorney

Exhibit A - Legal description of property to be annexed

Exhibit B - Annexation plat (estimated reduction - original recorded w/ Summit County Recorder)

Exhibit C - Site plan per approved MPD (reduction)

Exhibit D - Resolution 8-93

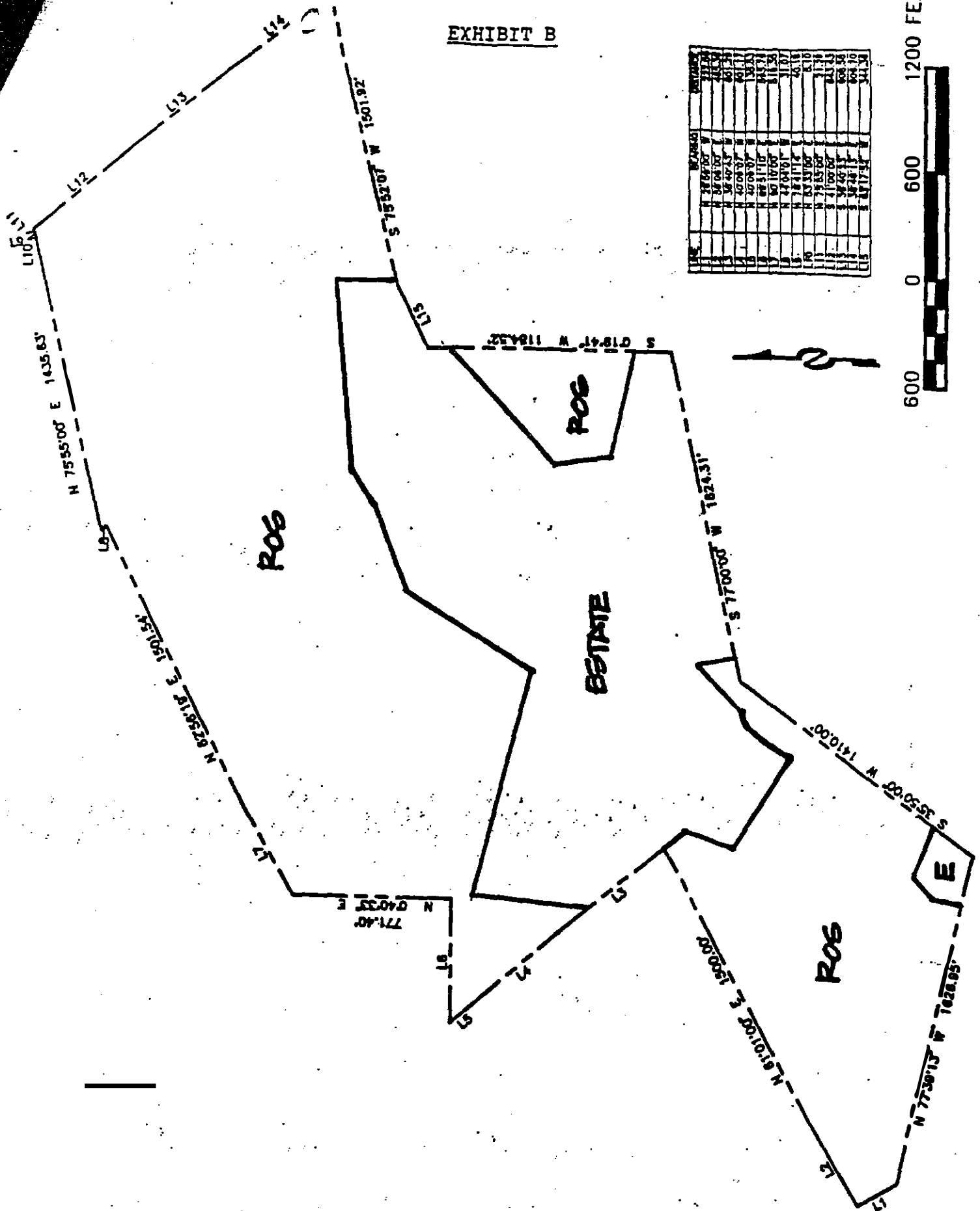
EXHIBIT A

HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North 00°19'41" East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 77°00'00" West 1631.18 feet; thence South 35°30'00" West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77°39'13" West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28°59'00" West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North 59°06'00" East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61°01'00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 83°40'43" West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North 40°09'07" West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North 40°09'07" West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North 89°51'10" East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North 00°40'33" East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60°10'00" East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 62°56'19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44°04'01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78°41'14" East 40.19 feet; thence along the easterly side line of the Potosi mining claim North 53°33'00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41°00'00" East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South 39°40'23" East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38°46'13" East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South 75°52'07" West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South 63°17'52" West 344.36 feet; thence along the east line of Section 10 South 00°19'41" West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

00425893 Bk00871 Pg00345

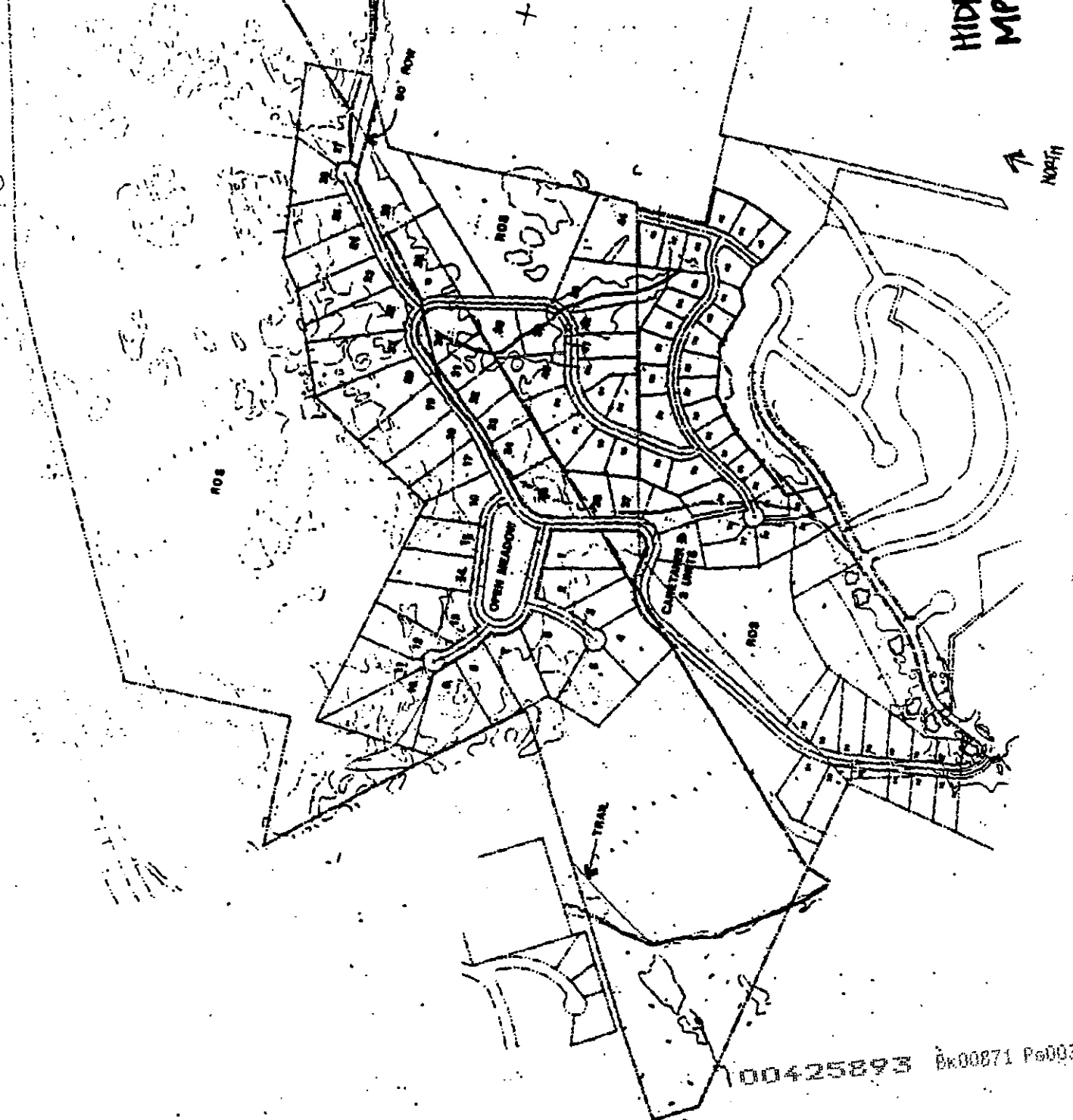
EXHIBIT B



LINE	BEARING	DISTANCE	AREA
L1	N 77°30'13" W	7628.95'	711.24
L2	N 91°10'10" E	1500.00'	48.00
L3	S 35°30'00" W	1410.00'	60.34
L4	S 17°00'00" W	1824.31'	60.11
L5	S 07°41' W	1184.52'	138.33
L6	S 15°32'07" W	1501.92'	245.74
L7	N 04°03' E	771.40'	81.30
L8	N 62°58'18" E	1595.23'	11.07
L9	S 1°50'10" E	1510.18'	20.18
L10	N 75°55'00" E	1435.63'	81.0
L11	L10.11		11.14
L12	L12		843.43
L13	L13		608.58
L14	L14		608.70
L15	L15		311.33

EXHIBIT C

HIDDEN MEADOWS
MPD SITE PLAN



00425893 Bk00871 Pg00347

Exhibit D

Resolution No. 8-93

A RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council has identified affordable housing as a high priority in its work program for 1993 through 1995; and

WHEREAS, the City Council has adopted Resolution No. 37-91 on December 5, 1991 which established policies to support and increase affordable housing in Park City; and

WHEREAS, it is deemed in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, and other planning actions where affordable housing is an issue; and

WHEREAS, it is appropriate to base the following figures on standards in other resort communities, two Park City studies, HUD standards, and input from the Planning Commission Subcommittee on Affordable Housing;

NOW, THEREFORE BE IT RESOLVED that the City Council adopt the following:

SECTION 1. AFFORDABLE HOUSING STANDARDS AND GUIDELINES ADOPTED.

MINIMUM UNIT SIZE--STANDARD

studio	400 square feet
1 br	550 square feet
2 br	750 square feet
3 br	950 square feet
4 br	1,100 square feet

MAXIMUM RENT--GUIDELINE

studio	\$400
1 br	500
2 br	650
3 br	800
4 br	950

It is assumed that the affordable units will be in multifamily configuration. Modifications to the maximum rent guidelines may be made based upon such factors as housing configuration (detached), provision of a public benefit, or project amenities. These numbers will be adjusted annually in consideration of the CPI and rental

rates. The City Council will reevaluate the rent maximums every three years.

MAXIMUM CITY ASSISTANCE--STANDARD

\$5,000 regardless of unit size or configuration.

LIMITATION PERIOD--GUIDELINE

15 years regardless of unit size.

The limitation period may be varied based upon provision of a public benefit or other factors as negotiated by the City Council or Housing Authority.

ANNEXATION REQUIREMENTS--STANDARDS

10% minimum percent affordable housing.

2 bedroom standard unit size.

UNIT EQUIVALENTS FOR AFFORDABLE HOUSING--STANDARDS

studio	.50
1 br	.75
2 br	1.00
3 br	1.25
4 br	1.50

IN LIEU PAYMENTS FOR ANNEXATION AFFORDABLE HOUSING
REQUIREMENT

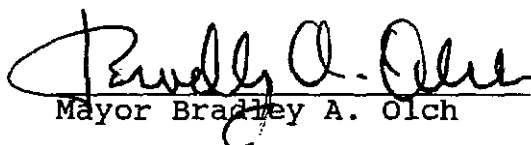
studio	\$30,000
1 br	45,000
2 br	60,000
3 br	75,000
4 br	90,000

The in lieu payment figures were derived from a recent estimate of the cost of providing one unit of affordable housing. The estimate of \$60,000 includes financing and title costs, construction costs, and contingency costs for a two bedroom unit. All other in lieu payments (for other sizes of units) are based upon the unit equivalents. These numbers will be adjusted annually in consideration of the CPI and estimates of affordable housing development costs. The City Council will reevaluate the in lieu amounts every three years.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 18th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

2 of 2

00425893 Bk00871 Pg00349

ADDRESS:

Park City Affordable Housing Project.

Doc Type:



Application



Plan



Blank Document

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

--

PARK CITY PLANNING DEPARTMENT
MEMORANDUM

TO: PLANNING COMMISSION SUBCOMMITTEE ON AFFORDABLE HOUSING
FROM: SUSAN LYKES, PLANNER II *SL*
DATE: 5 AUGUST 1993
RE: CORNER PARCEL/HIDDEN MEADOWS ANNEXATION PETITION

As you know, the applicants for the Hidden Meadows Annexation have included the "Corner Parcel" in their annexation petition as an option for development of affordable housing, deferring to the city the decision on the inclusion of parcel in the annexation request. If annexed, the parcel would be the site of a dense, small-lot, single-family subdivision geared toward providing affordable housing for the area's "middle class." Otherwise, the applicants would pursue alternative options (which have not been specified) for provision of their eight-unit affordable housing requirement. The applicants' preferred option is the annexation of the Corner Parcel.

When the Hidden Meadows application was first received, the city was planning to move forward on the "East Corridor" Area Plan. The staff indicated that the city was not inclined to consider annexation of the Corner Parcel until such time as the area plan was completed. The area plan would determine if the affordable housing use is compatible within the context of the east corridor. Since that time, however, the Planning Commission has stated a priority of reviewing and revising the Comprehensive Plan. In addition, the Council has directed the staff to revise the Annexation Policy Declaration. The East Corridor Plan was therefore postponed because of a lack of staff time. Because of this, the staff is no longer requesting the deferral of the Corner Parcel annexation and master planning.

Up to this point, the Planning Commission review of Hidden Meadows has focused primarily on the basic question of annexation. Little emphasis has been placed upon other issues which will be important *if the project is to be annexed* but which are currently secondary to the annexation question. The staff would like the Affordable Housing Subcommittee to discuss the Corner Parcel in order to provide recommendations to the Planning Commission on the appropriateness of annexation of that parcel. The AHSC should discuss the following questions.

PLANNING ISSUES.

- The Corner Parcel has one tip adjacent to the city limits. However, the parcel is somewhat in the middle of nowhere in terms of development: the adjacent property within Park City is composed of a long strip of ROS property. Is this an appropriate place to encourage new development, particularly dense, single-family development?
- The provision of services to the Corner Parcel will imply that the city is willing to consider annexation and/or development in the east corridor area. At this time, development in that area has been stemmed by that fact that the city currently has no services extended to that area and has no plans to do so. Annexation of the Corner Parcel and extension of services could very well open Pandora's box. Is the affordable housing development worth the extension of services and the attendant development implications?
- Should the Commission consider an option whereby the Corner Parcel is annexed but may not be developed for a certain number of years? The timing of development could be dictated by the annexation agreement.

AFFORDABLE HOUSING ISSUES.

- While it may be unrealistic to expect to develop single-family affordable housing within the current city limits because of land prices, is it appropriate to be placing affordable housing on the fringes of the urban area?
- Is this type of affordable housing appropriately used to satisfy an annexation requirement?
- Will this type of housing just attract more Salt Lake families rather than provide for Park City needs? How can this be avoided?
- Should the city provide fee waivers for the development?
- Applicant Hank Rothwell argues that the size of the lots would be a natural restriction on the price of the lots and homes. Is the AHSC comfortable with this notion or should there be sales restrictions on the lots?
- Is this type of housing needed? (I believe that the AHSC has already determined that it is.)

This topic may be too extensive to resolve in one meeting; if this is the case, another meeting may be scheduled. If the AHSC feels that the Corner Parcel should be annexed concurrently with Hidden Meadows, the recommendation will be passed on the Planning Commission for their consideration.

The staff has asked applicants Hank Rothwell and Liz Josephson to attend the meeting in order to participate in the Corner Parcel discussion.

When recorded mail to:

Anita Sheldon, City Recorder
P.O. Box 1480
Park City, UT 84060

AMENDMENT TO THE HIDDEN MEADOWS ANNEXATION AGREEMENT

Whereas, the City Council has determined that it is in the best interest of the City to accept a payment in-lieu of the affordable housing requirement because the money will be used to facilitate the construction of a greater number of affordable housing units in other projects; and

Whereas, Blue Ledge has agreed to give to the City approximately fifty percent of the sale price of one lot as consideration for release of the obligation to build an affordable housing duplex on Lot 45;

NOW THEREFORE, this Agreement is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to amend the Hidden Meadows Annexation Agreement entered into on March 2, 1995 regarding the property more particularly described in "Exhibit A". In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of Hidden Meadows Annexation Agreement shall be amended to read as follows:

01430356 800885 P00168-00172
5-30 C.C. 2.3.104 11 T21 R48
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 MAY 24 09:39 AM FEE \$1.00 BY DMS
REQUEST: PARK CITY MUNICIPAL CORP

4. Density.

A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be ~~53~~ ⁵⁴ lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining ~~44~~ ⁴⁵ lots shall be Hidden

Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall pay Park City \$364,000 as follows: provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D

A. Payment in Lieu. Prior to final plat recordation, Blue Ledge shall pay \$264,000 to Park City which shall satisfy its affordable housing obligation for 4.4 affordable unit equivalents.

B. Lot 45. Blue Ledge shall pay \$100,000 to Park City within 2 years of Phase I final plat recordation as consideration for retaining ownership and single-family use of Lot 45. Blue Ledge shall execute and record a lien and promissory note on Lot 45 to Park City's satisfaction. Blue Ledge hereby grants to Park City a right of first refusal to purchase Lot 45 at the price of \$215,000. Such right shall expire 30 days after Blue Ledge provides written notice to Park City of the first bona fide offer of purchase for Lot 45 which culminates in a sale at or near appraised value.

A. Duplex Units. Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.

B. Remaining Requirement. The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.

C. Security Required. Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.

~~D. Deadlines.~~

- ~~i. Duplex Units. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.~~
- ~~ii. Other Units. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.~~
- ~~iii. Security. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.~~

~~E. Fee Waivers. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.~~

Dated this 16th day of May, 1995.

BLUE LEDGE CORPORATION

By: Hank Rothwell
Its: President

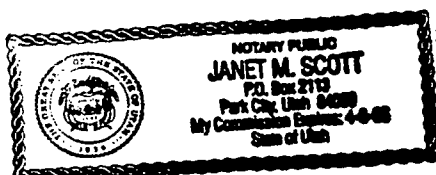
CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)

: ss.

County of Summit)

On the 16 day of May, 1995, personally appeared before me HANK ROTHWELL, who did say that he/she is the PRESIDENT of Blue Ledge Corporation, and that the foregoing Agreement was signed in behalf of said corporation by authority of a resolution of its board of directors; and said person acknowledged to me that said corporation executed the same.



Janet M. Scott
NOTARY PUBLIC

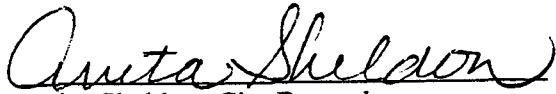
3 of 4

00430356 Bk00885 Pg00170

PARK CITY MUNICIPAL CORPORATION


Bradley A. Orr, Mayor

Attest:


Anita Sheldon, City Recorder

Approved as to Form:

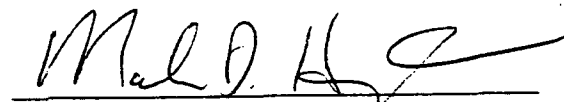

Mark D. Harrington, Asst. City Attorney

EXHIBIT A

HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North $00^{\circ}19'41''$ East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South $77^{\circ}00'00''$ West 1631.18 feet; thence South $35^{\circ}30'00''$ West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North $77^{\circ}39'13''$ West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North $28^{\circ}59'00''$ West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North $59^{\circ}06'00''$ East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North $61^{\circ}01'00''$ East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North $83^{\circ}40'43''$ West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North $89^{\circ}51'10''$ East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North $00^{\circ}40'33''$ East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North $60^{\circ}10'00''$ East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North $62^{\circ}56'19''$ East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North $44^{\circ}04'01''$ West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North $78^{\circ}41'14''$ East 40.19 feet; thence along the easterly side line of the Potosi mining claim North $53^{\circ}33'00''$ East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South $41^{\circ}00'00''$ East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South $39^{\circ}40'23''$ East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South $38^{\circ}46'13''$ East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South $75^{\circ}52'07''$ West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South $63^{\circ}17'52''$ West 344.36 feet; thence along the east line of Section 10 South $00^{\circ}19'41''$ West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

00430356 Bk00825 Pg00172

When recorded mail to:
Anita Sheldon, City Recorder
P.O. Box 1480
Park City, UT 84060

HIDDEN MEADOWS ANNEXATION AGREEMENT

THIS AGREEMENT is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to set forth the terms and conditions under which Park City will annex land owned by Blue Ledge into the corporate limits of Park City, and extend municipal services to that property. This agreement is made under authority of Utah Code Annotated §10-2-414, (1953, as amended) and shall serve as part of a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. Property. The property to be annexed is described on the attached Exhibit A, and is referred to herein as the Hidden Meadows Property.

2. Zoning. Upon annexation, the Hidden Meadows property will become subject to the Park City Land Management Code, Subdivision Regulations, Sensitive Lands Ordinance, and all other Park City ordinances and building regulations. The property will be zoned in two areas as shown on the annexation plat for the property, which is incorporated into this agreement as Exhibit B. The open hillsides outside of the development area will be zoned RECREATION OPEN SPACE (ROS). The developed area will be zoned ESTATE (E), with maximum density as outlined in Paragraph 4 of this agreement. It is understood that the underlying zone for the entire parcel for the purpose of density calculations is Estate (E) and that the open space areas will be zoned Recreation Open Space (ROS) to ensure the area remains in open space.

3. Master Plan Approval. The Planning Commission has approved a master plan as part of the action on the annexation. The density, road and lot locations, open space and other parameters of the project shall be consistent with the master plan approval as shown in Exhibit C. The master plan approval is contingent upon approval of this agreement by the City Council. The MPD approval is valid for two years from the date of the Royal Oaks Phase II plat recordation.

4. Density.

A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be 53 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 lots shall be Hidden Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

5. Site Planning. The configuration of the Hidden Meadows Property shall be substantially as shown in Exhibit C and as described in the MPD approval.

6. Trails and Sidewalks. A trails plan shall be approved concurrently with the preliminary plat and shall conform to the MPD approval. The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.

7. Open Space. The Hidden Meadows Property open space shall be as shown in Exhibit C.

A. Ownership. Blue Ledge shall by statutory warranty deed transfer land designated as Recreational Open Space (ROS) to the City in fee simple. Blue Ledge hereby warrants marketable title to the entire area designated ROS in Exhibit C.

B. Use Restrictions and Preservation. The open space areas shall be subject to a restriction which will ensure the perpetual preservation of the open space and restrict the uses of the parcels. This restriction may take the form of a deed restriction, conservation easement, or some other mechanism acceptable to the City Attorney.

C. Maintenance. Open space shall be maintained by the entity holding fee title to the property unless other provisions have been made by agreement or as conditions of plat approval.

8. Fire Safety. Exterior and interior fire sprinklers are required. Wood roofs are prohibited.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D.

A. Duplex Units. Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.

B. Remaining Requirement. The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.

C. Security Required. Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.

D. Deadlines.

- i. Duplex Units. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.
- ii. Other Units. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.
- iii. Security. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.

E. Fee Waivers. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.

10. Roads and Road Design. All streets and roads within the Hidden Meadows property shall be public and public access may not be obstructed. All streets and roads, excluding the cul de sacs and the meadow loop road, must be platted and built in the first phase of the development. Park City agrees to consider road designs submitted by registered engineers on Blue Ledge's behalf, and agrees that roads within the project will be required to meet Park City standards for residential and collector streets, including adequate provisions for construction traffic.

A. The road traversing the hillside below the Oaks Clubhouse shall have a minimum width of twenty-four feet from back of curb to back of curb, with a ten-foot shoulder on each side. The road design will be rigorously reviewed by the staff for retaining walls, landscaping, and irrigation which will minimize the visual impact of the road crossing. This road shall have a very confined limit of disturbance, particularly on the downhill side, in order to retain as much of the natural screening as possible.

11. Future Rights-of-Way. The subdivision plat for the Hidden Meadows Property shall show a right-of-way, of at least fifty feet in width, on the east edge of the property bordering the Gillmor parcel in the general location of the existing dirt road. The right-of-way shall not be improved for public vehicular traffic until a review of the Park City Annexation Declaration Policy and Comprehensive Plan is completed and the use of the right-of-way is determined to be appropriate and desirable as a result of such comprehensive review. Blue Ledge, as the developer, shall have no obligation now or in the future to construct or pay for the construction of this road beyond the cul-de-sac bulb; provided that if Blue Ledge still owns lots at such time as a special improvement district is formed for that purpose, Blue Ledge would be subject to assessment on the same basis as other lot owners.

12. Sanitary Sewer. Alignment of the sanitary sewer through Chatham Crossing is subject to Park City review and approval prior to and after final design. Blue Ledge shall submit a revegetation plan for the disturbance associated with the installation of the sanitary sewer. This plan shall be approved by the staff prior to commencement of sanitary sewer construction.

13. Dedication of Water Rights. In consideration of the benefits incurred to Park City in the January 22, 1992 "Agreement between Park City Municipal Corporation and United Park City Mines Company Consenting to a Sale of Surplus Salt Lake City Water," Park City will not require dedication of water rights by Blue Ledge as a condition of annexation of the Hidden Meadows property.

14. Water Connection and Development Fees and Other Water Costs. As each building permit is obtained for individual houses within the subdivision, the owner shall pay the Park City water connection and development fees as provided by the Park City ordinance in effect at the time of application for building permits. Because there is no longer desirable distribution capacity in the Oaks Tank, Blue Ledge shall be required to pay a City approved portion of the cost of a pump station to send water from the Chatham area to the Solamere area.

15. Homeowners Association. A Homeowners Association shall be formed to maintain trails and any common open space under the ownership of the association.

16. Park Development Fees. Blue Ledge shall pay and agrees not to contest Parks and Recreation fees in the amount of \$1035 per Hidden Meadows lot prior to final plat recordation. However, pursuant to Paragraph 7 of this Agreement, Blue Ledge is dedicating substantial open space to Park City. Accordingly, all or part of the Park and Recreation fees may be waived by Park City in an amount to be determined by the Park City Parks, Recreation and Beautification Board. The potential for a fee waiver shall be scheduled on the first available agenda of the Park City Parks, Recreation and Beautification Board upon the execution of this Agreement. Blue Ledge shall not be responsible for payment of Parks and Recreation fees for the nine Royal Oaks Phase II lots located on Blue Ledge Property.

17. Planning Review Fees. Blue Ledge shall be responsible for all subdivision approval fees as deemed appropriate by the Community Development Director. Blue Ledge shall not be responsible for payment of fees for the nine Royal Oaks lots located on the Hidden Meadows parcel.

18. Impact and Building Fees. Blue Ledge or successor owners of lots will pay and not contest all generally applicable impact (including school facilities impact fees), building permit, and plan check fees due for construction on the annexed land as provided by Park City ordinance in effect at the time of application for building permits.

19. Acceptance of Public Improvements. Park City will accept title to the public improvements within each phase of the project upon final approval of the construction for each phase. Blue Ledge shall pay for the usage of water in each phase sufficient, in the opinion of the Park City Public Works Director, to avoid freezing of water lines until homes have been built on 23 lots (or 50% of the lots) in that phase.

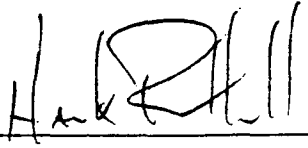
20. Snow Removal and Storage. Park City is not obligated to take over snow removal responsibility on public streets within Hidden Meadows Property until at least 23 lots in the Hidden Meadows Subdivision exclusive of the Nine Royal Oaks Phase II Lots) have been improved by the construction of a house on those lots as evidenced by issuance of a certificate of occupancy on those lots. Until that occurs, snow removal shall be Blue Ledge's responsibility, or that of the homeowners' association. Because of the project location within a drift line and on a north-facing slope, a ten-foot snow storage easement shall be provided on either side of all streets within Hidden Meadows.

21. Governing Law. This agreement shall be governed by the laws of Utah.

22. Full Agreement. This agreement contains the full and complete agreement of the parties regarding the annexation and there are no other agreements in regard to the annexation of the Hidden meadows Property. This agreement may only be modified or varied by in writing signed by the parties.

Dated this 2nd day of March, 1995.

BLUE LEDGE CORPORATION


By: _____
Its: President

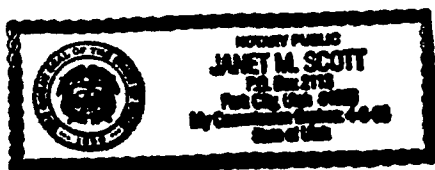
CORPORATE ACKNOWLEDGMENT

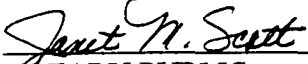
STATE OF UTAH)

 : ss.

County of Summit)

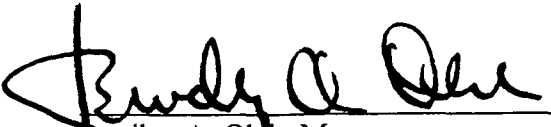
On the 3 day of March, 1995, personally appeared before me
HANK ROTHWELL who did say that he/she is the
PRESIDENT of Blue Ledge Corporation, and that the foregoing Agreement was
signed in behalf of said corporation by authority of a resolution of its board of directors; and said
person acknowledged to me that said corporation executed the same.





NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION



Bradley A. Olson, Mayor

Attest:

Anita Sheldon
Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington
Mark D. Harrington, Asst. City Attorney

Exhibit A - Legal description of property to be annexed

Exhibit B - Annexation plat (estimated reduction - original recorded w/ Summit County Recorder)

Exhibit C - Site plan per approved MPD (reduction)

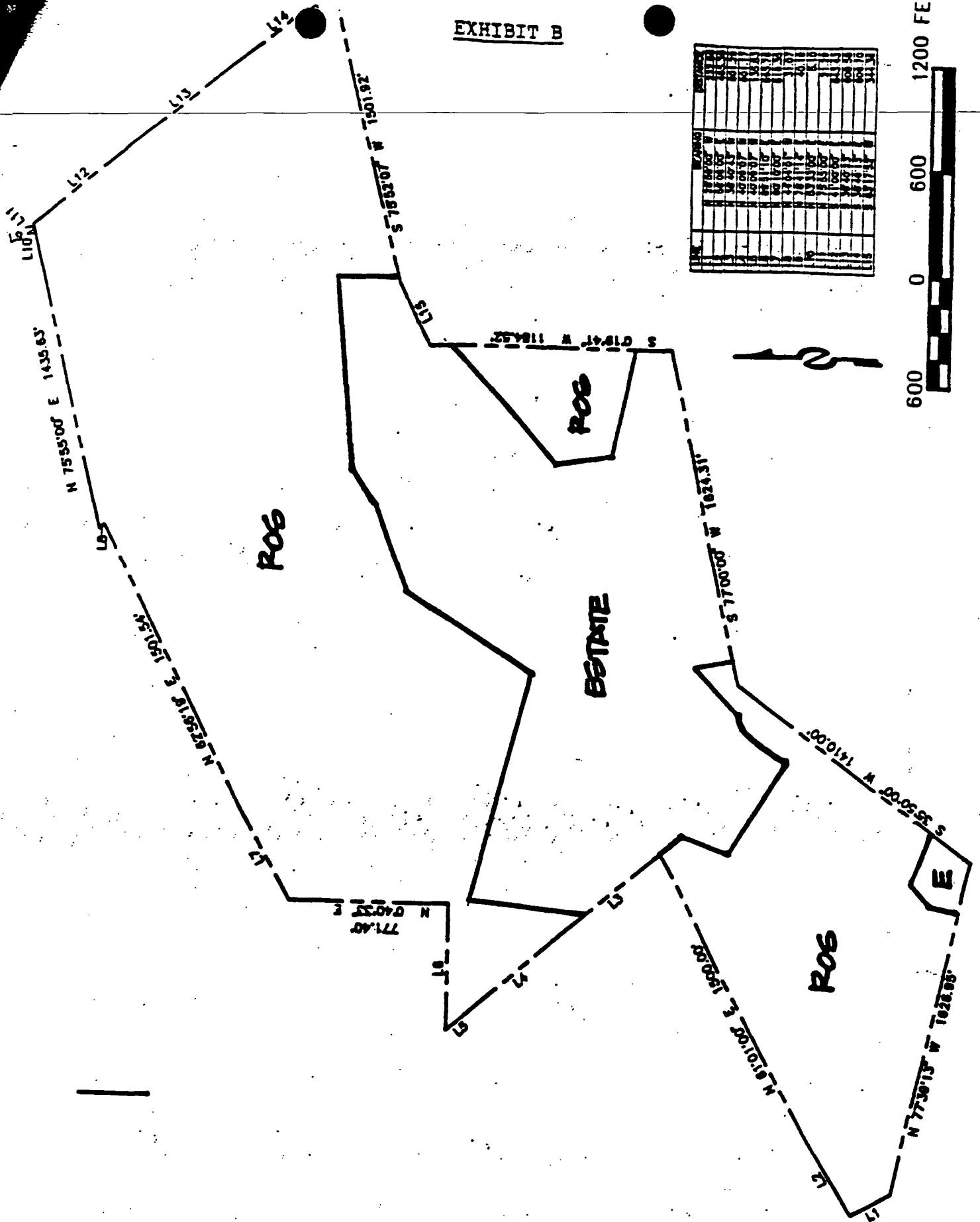
Exhibit D - Resolution 8-93

EXHIBIT A

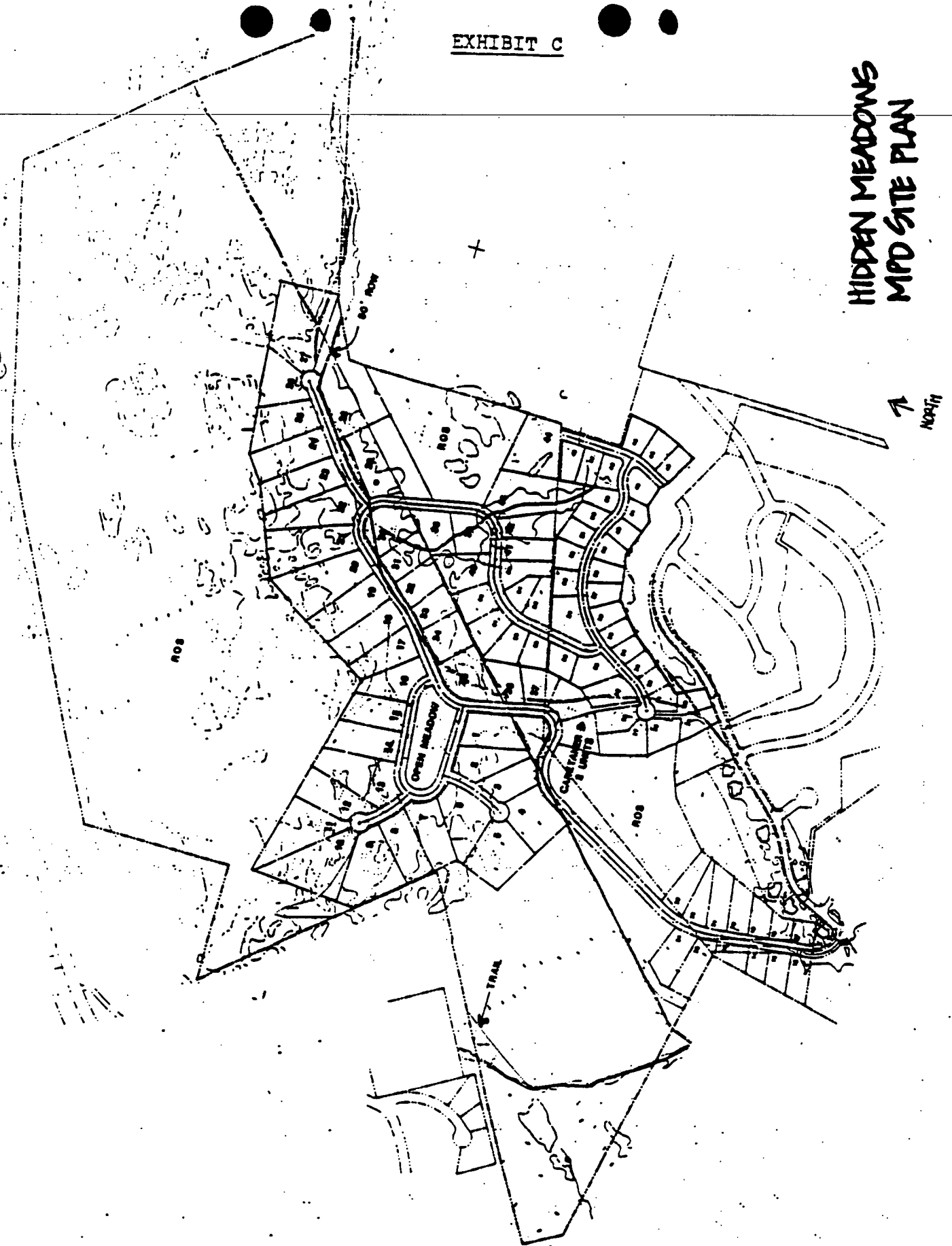
HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North $00^{\circ}19'41''$ East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South $77^{\circ}00'00''$ West 1631.18 feet; thence South $35^{\circ}30'00''$ West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North $77^{\circ}39'13''$ West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North $28^{\circ}59'00''$ West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North $59^{\circ}06'00''$ East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North $61^{\circ}01'00''$ East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North $83^{\circ}40'43''$ West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North $89^{\circ}51'10''$ East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North $00^{\circ}40'33''$ East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North $60^{\circ}10'00''$ East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North $62^{\circ}56'19''$ East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North $44^{\circ}04'01''$ West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North $78^{\circ}41'14''$ East 40.19 feet; thence along the easterly side line of the Potosi mining claim North $53^{\circ}33'00''$ East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South $41^{\circ}00'00''$ East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South $39^{\circ}40'23''$ East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South $38^{\circ}46'13''$ East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South $75^{\circ}52'07''$ West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South $63^{\circ}17'52''$ West 344.36 feet; thence along the east line of Section 10 South $00^{\circ}19'41''$ West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

EXHIBIT B



HIDDEN MEADOWS
MPD SITE PLAN



Resolution No. 8-93

**A RESOLUTION ADOPTING AFFORDABLE HOUSING
GUIDELINES AND STANDARDS FOR
PARK CITY, UTAH**

WHEREAS, the City Council has identified affordable housing as a high priority in its work program for 1993 through 1995; and

WHEREAS, the City Council has adopted Resolution No. 37-91 on December 5, 1991 which established policies to support and increase affordable housing in Park City; and

WHEREAS, it is deemed in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, and other planning actions where affordable housing is an issue; and

WHEREAS, it is appropriate to base the following figures on standards in other resort communities, two Park City studies, HUD standards, and input from the Planning Commission Subcommittee on Affordable Housing;

NOW, THEREFORE BE IT RESOLVED that the City Council adopt the following:

SECTION 1. AFFORDABLE HOUSING STANDARDS AND GUIDELINES
ADOPTED.

MINIMUM UNIT SIZE--STANDARD

studio	400 square feet
1 br	550 square feet
2 br	750 square feet
3 br	950 square feet
4 br	1,100 square feet

MAXIMUM RENT--GUIDELINE

studio	\$400
1 br	500
2 br	650
3 br	800
4 br	950

It is assumed that the affordable units will be in multifamily configuration. Modifications to the maximum rent guidelines may be made based upon such factors as housing configuration (detached), provision of a public benefit, or project amenities. These numbers will be adjusted annually in consideration of the CPI and rental

rates. The City Council will reevaluate the rent maximums every three years.

MAXIMUM CITY ASSISTANCE--STANDARD

\$5,000 regardless of unit size or configuration.

LIMITATION PERIOD--GUIDELINE

15 years regardless of unit size.

The limitation period may be varied based upon provision of a public benefit or other factors as negotiated by the City Council or Housing Authority.

ANNEXATION REQUIREMENTS--STANDARDS

10% minimum percent affordable housing.

2 bedroom standard unit size.

UNIT EQUIVALENTS FOR AFFORDABLE HOUSING--STANDARDS

studio	.50
1 br	.75
2 br	1.00
3 br	1.25
4 br	1.50

IN LIEU PAYMENTS FOR ANNEXATION AFFORDABLE HOUSING
REQUIREMENT

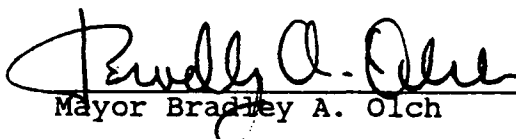
studio	\$30,000
1 br	45,000
2 br	60,000
3 br	75,000
4 br	90,000

The in lieu payment figures were derived from a recent estimate of the cost of providing one unit of affordable housing. The estimate of \$60,000 includes financing and title costs, construction costs, and contingency costs for a two bedroom unit. All other in lieu payments (for other sizes of units) are based upon the unit equivalents. These numbers will be adjusted annually in consideration of the CPI and estimates of affordable housing development costs. The City Council will reevaluate the in lieu amounts every three years.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 18th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 163931 as prescribed under the laws of the State of Utah. I have made a survey of the tract of land shown and described herein and subdivided said tract of land into lots, public easements, ROS parcels and public right-of-ways to be hereafter known as HIDDEN MEADOW SUBDIVISION PHASE 1 and that the same has been correctly surveyed on the ground as shown on this plat.

John Demkowicz
JOHN DEMKOWICZ L.S. NO. 163931

8-24-95
DATE

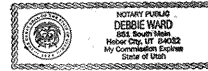


OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is the owner of the herein described tract of land, having caused the same to be subdivided into lots, ROS parcels and public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as HIDDEN MEADOW SUBDIVISION, does hereby dedicate for the perpetual use of the public, all parcels of land as intended for public use and further consents to the recordation of this Record of Survey Plat in accordance with Utah Law. ALSO, the owner hereby dedicates to Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement. The owner, or his 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 subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this 24th day of August, 1995.

BLUE LEDGE CORPORATION
A Delaware Corporation
[Signature]
Mark Rothwell
Its President



STATE OF UTAH)
COUNTY OF SUMMIT)

On the 24 day of August, 1995, Hank Rothwell, appeared before me and acknowledged that he is the President of Blue Ledge Corporation, A Delaware Corporation, and that he executed the same on behalf of the Corporation with proper authority.

[Signature]
Notary Public

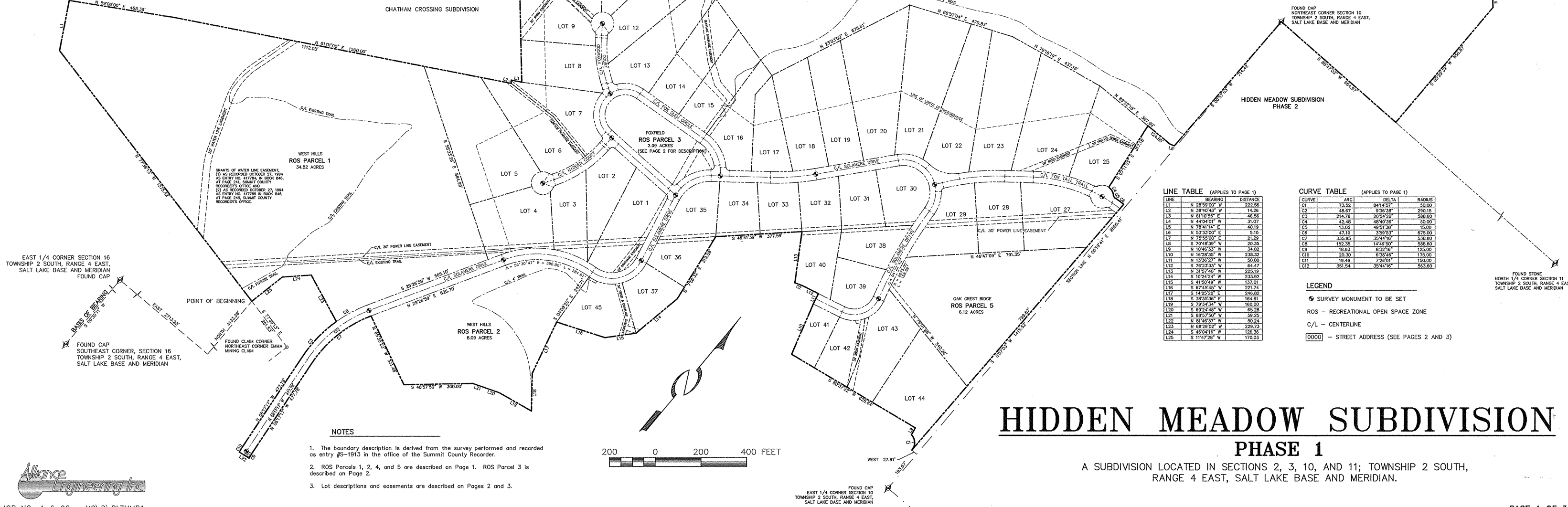
Residing at: *[Address]*
Commission Expires: May 30, 1999

ACKNOWLEDGEMENT

TABLE B

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,380 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,921 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,921 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,383 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,989 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	80,190 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,383 S.F.	7,250 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	58,077 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	78,352 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,309 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	125,517 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	89,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,994 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 29	64,391 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	46,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	43,069 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	39,189 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,772 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,063 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,032 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	44,468 S.F.	7,250 S.F.	10,000 S.F.
LOT 41	29,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	75,033 S.F.	8,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	14,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.

Beginning at a point on the northerly end line of the Emma mining claim North 77° 39' 13" West 251.53 feet from the Northeast corner of the Emma mining claim, said point is located North 4133.38 feet and East 2713.23 feet from the East Quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the northerly end of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77° 39' 13" West 1375.42 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28° 58' 00" West 222.56 feet more or less; thence along the southerly side line of the Emma mining claim (Mineral Survey 5490) North 59° 06' 00" East 465.36 feet more or less; thence along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61° 01' 00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 38° 40' 43" West 14.26 feet; thence along the Chatham Crossing Subdivision boundary (Recorded Instrument Number 179465 in the Office of the Summit County Recorder) the following four courses: 1) North 61° 10' 55" East (Plat North 61° 05' 56" East) 48.56 feet; thence 2) North 41° 14' 05" West (Plat North 41° 19' 02" West) 1317.38 feet; thence 3) South 89° 55' 03" East (Plat East) 595.29 feet; thence 4) North 0° 04' 57" East (Plat North) 785.35 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60° 10' 00" East 509.54 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 52° 55' 19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44° 04' 01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78° 41' 14" East 40.19 feet; thence along easterly side line of the Potosi mining claim North 53° 33' 00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41° 00' 00" East 158.14 feet more or less; thence along the west line of the east half of the southwest quarter of the southwest quarter of section 2 South 00° 29' 39" West 656.87 feet more or less; thence along the North line of Section 11 North 88° 47' 03" West 664.97 feet more or less to the Northwest corner of Section 11; thence South 0° 57' 03" West 714.42 feet; thence South 70° 48' 36" West 20.35 feet; thence South 89° 32' 18" West 124.80 feet; thence South 07° 11' 05" East 317.18 feet to a point on a 50.00 foot radius curve to the right, whose radius point bears South 04° 46' 56" East, thence along the arc of said curve 42.48 feet thru a central angle of 48° 40' 36" to a point on a 15.00 foot radius curve to the left, whose radius point bears North 43° 53' 40" East; thence along the arc of said curve 13.05 feet thru a central angle of 49° 51' 38" to a point on a 675.00 foot radius curve to the right, whose radius point bears South 05° 57' 58" East; thence along the arc of said curve 47.10 feet thru a central angle of 03° 59' 53"; thence South 0° 57' 03" West 1415.52 feet to a point on a 50.00 foot radius curve to the left, whose radius point bears North 89° 02' 57" West; thence along the arc of said curve 73.52 feet thru a central angle of 84° 14' 57"; thence North 10° 48' 33" West 34.02 feet; thence South 80° 37' 22" West 628.64 feet; thence North 16° 28' 35" West 238.32 feet; thence North 13° 36' 27" West 50.00 feet; thence South 76° 23' 33" West 64.47 feet to a point on a 290.15 foot radius curve to the left, whose radius point bears South 13° 36' 27" East; thence along the arc of said curve 48.67 feet thru a central angle 09° 36' 38"; thence North 31° 57' 40" West 225.19 feet; thence South 46° 41' 39" West 377.59 feet; thence South 07° 56' 32" East 319.08 feet; thence South 10° 24' 24" West 233.92 feet; thence South 41° 50' 49" West 137.01 feet; thence South 67° 45' 45" West 221.74 feet; thence South 14° 25' 20" East 246.82 feet; thence South 38° 35' 36" East 164.61 feet to the northeast corner of Phase 1, Parcel 1 of Royal Oaks Subdivision Phase 1 (Recorded Instrument No. 352414 in the office of the Summit County Recorder); thence along the north line of said Parcel 1 South 79° 34' 34" West (Plat South 79° 36' 44" West) 160.00 feet; thence along the north line of said Parcel 1 South 69° 24' 48" West (Plat South 69° 26' 58" West) 65.28 feet; thence along the Oaks at Deer Valley (Recorded Instrument No. 311418 in the office of the Summit County Recorder) boundary line South 68° 57' 50" West (Plat South 69° 00' 00" West) 59.25 feet; thence along the Oaks at Deer Valley boundary line South 48° 57' 50" West (Plat South 49° 00' 00" West) 500.00 feet; thence North 65° 36' 22" West 331.48 feet to a point on a 536.00 foot radius curve to the left, whose radius point bears South 69° 33' 01" East; thence along the arc of said curve 335.95 feet thru a central angle of 35° 44' 16"; thence South 06° 17' 17" East 477.78 feet to a point on a 125.00 foot radius curve to the left, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 18.63 feet thru a central angle of 08° 32' 16"; thence along the Oaks at Deer Valley boundary line South 81° 46' 37" West (Plat South 81° 46' 47" West) 50.24 feet to a point on a 175.00 foot radius curve to the right, whose radius point bears North 77° 03' 57" East; thence along the arc of said curve 20.30 feet thru a central angle of 06° 38' 46"; thence North 06° 17' 17" West 477.78 feet to a point on a 588.60 foot radius curve to the right, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 214.78 feet thru a central angle of 20° 54' 26"; thence North 68° 29' 02" West 229.73 feet; thence South 48° 04' 16" West 126.36 feet; thence South 11° 47' 28" West 170.03 feet to the point of beginning. Description contains 222.03 acres more or less. The Basis of Bearing for the above description is South 00° 30' 11" West between the East Quarter corner and the southeast corner of Section 16.



LINE TABLE (APPLIES TO PAGE 1)

LINE	BEARING	DISTANCE
L1	N 28°59'00" W	222.56
L2	N 38°40'33" W	14.26
L3	N 61°10'55" E	46.56
L4	N 44°04'01" W	31.07
L5	N 78°41'14" E	40.19
L6	N 53°33'00" E	5.10
L7	N 75°55'00" E	21.29
L8	S 70°48'36" W	20.35
L9	N 10°48'33" W	34.02
L10	N 16°28'35" W	238.32
L11	N 13°36'27" W	50.00
L12	S 76°23'33" W	64.47
L13	N 31°57'40" W	225.19
L14	S 10°24'24" W	233.92
L15	S 41°50'49" W	137.01
L16	S 67°45'45" W	221.74
L17	S 14°25'20" E	246.82
L18	S 38°35'36" E	164.61
L19	S 79°34'34" W	160.00
L20	S 69°24'48" W	65.28
L21	S 68°57'50" W	59.25
L22	N 61°46'37" W	50.24
L23	N 68°29'02" W	229.73
L24	S 48°04'16" W	126.36
L25	S 11°47'28" W	170.03

CURVE TABLE (APPLIES TO PAGE 1)

CURVE	ARC	DELTA	RADIUS
C1	73.52	84°14'57"	50.00
C2	48.67	92°51'38"	200.15
C3	214.78	20°54'26"	588.60
C4	42.48	48°40'36"	50.00
C5	13.05	49°51'38"	15.00
C6	47.10	3°59'53"	675.00
C7	335.95	35°44'16"	536.00
C8	192.35	14°48'29"	588.60
C9	18.63	8°32'16"	125.00
C10	20.30	6°38'46"	175.00
C11	19.46	7°29'01"	150.00
C12	351.54	35°44'16"	583.60

LEGEND

- ☉ SURVEY MONUMENT TO BE SET
- ROS - RECREATIONAL OPEN SPACE ZONE
- C/L - CENTERLINE
- 00000 - STREET ADDRESS (SEE PAGES 2 AND 3)

HIDDEN MEADOW SUBDIVISION PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 2, 3, 10, AND 11; TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



JOB NO. 4-6-92 VCD,PLTHMP1

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 30th DAY OF August, 1995 A.D.
BY *James R. Baird*
S.B.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 30th DAY OF August, 1995 A.D.
BY *[Signature]*
CHAIRMAN

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 30th DAY OF August, 1995 A.D.
BY *Brian W. Oetken*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 1st DAY OF September, 1995 A.D.
BY *Maeda H.*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 31st DAY OF August, 1995 A.D.
BY *Julia L. Sheldon*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 31st DAY OF September, 1995 A.D.
BY *[Signature]*
MAYOR

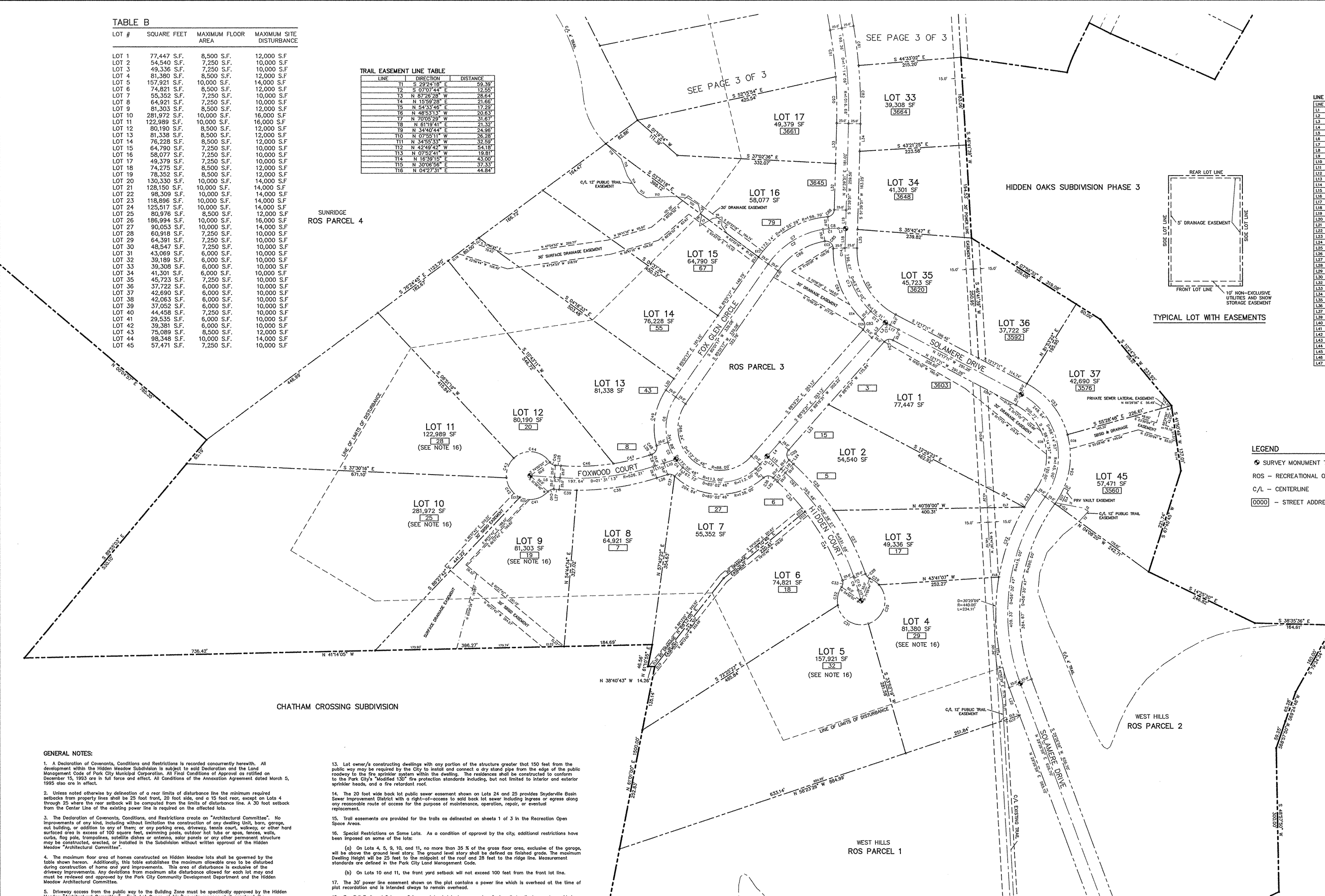
RECORDED
436442
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF *Coalition Title Co.*
DATE 9-1-95 TIME 17:00 PM BOOK PAGE
139.00 FEE *Alan Spriggs* RECORDER

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
-------	-------------	--------------------	--------------------------

LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,580 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,934 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,949 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,003 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,998 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	81,580 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,338 S.F.	8,500 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	59,477 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,379 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	78,352 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	133,320 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,399 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	136,818 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	20,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,994 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	61,818 S.F.	7,250 S.F.	10,000 S.F.
LOT 29	64,351 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	48,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	45,089 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	37,228 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,228 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,663 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,052 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	37,228 S.F.	6,000 S.F.	10,000 S.F.
LOT 41	29,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	43,722 S.F.	6,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	16,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.

LINE	DIRECTION	DISTANCE
T1	S 29°24'18" E	59.39'
T2	S 07°07'44" E	12.55'
T3	N 87°26'28" W	28.64'
T4	N 15°59'28" E	21.66'
T5	N 54°33'46" E	17.29'
T6	N 48°53'13" W	20.83'
T7	N 70°05'29" W	31.67'
T8	N 61°19'41" E	21.32'
T9	N 34°40'44" E	24.96'
T10	N 07°55'11" W	26.28'
T11	N 34°55'33" W	32.59'
T12	N 42°49'42" W	54.18'
T13	N 07°52'41" W	19.81'
T14	N 16°39'15" E	43.00'
T15	N 30°06'56" E	37.33'
T16	N 04°27'31" E	44.84'

LINE	DIRECTION	DISTANCE
T1	S 29°24'18" E	59.39'
T2	S 07°07'44" E	12.55'
T3	N 87°26'28" W	28.64'
T4	N 15°59'28" E	21.66'
T5	N 54°33'46" E	17.29'
T6	N 48°53'13" W	20.83'
T7	N 70°05'29" W	31.67'
T8	N 61°19'41" E	21.32'
T9	N 34°40'44" E	24.96'
T10	N 07°55'11" W	26.28'
T11	N 34°55'33" W	32.59'
T12	N 42°49'42" W	54.18'
T13	N 07°52'41" W	19.81'
T14	N 16°39'15" E	43.00'
T15	N 30°06'56" E	37.33'
T16	N 04°27'31" E	44.84'



LINE	BEARING	DISTANCE
L11	N 30°29'00"E	15.00
L12	S 88°01'30"E	21.64
L13	N 88°51'30"E	26.24
L14	N 88°51'30"E	20.31
L15	S 88°51'30"E	21.64
L16	S 34°02'00"E	21.23
L17	S 34°02'00"E	11.53
L18	S 34°02'00"E	21.23
L19	S 57°32'31"E	45.14
L20	S 57°32'31"E	21.23
L21	N 33°50'51"E	22.88
L22	N 33°50'51"E	10.18
L23	N 22°13'17"E	39.93
L24	S 22°13'17"E	39.93
L25	N 13°17'41"E	20.31
L26	N 10°59'31"E	40.50
L27	N 10°59'31"E	20.31
L28	N 36°54'47"E	25.86
L29	N 36°54'47"E	13.48
L30	N 36°54'47"E	25.86
L31	N 88°51'30"E	126.46
L32	S 22°13'17"E	12.18
L33	N 22°13'17"E	12.18
L34	S 57°32'31"E	24.06
L35	N 36°50'06"E	11.53
L36	N 36°50'06"E	21.23
L37	N 36°50'06"E	21.23
L38	N 36°50'06"E	21.23
L39	N 36°50'06"E	21.23
L40	N 36°50'06"E	21.23
L41	N 36°50'06"E	21.23
L42	N 36°50'06"E	21.23
L43	N 36°50'06"E	21.23
L44	N 36°50'06"E	21.23
L45	N 79°23'37"E	19.88
L46	N 42°05'45"E	10.49
L47	N 42°05'45"E	10.49

LINE	BEARING	DISTANCE
L11	N 30°29'00"E	15.00
L12	S 88°01'30"E	21.64
L13	N 88°51'30"E	26.24
L14	N 88°51'30"E	20.31
L15	S 88°51'30"E	21.64
L16	S 34°02'00"E	21.23
L17	S 34°02'00"E	11.53
L18	S 34°02'00"E	21.23
L19	S 57°32'31"E	45.14
L20	S 57°32'31"E	21.23
L21	N 33°50'51"E	22.88
L22	N 33°50'51"E	10.18
L23	N 22°13'17"E	39.93
L24	S 22°13'17"E	39.93
L25	N 13°17'41"E	20.31
L26	N 10°59'31"E	40.50
L27	N 10°59'31"E	20.31
L28	N 36°54'47"E	25.86
L29	N 36°54'47"E	13.48
L30	N 36°54'47"E	25.86
L31	N 88°51'30"E	126.46
L32	S 22°13'17"E	12.18
L33	N 22°13'17"E	12.18
L34	S 57°32'31"E	24.06
L35	N 36°50'06"E	11.53
L36	N 36°50'06"E	21.23
L37	N 36°50'06"E	21.23
L38	N 36°50'06"E	21.23
L39	N 36°50'06"E	21.23
L40	N 36°50'06"E	21.23
L41	N 36°50'06"E	21.23
L42	N 36°50'06"E	21.23
L43	N 36°50'06"E	21.23
L44	N 36°50'06"E	21.23
L45	N 79°23'37"E	19.88
L46	N 42°05'45"E	10.49
L47	N 42°05'45"E	10.49

CURVE	ARC	DELTA	RADIUS
C1	39.65	16.9416"	173.78
C2	134.07	42.5736"	113.78
C3	13.57	114.217"	113.00
C4	22.50	126.311"	113.00
C5	14.98	10.4536"	113.78
C6	99.30	5.91502"	113.00
C7	91.36	49.3219"	173.78
C8	14.327	2.43362"	113.78
C9	30.01	2.1414"	253.08
C10	24.81	2.98144"	173.78
C11	11.38	3.76144"	176.71
C12	16.60	12.53305"	176.71
C13	144.89	4.77601"	176.71
C14	18.02	3.57277"	176.71
C15	30.37	12.5923"	146.00
C16	81.123	3.20219"	146.00
C17	90.28	36.5619"	146.00
C18	180.37	92.0914"	117.73
C19	15.40	1.39146"	850.00
C20	53.80	423.041"	850.00
C21	87.21	7.9115"	850.00
C22	44.48	42.72214"	850.00
C23	55.36	5.36156"	440.00
C24	18.18	76.9319"	15.00
C25	12.38	80.1714"	15.00
C26	128.88	1.71144"	508.08
C27	149.10	1.92144"	508.08
C28	1.02	80.2015"	508.08
C29	23.94	2.76156"	508.08
C30	99.95	113.571"	508.08
C31	14.88	86.9815"	508.08
C32	39.83	43.4315"	508.08
C33	14.54	5.42223"	508.08
C34	16.57	18.36156"	508.08
C35	85.35	9.36156"	508.08
C36	15.00	1.765017"	508.08
C37	15.88	1.610312"	15.00
C38	170.01	17.46171"	351.21
C39	120.63	10.60171"	351.21
C40	13.62	50.50121"	15.00
C41	14.65	72.52149"	15.00
C42	16.88	92.72771"	15.00
C43	45.44	10.53153"	15.00
C44	86.51	99.0118"	50.00
C45	1.82	92.77171"	50.00
C46	110.55	12.38156"	50.21
C47	72.10	8.62157"	50.21
C48	12.98	8.746156"	50.21
C49	121.57	50.20156"	139.00
C50	96.79	1.36156"	205.00
C51	87.66	4.35156"	188.00
C52	168.71	6.35729"	15.21
C53	111.00	4.71156"	15.21
C54	155.15	5.10353"	15.21
C55	116.32	4.92377"	185.00
C56	120.44	4.20377"	185.00
C57	44.88	0.261301"	1054.33
C58	158.86	6.57158"	1054.33
C59	123.07	2.12307"	1054.33
C60	118.94	1.605146"	675.00
C61	13.05	49.31158"	15.00
C62	120.20	5.048167"	50.00
C63	42.88	4.467401"	15.00
C64	13.05	49.31158"	15.00
C65	13.95	7.57158"	15.00
C66	32.00	3.29158"	635.00
C67	14.24	54.23201"	15.00
C68	14.79	97.22154"	15.00
C69	14.24	54.23201"	15.00
C70	132.14	3.26158"	1054.33
C71	74.9158	1.60158"	1054.33
C72	20.20	7.709137"	15.00
C73	156.40	3.38158"	1054.33
C74	156.68	4.22143"	2075.00
C75	156.52	1.83209"	2075.00
C76	124.13	1.43158"	1054.33
C77	114.18	9.705101"	142.73
C78	148.10	8.259143"	92.73
C79	132.31	2.22158"	1054.33
C80	93.31	3.730158"	2125.00
C81	82.79	4.53154"	1041.68
C82	120.20	1.762157"	1041.68
C83	22.97	87.44152"	15.00
C84	185.45	4.702147"	20.21
C85	121.39	1.870168"	1054.33
C86	119.55	4.352158"	148.70
C87	45.83	4.12158"	635.00
C88	118.80	8.781557"	1054.33
C89	78.77	4.13621"	1054.33

CURVE	ARC	DELTA	RADIUS
C1	39.65	16.9416"	173.78
C2	134.07	42.5736"	113.78
C3	13.57	114.217"	113.00
C4	22.50	126.311"	113.00
C5	14.98	10.4536"	113.78
C6	99.30	5.91502"	113.00
C7	91.36	49.3219"	173.78
C8	14.327	2.43362"	113.78
C9	30.01	2.1414"	253.08
C10	24.81	2.98144"	173.78
C11	11.38	3.76144"	176.71
C12	16.60	12.53305"	176.71
C13	144.89	4.77601"	176.71
C14	18.02	3.57277"	176.71
C15	30.37	12.5923"	146.00
C16	81.123	3.20219"	146.00
C17	90.28	36.5619"	146.00
C18	180.37	92.0914"	117.73
C19	15.40	1.39146"	850.00
C20	53.80	423.041"	850.00
C21	87.21	7.9115"	850.00
C22	44.48	42.72214"	850.00
C23	55.36	5.36156"	440.00
C24	18.18	76.9319"	15.00
C25	12.38	80.1714"	15.00
C26	128.88	1.71144"	508.08
C27	149.10	1.92144"	508.08
C28	1.02	80.2015"	508.08
C29	23.94	2.76156"	508.08
C30	99.95	113.571"	508.08
C31	14.88	86.9815"	508.08
C32	39.83	43.4315"	508.08
C33	14.54	5.42223"	508.08
C34	16.57	18.36156"	508.08
C35	85.35	9.36156"	508.08
C36	15.00	1.765017"	508.08
C37	15.88	1.610312"	15.00
C38	170.01	17.46171"	351.21
C39	120.63	10.60171"	351.21
C40	13.62	50.50121"	15.00
C41	14.65	72.52149"	15.00
C42	16.88	92.72771"	15.00
C43	45.44	10.53153"	15.00
C44	86.51	99.0118"	50.00
C45	1.82	92.77171"	50.00
C46	110.55	12.38156"	50.21
C47	72.10	8.62157"	50.21
C48	12.98	8.746156"	50.21
C49	121.57	50.20156"	139.00
C50	96.79	1.36156"	205.00
C51	87.66	4.58156"	188.00
C52	168.77	6.35729"	15.21
C53	100.00	4.71156"	15.21
C54	15.51	5.10353"	15.21
C55	11.48	42.97377"	185.00
C56	120.44	4.20156"	185.00
C57	44.88	0.26156"	1054.33
C58	158.86	6.57158"	1054.33
C59	123.07	2.12302"	1054.33
C60	118.94	1.605146"	675.00
C61	13.05	49.31158"	15.00
C62	120.20	52.64167"	50.00
C63	42.88	44.67136"	15.00
C64	13.05	49.31158"	15.00
C65	13.95	7.57158"	15.00
C66	32.02	3.29158"	635.00
C67	14.24	54.23201"	15.00
C68	14.78	97.22154"	15.00
C69	14.24	54.23201"	15.00
C70	132.14	3.26158"	1054.33
C71	74.9158	1.60158"	1054.33
C72	20.20	77.09137"	15.00
C73	156.40	3.36158"	1054.33
C74	156.68	4.22143"	2075.00
C75	156.52	1.83209"	2075.00
C76	124.13	1.43158"	1054.33
C77	114.18	8.705103"	142.73
C78	148.10	4.92143"	92.73
C79	132.31	2.27158"	1054.33
C80	93.31	3.70158"	2125.00
C81	82.79	4.53154"	1041.68
C82	120.20	4.762157"	1041.68
C83	22.97	87.44152"	15.00
C84	185.45	4.70147"	20.21
C85	119.85	8.78156"	1054.33
C86	119.85	4.552158"	148.70
C87	45.83	412.06"	635.00
C88	78.17	8.78156"	1054.33
C89	78.17	4.71626"	1054.33
C90	269.58	2.27746"	850.00
C91	269.58	2.27746"	850.00
C92	287.22	287.22"	531.68
C93	73.52	84.1536"	50.00
C94	136.37	136.37"	50.00

SURVEY MONUMENT TO BE SET
 ROS - RECREATIONAL OPEN SPACE ZONE
 C/L - CENTERLINE
 0000 - STREET ADDRESS

4. A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All developments within the Hidden Meadow Subdivision is subject to said Declaration and the Land Management and Planning Department of the Park City Municipal Corporation. All final Conditions of Approval and all Declaration of Covenants, Conditions and Restrictions shall be subject to the approval of the Park City Council. On December 15, 1993, are in full force and effect. All Conditions of the Annexation Agreement dated March 5, 1993, are hereby rescinded.
5. Unless noted otherwise by definition or other limits of disturbance, the minimum required disturbance from property lines shall be 25 feet for 20 foot side, and a 15 foot rear setback. On Lots 4 through 25 the rear setback will be computed from the limits of disturbance line. A 30 foot setback from the limits of disturbance shall be required for all other lots.
6. The Declaration of Covenants, Conditions, and Restrictions created on "Architectural Committee". No improvements of any kind, including without limitation the construction of any dwelling unit, barn, garage, porch, deck, driveway, swimming pool, tennis court, swimming pool, or other her surface area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fountains, walls, curbs, rock, pebble, terrazzo, sidewalks or driveways, solar panels or any other permanent structure, or any other improvements, or just listed in the Subdivision without written approval of the Hidden Meadow "Architectural Committee".
7. A the maximum floor area of homes constructed on Hidden Meadow lots shall be governed by the table shown hereinafter. Additionally, this table shall not be used as a guide for disturbance to be disturbed during construction of home and yard improvements. This area of disturbance is exclusive of the area of any dwelling unit, swimming pool, tennis court, swimming pool, or other her surface area. The area of disturbance shall be determined by the Hidden Meadow "Architectural Committee" and must be reviewed and approved by the Park City Community Development Department and the Hidden Meadow Architectural Committee.
8. Driveway access from the public way to the Building Zone must be specifically approved by the Hidden Meadow Architectural Committee. Each Lot Owner shall be responsible for obtaining the driveway/drain/curb intersection to comply with applicable Park City Municipal Corporation specifications.
9. Unless noted otherwise a 10 foot wide non-exclusive public utility and snow storage easement is hereby dedicated along all front Lot lines. A five foot wide drainage easement is hereby dedicated along all Lot lines.
10. The Limits of Disturbance line shown on Lots 4 through 25 indicates a non-disturbance zone within the which expressly prohibits the construction of pools, tennis courts, swimming pools, or any other structures or facilities.
11. Park City ordinances in effect at the time of approval of Hidden Meadow Subdivision require payment of a fee for the construction of a new building or improvement of an existing building permit issuance. Park City does not snow plow until such time as 50% of the lots have legally occupied single family dwellings.
12. The Owners of downed trees within the subdivision are required to remove the trees and replace the same. Owners of such lots at their sole expense, will be required to install private individual ejection systems. Lot 25 will require an ejection system.
13. The Lot owner shall identify and monitor historic drainage channels (if any) in conjunction with construction.
14. The maximum Floor Area for Dwellings in the Subdivision, including the area of any Accessory Dwelling Unit, is set forth in the Declaration of Covenants, Conditions, and Restrictions and on the table herein.
15. The City requires that a modified type 130 fire sprinkler system on per Park City's Modifications be installed on all buildings constructed in the Hidden Meadow Subdivision.

13. Plot owner/s constructing dwellings with any portion of the structure greater than 150 feet from the lot line may be required by the City to install and connect a dry stand pipe from the edge of the public right-of-way to the fire alarm system within the dwelling. The City may be authorized to conform to the Park City's "Modified 130" fire protection standards including, but not limited to interior and exterior sprinkler heads, and a fire retardant roof.
14. The 20 foot wide back lot public sewer easement shown on Lots 24 and 25 provides Snyderline Basin access to the City's sewer system within the dwelling setback. The City may be authorized to require any reasonable route of access for the purpose of maintenance, operation, repair, or eventual replacement of the sewer system.
15. Trawl easements are provided for the trawls as delineated on sheets 1 of 3 in the Recreation Open Space Areas.
16. Special Restrictions on Some Lots. As a condition of approval by the city, additional restrictions have been imposed on some of the lots:
 - (a) On Lots 4, 5, 9, 10, and 11, no more than 30 % of the gross floor area, exclusive of the garage and detached structures, may be used for the ground level story shall be defined as finished grade. The maximum finished grade shall be defined as finished grade as indicated on the plat.
 - (b) On Lots 4, 5, 9, 10, and 11, the front yard setback will not exceed 100 feet from the front lot line.
17. The 30' power line easement shown on the plat contains a power line which is overhead at the time of plat recording and is not intended to be removed.
18. The Fox Trail and Salsmore Drive are intended to become a heavily traveled collector road, provided lands to the East are duly annexed.
19. No building permits will be issued until roads are paved.

LINE	DIRECTION	DISTANCE
EL1	S 76°24'45" E	17.33
EL2	N 85°01'17" E	15.90
EL3	S 12°58'30" E	10.32
EL4	S 77°03'40" W	16.40
EL5	N 04°08'20" W	14.25
EL6	N 12°29'22" E	90.67
EL7	N 40°59'00" W	77.94
EL8	N 43°41'07" E	16.73
EL9	N 58°23'56" E	43.83
EL10	S 80°37'22" W	28.75
EL11	S 80°37'22" E	16.75
EL12	S 62°06'37" E	18.41
EL13	N 48°50'55" W	12.37
EL14	N 48°41'08" E	16.75
EL15	N 00°57'03" E	8.92
EL16	S 88°00'50" E	8.16
EL17	N 58°32'26" E	45.67
EL18	S 76°24'45" E	21.33
EL19	S 61°01'00" W	25.88
EL20	N 38°46'43" W	12.37
EL21	N 48°41'08" E	16.75
EL22	N 41°14'05" E	39.84
EL23	S 70°05'00" E	16.75

LINE	DIRECTION	DISTANCE
EL1	S 76°24'45" E	17.33
EL2	N 85°01'17" E	15.90
EL3	S 12°58'30" E	10.32
EL4	S 77°03'40" W	16.40
EL5	N 04°08'20" W	14.25
EL6	N 12°29'22" E	90.67
EL7	N 40°59'00" W	77.94
EL8	N 43°41'07" E	16.73
EL9	N 58°23'56" E	43.83
EL10	S 80°37'22" W	28.75
EL11	S 80°37'22" E	16.75
EL12	S 62°06'37" E	18.41
EL13	N 48°50'55" W	12.37
EL14	N 48°41'08" E	16.75
EL15	N 00°57'03" E	8.92
EL16	S 88°00'50" E	8.16
EL17	N 58°32'26" E	45.67
EL18	S 76°24'45" E	21.33
EL19	S 61°01'00" W	25.88
EL20	N 38°46'43" W	12.37
EL21	N 48°41'08" E	16.75
EL22	N 41°14'05" E	39.84
EL23	S 70°05'00" E	16.75

CURVE	RADIUS	LENGTH	DELTA
EC1	50.00	20.99	24'02.51"
EC2	198.70	15.00	04'19.36"
EC3	15.00	20.61	78'32.21"
EC4	201.21	16.00	11'45.00"
EC5	15.00	21.31	81'23.26"
EC6	120.00	48.42	23'35.55"
EC7	170.00	33.07	12'53.47"
EC8	170.00	30.18	10'10.14"
EC9	142.73	24.30	09'45.13"
EC10	142.73	17.44	07'00.01"
EC11	15.73	17.93	07'11.48"
EC12	506.08	10.00	01'07.55"
EC13	506.08	10.01	01'07.58"
EC14	442.72	107.11	15'02.00"
EC15	50.00	15.27	12'12.90"

CURVE	RADIUS	LENGTH	DELTA
EC1	50.00	20.99	24'02.51"
EC2	198.70	15.00	04'19.36"
EC3	15.00	20.61	78'32.21"
EC4	201.21	16.00	11'45.00"
EC5	15.00	21.31	81'23.26"
EC6	120.00	48.42	23'35.55"
EC7	170.00	33.07	12'53.47"
EC8	170.00	30.18	10'10.14"
EC9	142.73	24.30	09'45.13"
EC10	142.73	17.44	07'00.01"
EC11	15.73	17.93	07'11.48"
EC12	506.08	10.00	01'07.55"
EC13	506.08	10.01	01'07.58"
EC14	442.72	107.11	15'02.00"
EC15	50.00	15.27	12'12.90"

A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PAGE 2 OF 3

RECORDED

454642

STATE OF UTAH COUNTY OF SUMMIT AND FILED

AT THE REQUEST OF COALITION TITLE Co.

FILE 9-1-95 TIME 17:00 PM BOOK _____ PAGE _____

139.00

FEE RECORDER

Alan Spriggs

239

HIDDEN MEADOW

HIDDEN OAKS SUBDIVISION PHASE 3

100 0 100 200 FEET

PUBLIC RIGHT-OF-WAY TO BE PLATTED
IN HIDDEN OAKS SUBDIVISION PHASE 1

LEGEND

- SURVEY MONUMENT TO BE SET
- ROS - RECREATIONAL OPEN SPACE ZONE
- C/L - CENTERLINE
- 0000 - STREET ADDRESS

LINE	DIRECTION	DISTANCE
EL1	S 78°24'45" E	17.33
EL2	N 80°01'17" E	10.00
EL3	S 12°56'20" E	10.32
EL4	S 77°03'40" W	43.00
EL5	N 04°08'20" W	12.09
EL6	N 12°29'22" W	90.67
EL7	N 40°59'00" W	77.64
EL8	N 43°41'07" W	15.97
EL9	N 58°23'26" W	43.83
EL10	S 80°37'22" W	29.75
EL11	S 80°37'22" W	1.89
EL12	S 82°06'57" W	18.41
EL13	N 48°29'03" W	12.37
EL14	N 46°41'39" E	4.40
EL15	N 00°57'03" E	89.12
EL16	S 86°00'00" E	8.26
EL17	N 58°23'26" W	35.04
EL18	S 76°24'45" E	25.33
EL19	S 61°01'00" W	21.88
EL20	N 38°40'43" W	12.50
EL21	N 46°48'19" E	63.57
EL22	N 41°14'05" W	39.84
EL23	S 70°00'00" W	4.22

GENERAL NOTES:

- A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All improvements within the Hidden Meadow Subdivision is subject to said Declaration and the Land Management Code of Park City Municipal Corporation. All Final Conditions of Approval as rolled on December 15, 1993 are in full force and effect. All Conditions of the Annexation Agreement dated March 5, 1995 also are in effect.
- Unless noted otherwise by delineation of a rear limits of disturbance line the minimum required setbacks from property lines shall be 25 foot front, 20 foot side, and a 15 foot rear, except on Lots 4 through 25 where the rear setback will be computed from the limits of disturbance line. A 30 foot setback from the Center Line of the existing power line is required on the affected lots.
- The Declaration of Covenants, Conditions, and Restrictions create an "Architectural Committee". No improvements of any kind, including without limitation the construction of any dwelling unit, barn, garage, out building, or addition to any of them; or any parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, flag poles, trampolines, satellite dishes or antennas, solar panels or any other permanent structure may be constructed, erected, or installed in the Subdivision without written approval of the Hidden Meadow Architectural Committee.
- The maximum floor area of homes constructed on Hidden Meadow lots shall be governed by the table shown herein. Additionally, this table establishes the maximum allowable area to be disturbed during construction of home and yard improvements. This area of disturbance is exclusive of the driveway improvements. Any deviations from maximum site disturbance allowed for each lot may and must be reviewed and approved by the Park City Community Development Department and the Hidden Meadow Architectural Committee.
- Driveway access from the public way to the Building Zone must be specifically approved by the Hidden Meadow Architectural Committee. Each Lot Owner, at his/her sole expense shall construct the driveway/sidewalk/curb intersection to comply with applicable Park City Municipal Corporation Specifications.
- Unless noted otherwise a 10 foot wide non-exclusive public utility and snow storage easement is hereby dedicated along all front lot lines. A five foot wide drainage easement is hereby dedicated along all side lot lines.
- The Limits of Disturbance Line shown on Lots 4 through 25 indicates a non-disturbance zone within the Lot which expressly prohibits the construction of pools, tennis courts, gazebos, or any other structures or facilities.
- Park City ordinances in effect at the time of approval of Hidden Meadow Subdivision require payment of substantial water development and water connection fees at the time of building permit issuance. Park City does not allow snow until such time as 50% of the lots have legally occupied single family dwellings. The total cost of snow removal until that time is substantial.
- Owners of downhill Lots may encounter difficulty in designing a home with gravity flow to the sanitary sewer laterals. Owners of such Lots at their sole expense, will be required to install private individual ejector systems. Lot 25 will require an ejector system.
- The Lot owner shall identify and maintain historic drainage channels (if any) in conjunction with construction on the property.
- The maximum Floor Area for Dwellings in the Subdivision, including the area of any Accessory Dwelling Unit, is set forth in the Declaration of Covenants, Conditions, and Restrictions and on the table herein.
- The City requires that a modified type 130 fire sprinkler system as per Park City's Modifications be installed in all residences constructed in the Hidden Meadow Subdivision.

HIDDEN MEADOW SUBDIVISION PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PAGE 3 OF 3

RECORDED
436442
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF COALITION TITLE Co.
DATE 9-1-95 TIME 1:00 PM BOOK PAGE
139.00
FEE RECORDER

JOB NO. 4-6-92 VC/D\PLTHMP3

240

TABLE B

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,380 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,921 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,921 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,303 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,989 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	80,190 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,338 S.F.	8,500 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	58,077 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,379 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	76,392 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,309 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	125,517 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	80,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,984 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	60,918 S.F.	7,250 S.F.	10,000 S.F.
LOT 29	64,391 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	45,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	43,069 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	39,189 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,722 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,063 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,052 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	44,458 S.F.	7,250 S.F.	10,000 S.F.
LOT 41	29,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	75,089 S.F.	8,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	14,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.

NOTE:
NO CONSTRUCTION SHALL OCCUR ON
ADJOINING PROPERTY UNTIL HIDDEN
MEADOW PHASE 2 SUBDIVISION PLAT
IS RECORDED.

EASEMENT CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
EC1	50.00	20.39	24.02
EC2	158.70	15.00	24.12
EC3	15.00	20.61	78.42
EC4	207.21	41.28	114.60
EC5	15.00	21.31	81.23
EC6	120.00	49.42	233.55
EC7	70.00	38.27	125.53
EC8	170.00	30.18	101.04
EC9	142.73	24.30	99.45
EC10	142.73	14.44	72.00
EC11	142.73	17.93	77.11
EC12	508.08	10.00	01.72
EC13	10.00	01.07	5.00
EC14	403.72	107.11	151.21
EC15	50.00	15.27	17.28

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 38°09'00" E	13.00
L2	S 88°19'31" W	43.67
L3	N 88°19'31" W	21.64
L4	N 88°19'31" W	39.51
L5	N 88°19'31" W	22.43
L6	S 36°02'08" E	61.23
L7	S 36°02'08" E	11.53
L8	S 37°32'21" E	5.06
L9	S 37°32'21" E	45.14
L10	N 57°32'21" W	26.14
L11	N 57°32'21" W	24.98
L12	N 57°32'21" E	23.88
L13	N 22°13'17" E	12.59
L14	N 22°13'17" E	39.43
L15	S 22°13'17" E	29.51
L16	S 22°13'17" E	13.11
L17	N 12°17'11" W	19.83
L18	N 57°39'31" E	40.00
L19	N 57°39'31" E	26.53
L20	N 36°39'47" E	35.50
L21	N 36°39'47" E	124.46
L22	N 36°39'47" E	61.81
L23	N 88°19'31" W	126.38
L24	S 22°13'17" E	12.11
L25	N 22°13'17" E	12.18
L26	N 57°32'21" W	24.09
L27	N 36°39'47" E	11.53
L28	S 36°39'47" E	5.06
L29	S 57°32'21" E	5.06
L30	N 88°19'31" W	39.51
L31	N 57°39'31" E	96.64
L32	N 57°39'31" E	84.38
L33	N 57°39'31" E	21.45
L34	S 88°19'31" W	38.85
L35	N 49°24'45" E	61.47
L36	N 49°24'45" E	13.74
L37	N 88°19'31" W	26.21
L38	N 88°19'31" W	124.46
L39	N 88°19'31" W	127.01
L40	N 88°19'31" W	37.03
L41	S 88°19'31" W	55.01
L42	S 88°19'31" W	60.20
L43	S 88°19'31" W	58.33
L44	S 88°19'31" W	66.88
L45	S 88°19'31" W	104.09
L46	S 88°19'31" W	104.09
L47	S 88°19'31" W	66.57

CURVE TABLE

CURVE	ARC	DELTA	RADIUS
C1	39.65	10°46'16"	173.79
C2	138.07	43°30'18"	173.79
C3	13.37	6°48'37"	113.00
C4	167.75	89°02'46"	113.00
C5	22.50	11°24'34"	113.00
C6	28.96	19°45'58"	113.00
C7	99.30	56°29'56"	113.00
C8	151.36	49°53'09"	113.00
C9	29.37	6°43'09"	173.79
C10	30.01	2°14'16"	503.06
C11	29.91	2°14'16"	503.06
C12	11.26	2°38'44"	176.11
C13	38.60	12°33'58"	176.11
C14	144.89	47°08'17"	176.11
C15	1.92	0°37'37"	176.11
C16	80.73	33°03'19"	140.00
C17	31.37	12°59'23"	140.00
C18	90.28	36°59'49"	140.00
C19	52.80	13°39'48"	650.00
C20	52.80	43°03'04"	650.00
C21	40.92	2°30'55"	650.00
C22	198.49	29°22'47"	440.00
C23	43.36	5°38'58"	440.00
C24	41.91	7°03'07"	15.00
C25	23.38	8°17'16"	15.00
C26	128.88	13°18'44"	558.06
C27	149.10	10°27'44"	558.06
C28	13.07	49°55'06"	15.00
C29	23.34	27°29'52"	50.00
C30	89.48	11°02'13"	50.00
C31	64.49	96°46'16"	50.00
C32	39.83	42°45'15"	50.00
C33	14.24	5°22'33"	15.00
C34	164.67	18°38'36"	506.08
C35	85.35	5°39'48"	506.08
C36	137.87	8°24'07"	15.00
C37	15.98	61°03'12"	15.00
C38	170.01	17°40'12"	301.51
C39	37.03	8°17'16"	50.00
C40	13.82	5°01'12"	15.00
C41	44.05	7°23'40"	50.00
C42	51.86	59°27'07"	50.00
C43	45.44	52°03'33"	50.00
C44	80.38	89°07'45"	50.00
C45	13.82	52°01'12"	15.00
C46	110.56	12°38'18"	501.21
C47	77.79	12°37'17"	501.21
C48	22.98	87°46'18"	15.00
C49	121.27	50°29'58"	158.00
C50	96.79	2°39'33"	991.68
C51	97.66	5°38'14"	991.68
C52	188.77	83°57'52"	151.75
C53	140.06	47°11'05"	170.00
C54	151.51	51°03'52"	170.00
C55	118.33	42°23'27"	165.00
C56	36.44	12°39'19"	165.00
C57	44.88	02°29'50"	1504.33
C58	159.66	63°37'06"	1504.33
C59	157.47	12°22'00"	675.00
C60	118.94	10°05'46"	675.00
C61	13.05	49°31'06"	15.00
C62	52.30	59°48'48"	30.00
C63	45.48	48°40'36"	30.00
C64	13.05	49°31'06"	15.00
C65	47.10	35°53'33"	675.00
C66	39.02	42°29'58"	675.00
C67	11.24	54°23'58"	675.00
C68	86.79	99°27'04"	50.00
C69	14.24	54°23'58"	15.00
C70	130.14	7°31'18"	1004.33
C71	130.86	7°49'33"	1004.33
C72	30.20	77°08'37"	15.00
C73	106.40	36°56'49"	185.00
C74	159.58	42°22'43"	2075.00
C75	56.82	13°30'09"	2075.00
C76	115.19	46°14'35"	142.73
C77	114.39	45°53'10"	142.73
C78	149.16	81°08'43"	82.73
C79	129.31	32°27'35"	2125.00
C80	81.31	2°37'58"	2125.00
C81	82.79	43°31'14"	1041.68
C82	121.47	64°03'53"	1041.68
C83	33.93	87°44'50"	15.00
C84	165.45	47°06'47"	201.51
C85	28.22	102°05'48"	15.00
C86	119.65	42°53'16"	143.79
C87	43.83	41°26'06"	625.00
C88	21.80	82°16'50"	15.00
C89	75.77	47°17'02"	1009.33
C90	286.18	23°27'48"	650.00
C91	44.08	23°33'04"	650.00
C92	262.32	28°18'52"	51.68
C93	73.52	84°14'57"	50.00
C94	45.67	5°38'38"	201.51

When Recorded, Mail to:

Blue Ledge Corporation
P.O. Box 1450
Park City, Utah 84060

**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
HIDDEN MEADOWS SUBDIVISION
PARK CITY, UTAH**

**Blue Ledge Corporation
PARK CITY, UTAH**

MARCH 1995

00436643 Bk00905 Pg00449-00484

**ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 SEP 01 17:00 PM FEE \$125.00 BY DMG
REQUEST: COALITION TITLE**

125.00

TABLE OF CONTENTS

DEFINITIONS	2
HOMEOWNERS ASSOCIATION	3
Enforcement Powers.	4
Snow Removal.	4
Indemnity of Association Trustees and Officers.	4
Assessments.	4
Assessments Constitute Lien, Mortgagee Protection.	5
Statement of Account.	5
By-Laws.	5
Voting Rights.	5
Architectural Review.	5
Architectural Committee Created.	6
Approval by Committee.	6
Variances.	7
Extraordinary Costs.	7
General Design Review.	8
Declarant, Trustees and Committee not Liable.	8
Limitations on Review.	8
RESTRICTIONS ON ALL LOTS	9
Zoning Regulations.	9
No Mining Uses.	9
No Business or Commercial Uses.	9
Restrictions on Signs.	9
Completion Required Before Occupancy.	9
Primary Dwelling to be Constructed First.	9
No Re-Subdivision.	10
No Time Interval Ownership.	10
Underground Utilities.	10
Service Yards.	10
Maintenance of Property.	10
No Noxious or Offensive Activity.	10
No Hazardous Activity.	10
No Open Burning.	10
No Unsightliness.	10
No Annoying Lights.	11
No Annoying Sounds.	11
Drainage.	11
Vehicles Restricted to Roadways.	11
Kennels.	11
No Transient Lodging Uses.	11
No Firearms.	11
Clearing and Grading.	11
Public Trail Easements.	11

00436643 Bx00905 P600450

RESTRICTIONS ON IMPROVEMENTS	12
Number of Dwellings.	12
Site Disturbance Area; Placement of Buildings.	12
Construction Activity Confined to Site Disturbance Area.	12
Building Setback.	12
Relation of Set Back to Site Disturbance Area.	13
Building Size.	13
Building Height.	13
Roof Design.	13
Siding Materials.	13
Windows.	14
Fireplaces, Chimneys.	14
Antennas.	14
Solar Panels.	14
No Used or Temporary Structures.	14
No Air Supported Structures.	14
Balconies and Decks.	14
Fire Sprinklers.	14
Deer Valley Design Guidelines Incorporated.	14
Fences.	15
Entrance Gates.	15
Driveway Access.	15
Sewer Connection Required.	15
Exterior Lighting Standards.	15
Special Restrictions on Some Lots.	15
LANDSCAPE STANDARDS	16
Irrigated Landscape Area.	16
Non-Irrigated Area.	16
Uses of Non-Irrigated Area.	16
No Livestock.	16
ACCESSORY DWELLINGS	17
Size of Accessory Dwelling.	17
One Accessory Dwelling Per Lot.	17
Location of Accessory Dwelling.	17
Ownership, Appurtenance.	17
Transient Lodging Prohibited.	17
Parking.	17
OWNERS' MAINTENANCE OBLIGATIONS	18
Duty to Maintain.	18
Repair by Association.	18
Alterations of Exterior Appearance.	18
Repair Following Damage.	18
CONSTRUCTION COVENANTS AND REGULATIONS	19
Marking Site Disturbance Area.	19

00436643 Bx00905 Ps00451

Portable Office or Trailer.	19
Removal of Temporary Office.	19
Construction Debris Removal.	19
Construction Area Appearance.	19
Sanitary Facilities.	20
Removal of Mud.	20
Duration of Construction.	20
OPEN SPACE AND AMENITY PARCELS	20
Use of Amenity Parcel.	20
No Dwellings.	20
No Commercial Use.	20
Culinary Water Well Site.	21
Water Quality Protection.	21
Open Space Parcels.	21
Additional Trails.	21
COMBINATION OF LOTS	21
Maximum Site Disturbance Area Revision.	22
Maximum Floor Area.	22
Architectural Committee May Deny Combination.	22
Combination Deemed Permanent.	22
Record Notice of Combination.	22
Plat Amendment.	22
GENERAL PROVISIONS	22
Remedies.	22
Severability.	23
Limited Liability.	23
Term of Covenants, Renewal.	23
Amendment.	23
Constructive Notice.	23
Notices.	24
Liberal Interpretation.	24
Covenants Run with the Land.	24

00436643 Bx00906 Ps00452

**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
HIDDEN MEADOWS SUBDIVISION
PARK CITY, UTAH**

THIS DECLARATION IS MADE THIS 17th July, 1995, by Blue Ledge Corporation, a Delaware corporation, referred to below as "Declarant:"

RECITALS:

A. Declarant is the owner of the following described real Property located in Park City, Summit County, Utah:

See the attached Exhibit A

B. Declarant intends to develop a residential subdivision on the Property. Declarant will develop and convey all of the Lots and other land within the Property subject to a general plan of development, and subject to certain protective covenants, conditions and restrictions all as set forth in this Declaration, and which are deemed to be covenants running with the land mutually burdening and benefiting each of the Lots and the other Property conveyed.

C. Declarant hereby declares that all of the Lots, Open Space Parcels, and the Amenity Parcel shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the protective covenants, conditions, restrictions and equitable servitudes, all of which are created for the mutual benefit of the Owners of the Lots. It is the intention of the Declarant in imposing these covenants, conditions and restrictions to create a generally uniform pattern of development, to protect and enhance the property values and aesthetic values of the Lots by eliminating inconsistent uses or improvements, all for the mutual protection and benefit of the Owners of the Lots. The covenants, conditions and restrictions are intended to, and shall in all cases run with the title of the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Lots, and shall inure to the benefit of all other Lots in the Subdivision. The covenants, conditions and restrictions shall be binding upon the Declarant as well as its successors in interest, and may be enforced by the Declarant, while it is an Owner, the Association, or by any Owner.

Notwithstanding the foregoing, no provisions of this Declaration shall prevent the Declarant from completing the Subdivision Improvements, or from using any Lot owned by the Declarant as a model home, temporary construction or sales office, nor limit Declarant's right to post signs incidental to sales or construction which are in compliance with applicable City ordinances.

ARTICLE I
DEFINITIONS

1. Unless the context clearly requires the application of a more general meaning, the following terms, when used in this Declaration, shall have the following meanings:

1.1. "Accessory Dwelling" shall mean a separate, self-contained dwelling unit complete with cooking, sleeping, and sanitary facilities, and accessible without entering the Primary Dwelling. Fire separations, independent ventilation systems, and other building code requirements for separate, attached dwelling units must be complied with.

1.2. "Amenity Parcel" shall mean that parcel of land within the Subdivision designated as the Amenity Parcel on the Plat.

1.3. "Architectural Committee" shall mean the design review committee created under this Declaration.

1.4. "Association" shall mean the Hidden Meadows Subdivision Homeowners Association, whether incorporated or not, and as the context requires, the officers and directors of that Association.

1.5. "City" shall mean the City of Park City, Utah, and its appropriate departments, officials, and boards. Although the City will be conveyed title to the Open Space Parcels, and those Parcels will be subject to these covenants, the City is not an Owner for purposes of this Declaration, and no voting rights in the Association will be appurtenant to the Open Space Parcels.

1.6. "Declarant" shall mean and refer to Blue Ledge Corporation, a Delaware corporation having its principal place of business in Park City, Utah.

1.7. "Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions. The Subdivision Plat for Hidden Meadows, limits of disturbance, easements and other matters shown on that Plat, are also incorporated into this Declaration by reference.

1.8. "Dwelling" shall mean the primary single family residence built or to be built on any Lot.

1.9. "Floor Area" shall mean the total of the horizontal floor surfaces within the Dwelling, including bathrooms and mechanical areas, and decks, courtyards, or balconies that are under roof and enclosed by walls on three or more sides. Floor Area shall not include basements as defined by the Uniform Building Code or the first 600 square feet of any garage space.

1.10. "Improvement" shall mean all structures and appurtenances of every type and kind, including but not limited to buildings, Dwellings, Accessory Apartments, garages, storage buildings, and additions to them; walkways, retaining walls, gazebos, fences, driveways, landscaping, pools, decks, tennis courts, hard surfaced areas, stairs,

poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior or any building.

1.11. "Lot" shall mean any building Lot shown on the official plat of the Hidden Meadows Subdivision.

1.12. "Open Space Parcels" shall mean those areas designated on the plat as Open Space which will be conveyed to the City subject to the covenants contained in this Declaration. The Open Space Parcels are not subject to assessments by the Association.

1.13. "Owner" shall mean the person or persons having title to any Lot. Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed, but shall exclude any person or entity holding title only for purposes of securing performance of an obligation, unless that entity has taken possession. "Owner" shall not include the City or any other person or entity having an interest in the Open Space or Amenity Parcels.

1.14. "Person" shall mean a natural person or any legal entity with a right to hold title to real property in its own name in the State of Utah.

1.15. "Plat" shall mean the official subdivision plat of the Hidden Meadows Subdivision as approved by the City of Park City and recorded in the office of the Summit County Recorder, as it may be amended from time to time.

1.16. "Site Disturbance Area" means the portion of a Lot which may be disturbed by construction activity, including the physical limits of the Dwelling or any other Structure. The area allowable for each Lot is shown on Exhibit B.

1.17. "Subdivision" shall mean the Hidden Meadows Subdivision, and all Lots, Open Space Parcels and Amenity Parcel within the Subdivision as shown on the Plat.

1.18. "Trustees" shall mean the duly elected and acting board of trustees of the Hidden Meadows Homeowners Association.

ARTICLE II

HOMEOWNERS ASSOCIATION

2. To effectively enforce these Covenants, the Declarant has created a Utah Non-Profit corporation called Hidden Meadows Homeowners Association. The Association shall be comprised of the Owners of Lots within the Hidden Meadows Subdivision, and is established to perform the following functions and exercise the following rights and powers for the benefit of the Owners and the enforcement of these covenants. Membership in the Association is deemed an appurtenance to the Lot, and is transferrable only in conjunction with the transfer of the title to the Lot. The Association shall have and exercise, as necessary, the following powers:

2.1. Enforcement Powers. The Association shall have the power to enforce these covenants by actions in law or equity brought in its own name, the power to retain professional services needed for the enforcement of these covenants and to incur expenses for that purpose. The Trustees of the Association shall have the authority to compromise claims and litigation on behalf of the Association resulting from the enforcement of these covenants. The Trustees shall have the exclusive right to initiate enforcement actions in the name of the Association, however this shall not limit the individual rights of Lot Owners to personally enforce these Covenants in their own name. The Association may appear and represent the interests of the Subdivision at all public meetings concerning zoning, variances, or other matters of general application and interest to the Owners. Owners may appear individually.

2.2. Management of Open Space. Following the conveyance from Declarant to the Association, the Association shall have ownership and control over the Amenity Parcel, and be responsible for its maintenance, insurance, property taxes, and, consistent with the terms of this Declaration, be able to determine the nature of any Improvements made to the Amenity Parcel by the Association, and at its expense, as provided in Article VIII of this Declaration. The Trustees of the Association may also grant utility or similar easements through the Amenity Parcel.

2.3. Snow Removal. The ordinances of Park City require the Association to provide snow removal service within the Subdivision until 50% of the Lots in the Subdivision have been improved by the construction of a completed Dwelling. Because of the length of road outside the boundaries of the Subdivision that serves only this Subdivision, and will have to be plowed at Association expense, this will be a substantial annual expense to the Association. Until such time as the snow removal service has been assumed by the City, the Association shall be responsible for the costs of private snow removal service, and shall have the power to make assessments against the Owners, including the Owners of unimproved Lots, for purposes of providing this service.

2.4. Indemnity of Association Trustees and Officers. The Association will indemnify the officers, agents and trustees of the association against any and all claims arising against them personally which are a result of the good faith exercise of the powers, duties and responsibilities of their office under this Declaration. To the extent the Association deems it appropriate, it may purchase liability insurance covering the Trustees with Association funds.

2.5. Assessments. The Association has the power to levy Assessments against each Lot as necessary to carry out these functions. Assessments will be equal on all Lots, whether vacant or improved. Assessments will be made annually to meet the anticipated and recurring expenses of the Association including, but not limited to, the costs of snow removal (until assumed by the City), insurance, property taxes on the Amenity Parcel, reimbursement of expenses incurred by the Trustees and Architectural Committee in performance of their obligations, enforcement of these covenants, and the initial construction costs, maintenance and operation of any Improvements made by the Association on the Amenity Parcel. Notice of the Assessment and the proposed amount of the annual Assessment will be given in advance with the notice of the annual meeting of the Association, provided that the amount of the proposed Assessment may be increased or decreased at the meeting in which it is approved by the Owners. The Association may also levy special Assessments to cover unanticipated expenses or shortfalls. No special Assessment will be levied without approval of the Owners in a

meeting called for that purpose. The Trustees will provide the Owners with an annual accounting of Assessments collected and expenditures.

2.6. Assessments Constitute Lien, Mortgagee Protection. Any validly imposed Assessment by the Association shall constitute a lien against the Lots in the Subdivision. The Association shall have the right to foreclose on that lien when any Assessment remains unpaid for a period of more than 90 days from the date the Assessment was levied, but if the lien is not foreclosed upon, it may be renewed from year to year by recording a new notice of the lien, together with accumulated interest. The lien of the Association against any Lot shall have priority from the date that the first Notice of Lien on a specific Lot is recorded in the office of the Summit County Recorder, and is subordinate to any previously recorded liens or encumbrances filed against that Lot, specifically including any purchase money mortgage or trust deed. Notwithstanding the lien rights of the Association, the obligation to pay Assessments is a personal obligation of the Owner of each Lot, and the Association may proceed to collect against the Owner, or the prior Owner of any Lot in the event of a sale. No Mortgagee or Beneficiary under a Trust Deed who takes title by foreclosure or non-judicial sale, or accepts in lieu of foreclosure or non-judicial sale, shall be held liable for the unpaid Assessments of the Owner whose Lot was acquired by the Mortgagee or Beneficiary under a Trust Deed. Delinquent Assessments will bear interest at the highest lawful consumer credit rate permitted under Utah law until paid.

2.7. Statement of Account. Any Owner may request the Association to provide a statement of his account to any lender or prospective buyer of that Lot showing the Assessments to be paid in full, or the amount of any past due Assessments and interest charges. The Buyer or lender for whom such a statement was prepared will be entitled to rely on its accuracy, and will not be held liable for any amounts not shown on the statement. The Association may charge a fee of \$25 or less for each such statement.

2.8. By-Laws. The day to day administration of the Association's affairs, including the manner in which Trustees are elected and their terms of office are set forth in the By-Laws of the Association, which may be amended from time to time by the Association as provided in those by-laws. No amendment of the By-Laws shall have the effect of releasing or amending these covenants, conditions, or restrictions.

2.9. Voting Rights. There shall be one vote appurtenant to each Lot, and each Owner, including the Declarant, shall be entitled to cast one vote for each Lot he or she owns. In the case of a Lot with multiple Owners, the Owners will agree among themselves how the vote applicable to that Lot will be cast, and if no agreement can be reached, no vote will be received from that Lot. Any of the multiple Owners appearing at the meeting in person or by proxy is deemed to be acting with proper authority for all of the other Owners of that Lot unless the other Owners are also present and object, or have filed written objections to that Owner's representation of the other Owners of the Lot in question. In matters presented to the Owners for a vote, a simple majority of those present at the meeting (if a quorum is present) will carry a motion, except as provided below for the purpose of making Improvements to the Open Space Parcel or amendment of this Declaration. A quorum will consist of 50% of the Lots. The Open Space Parcels have no voting rights.

2.10. Architectural Review. It is the intention and purpose of these covenants, conditions and restrictions to impose architectural standards on any Improvements made to any Lot that result in buildings which are architecturally compatible in terms of Lot

coverage, siting, proportion, materials, colors, and general appearance, while at the same time allowing for diversity in style and design appropriate for the mountain setting. To accomplish this goal, the Declarant hereby empowers the Board of Trustees to oversee and enforce the Architectural Design Standards set forth in this Declaration.

2.11. Architectural Committee Created. The Board of Trustees of the Association shall constitute the Architectural Committee, provided however that until such time as 75% of the Lots in the Subdivision have been conveyed by the Declarant to third parties, the Declarant shall appoint an interim Architectural Committee consisting of three members, who are not required to be Owners. At the time 25% of the Lots are sold to persons other than the Declarant, one member of the Committee will be appointed from the Owners, other than a representative of the Declarant. At the time that 75% of the Lots are sold to persons other than the Declarant, the functions of the Architectural Committee will be assumed by the Board of Trustees. The Trustees may employ the services of a design professional, such as an architect, land planner, or landscape architect to serve as one member of the Architectural Committee, and such design professional does not need to be an Owner or resident of the Subdivision. The remaining members of the Committee shall be members of the Board of Trustees. In any event, regardless of the number of Lots sold, all members of the Committee will be named by the Trustees following the fifth anniversary of the recording of this Declaration with the Summit County Recorder.

2.12. Approval by Committee. No Improvements of any kind, including without limitation the construction of any Dwelling, Accessory Dwelling, garage, out building, or addition to any of them; or any parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, flag poles, trampolines, satellite dishes or antennae, solar panels, or any other permanent structure may be constructed, erected, or installed in the Subdivision without the prior written approval of the Architectural Committee. No excavation, grading, filling, draining, landscaping, or installation or removal of existing vegetation shall be made without the advance written approval of the Architectural Committee. A simple majority of the Committee members is required to approve any submission. Approval of the Committee will be sought in the following manner:

a. Plans submitted. Plans for the construction of any new Improvement must be submitted to the Committee for review. It is recommended that a preliminary plan be submitted before the expense of final construction drawings is incurred. The submission must include:

(i) a Site Plan showing the boundaries of the Lot, and the proposed Site Disturbance Area within the Lot. The Site Plan will also show the location of driveways, utility connections and lines, and any retaining walls, excavations, fills, or other modifications of the existing surface condition of the site; and

(ii) an Architectural Plan for the Dwelling or other Improvements in sufficient detail to show the detailed drawings of all elevations of all buildings (including existing Buildings or Improvements in the case of a subsequent addition or remodel) showing locations of windows, doors, roof pitches, decks and other exterior elements; a list of exterior siding and roofing materials and/or a sample, including color samples; and a landscape plan showing the location of driveways, walkways, patios, decks

and other hard surfaced or irrigated areas and the areas to be disturbed by construction and the means of restoring those areas. In the case of an addition or modification of an existing Dwelling, the Committee may waive any of the foregoing it feels are unnecessary to its review of the remodel or addition.

b. **Review Fee.** The applicant will pay a review fee to the Committee of \$500 for each new dwelling, \$100 for each addition or remodel, or, in the case of Improvements which cost less than \$1,000, or which make no structural changes, the applicant will pay a fee of \$10. The primary purpose of the fee is to document the date of submission, but the Committee may also use the proceeds to pay for its expenses in reviewing the plans and giving notice of meetings. No fee will be accepted until the Architectural Committee considers the submission complete.

c. **Review.** Within 15 business days from receipt of a complete submission and payment of the fee, the Committee will review plans and make an initial determination whether or not the plans comply with the conditions imposed by this Declaration. If they do not, the plans will be rejected. If they are in compliance, the Committee will approve the plans. The Committee may also approve the plans subject to specific modifications or conditions. Owners may desire to submit preliminary plans for review. The committee will review preliminary plans, without fee, and make its comments known to the Owner, provided, however, that no preliminary approval is to be considered a final approval, and no final approval will be granted on less than a complete submission. Upon approval, the Committee and the Owner will each sign copies of the plans, one of which shall be left with the Committee. No construction that is not in strict compliance with the plans approved will be permitted.

d. **Written Record.** The Committee will maintain a written record of its actions, and maintain in its files a copy of all plans approved or rejected for a period of five years. The Committee will also provide evidence of its approval for the City, if requested by the Owner.

e. **Failure to Act.** If the Committee has not approved or rejected any submission within 45 business days after payment of the review fee and submission of complete plans, the submission is deemed to have been approved, unless the approval process has been extended as provided in Section 2.14 for special review of some aspects of the proposal.

2.13. **Variances.** Variances to the design standards contained in this Declaration may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No variance may be granted without the consent of at least 25% of the Owners in the Subdivision at a meeting called for that purpose. The Architectural Committee, or the Owners as a whole, cannot grant any variance that has the effect of modifying applicable City zoning, building code regulations, or conditions of subdivision approval. The burden of obtaining a variance is entirely on the applicant, including the costs of notice.

2.14. **Extraordinary Costs.** Whenever it deems appropriate, the Committee may engage the services of an independent architect, civil or structural engineer, or other appropriate consultant to assist in its review of any proposed Improvements. All costs of

such additional review will be paid by the Applicant, provided however that no architect or engineer will be hired without advance notice to the Applicant of the intention to hire a review architect or engineer, and the aspects of the proposal that caused the Committee to believe that professional review was required, and the estimated cost of that review. If the applicant does not withdraw the proposal within five days after receipt of that notice, he is deemed to have consented to the Committee retaining such professional assistance. Whenever the Committee retains outside professional services in its review, the reviewing architect or engineer is acting only in an advisory capacity, and the applicant, for himself and his successors and assigns, waives any and all claims against the Committee and the Association in the event that advice from, or conditions imposed by, the reviewing professional prove ineffective, unnecessary, or inappropriate to the circumstances. The costs of such review will be billed directly to the applicant in advance, and the review of the plans will be suspended until the costs of the special review have been paid by the Applicant. The review period will be extended for a period of 30 days following payment of the special review costs to allow for the review.

2.15. General Design Review. The Committee will use its best efforts to provide a consistent pattern of development, and consistent application of the standards of this Declaration. These standards are, of necessity, general in nature, and it is the Committee should apply them in a manner that results in a high quality, attractive, and well designed community, and reflect the wide range of Lot sizes with the Subdivision.

2.16. Declarant, Trustees and Committee not Liable. The Declarant, the Trustees, and the Committee and its members shall not be liable to the applicant for any damages, or to the Owners of and Lots within the Subdivision for their actions, inactions, or approval or disapproval of any set of plans submitted to the Committee for review. In the absence of bad faith or malicious actions, the Owners shall have no claim against the Declarant or Committee as a result of the performance or failure to perform the duties created by this Declaration. Each Owner has the right to enforce these covenants against every other owner, and may seek independent redress if it believes the Committee has acted improperly.

2.17. Limitations on Review. The Committee's review is limited to those matters expressly granted in this Declaration. The Committee shall have no authority over the enforcement of building codes, zoning ordinances, or other statutes, laws, or ordinances affecting the development or improvement of real property and shall have no liability to any Owner whose plans were approved in a manner that included any such violation. Corrections or changes in plans required by the City to bring them into conformity with applicable codes must be re-submitted to, and approved by the Committee prior to construction. No additional fee will be assessed for reviewing such revisions to the original submission.

00436643 Bk00905 Pg00460

ARTICLE III

RESTRICTIONS ON ALL LOTS

3. The following restrictions on use apply to all Lots within the Subdivision:

3.1. Zoning Regulations. The lawfully enacted zoning regulations of Park City, and any building, fire, and health codes are in full force and effect in the Subdivision, and no Lot may be occupied in a manner that is in violation of any such statute, law, or ordinance.

3.2. No Mining Uses. The property within the Subdivision shall be used for residential purposes only, and no surface occupation for mining, drilling, or quarrying activity will be permitted at any time on any Lot, Open Space, or the Amenity Parcel.

3.3. No Business or Commercial Uses. No portion of the Subdivision may be used for any commercial business use, provided however that nothing in this provision is intended to prevent (a) the Declarant from using one or more Lots for purposes of a construction office or sales office during the actual period of construction of the Subdivision Improvements, or (b) the use by any Owner of his Lot for a home occupation. No home occupation will be permitted, however, which requires or encourages the Owner's clients, customers, patients or others to come to the Lot to conduct business, or which requires any employees outside of the Owner's immediate family or household. No retail sales of any kind may be made in the Subdivision. No materials, machinery, equipment, or inventory associated with any home occupation may be stored outside on any Lot. No signs associated with any home occupation are permitted.

3.4. Restrictions on Signs. No signs will be permitted on any Lot or within the Subdivision, except for traffic control signs placed by the City, temporary signs warning of some immediate danger, or signs not in excess of six square feet identifying the contractor and/or architect of any Dwelling Unit while it is under construction. Signs indicating the Lot is for sale may be placed in accordance with City sign regulations, and no such sign may exceed six square feet. The Declarant may erect a sign of not more than thirty-two square feet at the entrance to the Subdivision for a period of no more than one year announcing the availability of Lots and giving sales information. No permanent signs stating the address or the name of the owner of the Lot may be installed without the advance consent of the Architectural Committee. Such signs will be limited to 6 square feet, and may be placed at the driveway intersection with the public street, set back to the property line of the Lot.

3.5. Completion Required Before Occupancy. No Dwelling Unit may be occupied prior to its completion and the issuance of at least a Temporary Certificate of Occupancy by the City of Park City.

3.6. Primary Dwelling to be Constructed First. No Accessory Dwelling, garage, storage unit, or other out building or Improvement may be constructed prior to the commencement of construction of the primary Dwelling on the Lot.

3.7. No Re-Subdivision. No Lot may be re-subdivided. No Accessory Dwelling may be leased for a period of more than 24 months.

3.8. No Time Interval Ownership. No Lot may be owned, leased, or otherwise held in a manner that divides either the legal title or the right of use into formal or informal time intervals or timeshare ownership, or any other contract, trust, partnership, or other arrangement that permits, allows, or as a practical matter, creates or establishes time interval ownership or use of the Lot that is indistinguishable from time interval ownership.

3.9. Underground Utilities. All gas, electrical, telephone, television, and any other utility lines in the Subdivision are to be underground, including lines within any Lot which service installations or Improvements entirely within that Lot. No propane tanks or oil tanks may be installed on any Lot except for temporary heat during construction. Notwithstanding this provision, there is an existing overhead electrical line as shown on the Plat which will remain in place as an overhead line.

3.10. Service Yards. All clothes lines, service yards, storage yards, and exterior mechanical equipment must be screened in a manner approved by the Architectural Committee so that they are not visible from adjoining Lots.

3.11. Maintenance of Property. All Lots, and the Improvements on them, shall be maintained in a clean, sanitary, attractive and marketable condition at all times. No Owner shall permit his Lot or the Improvements on it to fall into disrepair.

3.12. No Noxious or Offensive Activity. No noxious or offensive activity shall be carried out on any Lot, including the creation of loud or offensive noises or odors that detract from the reasonable enjoyment of nearby Lots.

3.13. No Hazardous Activity. No activity may be conducted on any Lot that is, or would be considered by a reasonable person to be unreasonably dangerous or hazardous, or which would cause the cancellation of conventional property casualty insurance. This includes, without limitation, the storage of caustic, toxic, flammable, explosive or hazardous materials in excess of those reasonable and customary for household uses, the discharge of firearms or fireworks, and setting open fires (other than properly supervised and contained barbecues). No Owner will occupy a Lot in a manner that is in violation of any State or Federal environmental protection law or regulation concerning the storage, disposal, or use of toxic or hazardous materials.

3.14. No Open Burning. The open burning of yard trimmings, construction waste, or other materials on the Lot is prohibited.

3.15. No Unsightliness. No unsightliness is permitted on any Lot. This shall include, without limitation, the open storage of any building materials (except during the construction of any Improvement, Dwelling or addition); open storage or parking of farm or construction equipment, inoperable motor vehicles, boats, campers, trailers, trucks larger than pick-up trucks (except during periods of actual loading and unloading); accumulations of lawn or tree clippings or trimmings; accumulations of construction debris or waste; household refuse or garbage except as stored in tight containers in an enclosure such as a garage; lawn or garden furniture except during the season of use; and the storage or accumulation of any other material, vehicle, or

equipment on the Lot in a manner that it is visible from any other Lot or any public street.

3.16. No Annoying Lights. Any outdoor lighting shall be subject to approval by the Architectural Committee, and no outdoor lighting shall be permitted except for lighting that is designed to aim downward and limit the field of light to the immediate vicinity of the Building or Improvement it is intended to serve. Lighted tennis courts, sport courts, and similar lighted recreation facilities are prohibited.

3.17. No Annoying Sounds. No speakers, or other noise making devices may be used or maintained on any Lot which create noise that might reasonably be expected to be unreasonably or annoyingly loud from adjoining Lots, except for properly operating and maintained security or fire alarms.

3.18. Drainage. No Owner shall alter the direction of natural drainage from his Lot, nor shall any Owner permit accelerated storm run-off to leave his Lot without first using reasonable means to dissipate the flow energy. Significant natural drainage areas are indicated on the Plat, and no Owner will construct Improvements in those areas that interfere with surface run off.

3.19. Vehicles Restricted to Roadways. No motor vehicle will be operated on the Subdivision except on improved roads and driveways. No snowmobiles or motorcycles will be operated on any Lot except for ingress and egress by duly licensed, "street legal" vehicles or while loading the equipment for lawful transport on public streets. The operation of any vehicle outside of the Site Disturbance Area of any Lot is strictly prohibited, even during periods of construction.

3.20. Kennels. No kennel or dog run may be placed closer than 50 feet to any Dwelling other than that of the Owner of the kennel.

3.21. No Transient Lodging Uses. The Lots are to be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, boarding house, "bed and breakfast," or other uses for providing accommodations to travelers. No lease of any Lot or Dwelling shall be for a period of less than one year. No Lot shall be subjected to time interval ownership.

3.22. No Firearms. No firearms of any kind, including b-b guns, pellet guns, or similar air-powered firearms may be discharged within the Subdivision.

3.23. Clearing and Grading. No portion of any Lot may be cleared of vegetation, graded, cut, or otherwise altered from its natural vegetative condition, except as specifically provided in this Declaration, and except in conjunction with the construction of the Primary Dwelling or other approved Improvements.

3.24. Public Trail Easements. There are public trails that cross through the Subdivision as shown on the Plat. These trails are for the use and benefit of the general public, and not just the Owners. They are dedicated public easements. No Owner shall obstruct or interfere with the use of the trails crossing his or her Lot. Subject to City regulations, trails will be open for use only during daylight hours. Trails are for non-motorized use only, and no motorcycle, all-terrain vehicle, snowmobile or other motorized vehicle (except for authorize maintenance vehicles or equipment) will be permitted on the trail system.

ARTICLE IV

RESTRICTIONS ON IMPROVEMENTS

4. All Improvements on any Lot shall be subject to the following restrictions and architectural design standards:

4.1. Number of Dwellings. Only one Dwelling may be constructed on any Lot; with the exception that Accessory Dwellings are permitted as described below. All Dwellings shall have an attached garage large enough to enclose 2 cars.

4.2. Site Disturbance Area; Placement of Buildings. In order to protect existing native vegetation, minimize landscape irrigation requirements, and maintain the feeling of open space within the subdivision, all construction and landscaping activity must be contained within the maximum Site Disturbance Area for each Lot. The Maximum Site Disturbance Area is comprised of the actual footprint of the house and garage, driveways and utility excavations as approved by the Association on the site plan, and the additional irrigated landscaped area around the house. The maximum size of the irrigated landscaped area for each lot is shown on Exhibit B. Within the Lot, subject to minimum front, side, and rear yard set back requirements, the Owner may propose any location for the Dwelling and the irrigated landscaped area around it. The location of the Dwelling and irrigated landscaped area should be selected to minimize removal of trees and oak brush or other significant vegetation. The placement of the Dwelling and other Improvements should also recognize historic drainage patterns and channels, if any, and avoid construction in locations that obstruct historic drainage. The shape of the Site Disturbance Area may be dictated by the proposed Dwelling, but shall be generally compact and in all cases, the areas disturbed by construction must be contiguous (and not linked by "cherry stems" that give the appearance of two areas of disturbance). Not included within the Site Disturbance Area are:

(a) Driveways not exceeding 20 feet in width connecting from the Site Disturbance Area to the abutting public street;

(b) Utility service lines, provided that utility service lines will be located immediately adjacent to or in the drive way whenever reasonable. If, because of grade considerations for sewer lines, it is not practical to install such lines within or adjacent to the driveway, only one additional utility access trench will be permitted, and it will be kept to the minimum width reasonably possible to minimize disturbance, and if possible, routed around areas of significant vegetation to minimize tree removal.

4.3. Construction Activity Confined to Site Disturbance Area. All construction activity, Improvements, and Dwellings are to be confined to the portion of the Lot identified as the Site Disturbance Area. The Site Disturbance Area will be physically staked on the ground, and fenced or roped off to prevent construction activity from extending beyond the established limits. No soil storage, excavation or backfill operations, or vehicular access is permitted outside of the Site Disturbance Area.

4.4. Building Setback. Regardless of the location of the Site Disturbance Area, all portions of the Dwelling or any other Improvements (except for access driveways and underground utilities) must maintain a minimum front yard set back from property line of 25 feet; a minimum side yard set back of 20 feet on each side of the Lot, and a

minimum rear yard set back of 15 feet from the rear Lot line. On Lots 4 through 26, the rear yard set back will be established from the Limit of Disturbance line shown on the Plat instead of the rear Lot line, and no Improvements may be constructed beyond that line. See Section 4.23 for additional restrictions on specific Lots.

4.5. Relation of Set Back to Site Disturbance Area. The Site Disturbance Area may extend into the Building set back areas, so that the minimum front, rear, and side yard set backs will determine the minimum set back for the exterior walls of any Dwelling or other Improvement, but allow for site disturbance beyond the exterior wall for construction purposes and/or irrigated landscaping.

4.6. Building Size. The sizes of the Lots within the Subdivision were intentionally varied. The maximum allowable Floor Area for the Dwelling and other buildings on the Lot are shown on the table in Exhibit "B". No Dwelling may be constructed which exceeds maximum building Floor Area stated for the Lot on which it is proposed, as shown on Exhibit B. The minimum Floor Area on the main level of any Dwelling shall be at least 2,500 square feet. Garages are not counted in the Floor Area, unless they exceed 600 square feet, in which case the area in excess of 600 square feet is counted.

4.7. Building Height. No structure on and Lot may exceed 28 feet in height as measured at the natural grade on the Lot prior to construction to a point half way between the eaves and the ridge line of the roof. The maximum ridge line height will be 33 feet above natural grade, with the intention being to have the building mass follow the natural, existing contour of the land. Building location and design should place buildings in a manner to minimize visibility from adjoining or adjacent Lots. See Section 4.23 for additional restrictions on specific Lots.

4.8. Roof Design. Roof pitches must be within a range of a 5/12 to a 7/12 slope. No more than one roof pitch may be used on any structure. Eaves and roofs must overhang by at least twenty-four inches. Shingles will be fire retardant material approved by the City. No wood shingles or shakes are permitted. Non-reflective metal roofing, and asphalt composite shingles weighing at least 270 pounds per 100 square feet are also permitted. Mansard, fake mansard, A-frame, gambrel, curvilinear, flat and domed roof designs are prohibited. All fascia boards must be at least twelve inches in width. Special attention will be paid to the south facing roof overhang to allow for adequate sun protection. All roof metal such as flashing, vent stacks, gutters and chimney caps will be made of anodized aluminum or painted galvanized metal, and in either case, will be painted an earth tone color.

4.9. Siding Materials. Unless specifically approved by the Architectural Committee, only the following exterior wall surface materials are allowed: cedar siding, redwood siding, stone, log, wood shingles, and stucco without "tudor" wood breaks. Textured plywood, metal, vinyl, masonite or similar manufactured siding materials are prohibited. There shall be no more than two separate exterior wall materials on any wall surface (excluding trim), and no more than three on any one Building. Exterior wall colors must harmonize with the site and surrounding buildings. The predominant tone should be earth tone, whether in the natural color or patina of the weathered color of the wall surface itself or the color of the stain or other coating. Bright or dramatic colors can be used for accent of exterior wall areas hidden from general view. Fascia and trim shall also remain in the earth tone spectrum.

00436643 Bx00905 Ps00465

4.10. Windows. Windows must be either wood, bronze-tone aluminum clad wood, bronze tone aluminum, or dark metal. All windows must be at least double glazed. Any trapezoidal windows must parallel the shape of the walls or roofs surrounding them. No mirrored or reflective glass may be used.

4.11. Fireplaces, Chimneys. Only one wood-burning stove, fireplace, or other such appliance is permitted on each Lot. The primary heat source must be natural gas or solar rather than wood. No coal fired appliances may be use, and no coal shall be burned in fireplaces. Chimneys must be enclosed in an approved siding material with a spark arrester. No exposed metal flues are permitted.

4.12. Antennas. All antennas must be enclosed within a building, and not roof mounted. Any satellite dishes in excess of 24 inches in diameter must be located and screened in a manner approved in advance by the Architectural Committee so that they are not visible from either adjoining Lots or from outside the Subdivision.

4.13. Solar Panels. Solar panels will be permitted only with the consent of the Architectural Committee, and if permitted at all, must lie flat against the roof and may not differ in pitch from the roof surface on which they are mounted. No free standing solar panels will be permitted.

4.14. No Used or Temporary Structures. No previously erected, used, or temporary structure, mobile home, trailer house, or any other non-permanent structure may be installed or maintained on any Lot.

4.15. No Air Supported Structures. No air supported tennis or swimming pool bubbles or covers will be permitted on any Lot.

4.16. Balconies and Decks. The area under any deck or balcony that is more than twenty-four inches above natural grade must either be landscaped or screened from view so that the view from adjoining Lots or streets is not of the unfinished underside of the deck. The area under any deck shall not be used for storage of equipment, firewood, building material, or similar material. The underside of any deck more than four feet above grade must either be completely screened with vertical lattice or siding, or, if exposed (as in the case of a second story deck) painted or stained to match the house.

4.17. Fire Sprinklers. All dwellings must be equipped with an automatic fire sprinkler system in accordance with the ordinances of Park City or, in the absence of an ordinance, a system which meets standard 13-D of the National Fire Protection Association for residential applications. Owners constructing any portion of the Dwelling or other inhabitable structure more than 150 feet back from the public street may be required to install a dry standpipe from the edge of the street to the fire sprinkler system within the structure. The specifications for fire sprinkling equipment are established by City regulations, and it is the obligation of each Owner to comply with those specifications in the construction of the Dwelling.

4.18. Deer Valley Design Guidelines Incorporated. The Deer Valley Resort Architectural Design Guidelines, which are attached as Exhibit C are incorporated as general design requirements. In the event of conflicts, the specific provisions set forth in this Declaration shall control.

4.19. Fences. To minimize disturbance to native vegetation and disruption to wildlife habitat, fencing of the side and rear boundaries of any Lot shall not be permitted in the Subdivision. Limited interior fencing of the irrigated landscaped area is permitted subject to advance approval by the Architectural Committee. Chain link or other wire fencing is prohibited. With the advance consent of the Committee, an Owner whose Lot is bisected by, or abuts or adjoins a Public Trail Easement, as shown on the Plat or as later dedicated by the Owner, may fence the trail in a manner that is reasonable to prevent trespass. Fencing of trail easements may occur outside the Site Disturbance Area of the Lot. The design of such fencing should be typical of agricultural wire or wood rail fencing (not chain link) of a design that blends in with the surrounding vegetation, and not a highly visible privacy or screening type fence. The fencing material and height shall be of a design that will allow the free travel of wildlife, while discouraging human trespass. Any such fencing should be on the right of way boundary line, and placed in a manner that does not present safety hazards to trail users.

4.20. Entrance Gates. To the extent permitted by applicable City zoning, entrance gates are permitted on all Lots. The driveway width of any entrance gate may not exceed 20 feet in width. The decorative wall or other structure on either side of the gate, plus the width of the gate itself, may not exceed 75 feet in total length, or 30% of the frontage of the Lot, whichever is less. Fencing of the remainder of the Lot frontage is permitted, provided that fencing is of a decorative metal rather than chain link or other wire fencing, and is designed in a manner that blends into the natural landscaping. Decorative pillars on fencing are prohibited.

4.21. Driveway Access. Individual driveway accesses to each Lot must be approved by the Architectural Committee as part of the site plan of the Lot. Driveways should be located in a manner to minimize cuts and fills and the need for retaining walls. No driveway may exceed 12% slope. Driveways shall be wide enough to permit two cars to be parked side by side in front of the garage entrance, but shall not exceed 20 feet otherwise. Cut and fill slopes must be re-vegetated with native vegetation when occurring outside of the approved Site Disturbance Area. Main driveways must be hard surfaced.

4.22. Sewer Connection Required. All Lots are served by sanitary sewer service, and no cesspools, septic tanks, or other types of waste disposal systems are permitted for use with any Dwelling. All Dwellings must be connected to the sanitary sewer system. Owners of downhill Lots may encounter difficulty in providing gravity flow sewer connections to the street. The cost of private ejector systems will be borne by the individual Lot Owner, and not by the Declarant or the provider of sewer treatment service. Lots 25, 26, and 44 will probably require ejector pumps, and others may, depending on the placement and design of the Dwelling.

4.23. Exterior Lighting Standards. All exterior lighting must be adequately shielded and controlled to prevent glare and illumination to adjacent properties or streets. Bare light globe fixtures, such as flood and spot lights, are prohibited.

4.24. Special Restrictions on Some Lots. As a condition of approval by the City, additional restrictions have been imposed on some of the Lots:

(a) On Lots 4, 5, 9, 10, and 11, at least 65% of the total gross floor area, exclusive of the garage, is to be on the finished grade. The maximum Dwelling Height will be 25

feet to the midpoint of the roof and 28 feet to the ridgeline, as defined by the City Land Management Code.

(b) On Lots 10 and 11, the front yard set back will not exceed 100 feet from the front Lot line as defined by the City Land Management Code.

ARTICLE V

LANDSCAPE STANDARDS

5. The intent of this declaration is to conserve water, preserve the natural existing vegetation, and enhance wildlife habitat to the extent possible given the construction of the Subdivision. The use of each Lot is subject to the following Landscape Standards:

5.1. Irrigated Landscape Area. Within each Lot there is an area available for irrigated landscaping, including lawn areas. The size of this area within each Lot is listed on Exhibit B. The irrigated landscape area will be within the Maximum Site Disturbance Area of the Lot. The use of permanent irrigation systems is limited to this portion of the Lot.

5.2. Non-Irrigated Area. Outside of the Maximum Site Disturbance Area, the native vegetation will be preserved, and the following standards apply:

(a) Irrigation. No permanent irrigation is permitted in this area. Temporary irrigation as needed to repair damage to the natural vegetation as a result of construction activities, such as reclamation of utility trenches and areas along driveways, is permitted, but only for so long as necessary for restoration of vegetative cover. New plantings of native plants may be irrigated on a temporary basis to establish healthy growth. No permanent irrigation systems may be installed outside of the Maximum Site Disturbance Area.

(b) Plant Materials. It is the intention to preserve the native vegetation in the areas outside of the Maximum Site Disturbance Area. New plantings in that area will be of native species.

(c) Removal of Vegetation. No native vegetation, trees, or shrubbery may be cut or removed from the non-irrigated area of the Lot except as necessary to maintain healthy growth, remove diseased plants, or for approved utility trenches and driveways. Noxious weeds may be removed as required.

5.3. Uses of Non-Irrigated Area. No improvements of any kinds are permitted in the Non-Irrigated area of any Lot (with the exception of approved driveways and utility trenches). No swimming pool, tennis court, deck, spa, swing set, trampoline, play ground equipment, dog run, or similar structures, hard surfaced area, or improvement is permitted in the non-irrigated area of the Lot. With the consent of the Committee, Owners may clear additional trails in the non-irrigated area, provided that no trail will exceed 10 feet in width. No vehicles, snowmobiles, motorcycles, or all terrain vehicles will be used, stored, or operated on the non-irrigated portion of the Lot.

5.4. No Livestock. No horses or other livestock will be kept on any part of the Lot.

ARTICLE VI

ACCESSORY DWELLINGS

6. While the intention of the Declarant is to develop a subdivision of single family dwellings, the nature and use of such Dwellings in a resort context may make it desirable in some cases for the Owners of Lots to include an Accessory Dwelling in the Primary Dwelling on the Lot. Accessory Dwellings are permitted on each Lot, subject to the following conditions:

6.1. Size of Accessory Dwelling. The Accessory Dwelling may not exceed 25% of the floor area of the Primary Dwelling. Accessory Dwellings may not be less than 400 square feet in floor area, nor more than 800 square feet, and may contain no more than two bedrooms. The addition of an Accessory Dwelling will not increase either the maximum permitted Floor Area or the maximum Site Disturbance Area for each Lot as shown on Exhibit B.

6.2. One Accessory Dwelling Per Lot. Only one Accessory Dwelling is permitted on any Lot. The Accessory Dwelling may only be constructed in conjunction with, or after completion of the Primary Dwelling, but may not be constructed first.

6.3. Location of Accessory Dwelling. Accessory Dwellings must be incorporated into the Primary Dwelling, and no increase in the Site Disturbance Area is permitted for an Accessory Dwelling. The Site Disturbance Area may not be split into separate building sites for the Primary and Accessory Dwellings.

6.4. Ownership, Appurtenance. The Accessory Dwelling is an appurtenance to the Primary Dwelling, and is not to be separately sold, encumbered, leased for periods in excess of 2 years, or in any other way separated from the ownership and control of the Primary Dwelling. There will be no vote in the Association assigned to an Accessory Dwellings, and no assessment levied on Accessory Dwellings other than the assessment on the Lot.

6.5. Transient Lodging Prohibited. No Accessory Dwelling may be rented for transient lodging purposes. No rental agreement for less than 30 days will be permitted. This shall not preclude use by guests of the Owner for periods of shorter duration, but commercial rental on a nightly or short term basis is prohibited.

6.6. Parking. Accessory Dwellings must have one off-street, enclosed parking space per bedroom, in addition to the Parking for the Primary Dwelling.

00436643 Bx00905 Pg00469

ARTICLE VII

OWNERS' MAINTENANCE OBLIGATIONS

7. It is the obligation of each Owner to maintain his Lot at all times in order to preserve and enhance the enjoyment of the Subdivision:

7.1. Duty to Maintain. It is the obligation of the Owner of each Lot to maintain his Lot and the Improvements to the Lot in a good state of repair and an attractive, safe, and healthy condition.

7.2. Repair by Association. In the event that an Owner permits his Lot or Improvements to fall into a state of disrepair that is dangerous, unsafe, unsanitary, or unsightly condition in violation of this Declaration, the Association may give written notice to the Owner describing the condition complained of and demanding that the Owner correct the condition within 30 days. If the Owner fails to take corrective action, the Association shall have the right, but not the obligation, to enter upon the offending Owner's Lot and take corrective action to abate the condition. All costs of abatement shall be charged to the Owner, who agrees to promptly pay the reasonable costs of any work performed under this provision. Unpaid amounts will bear interest at the lawful judgment rate under applicable state law.

7.3. Alterations of Exterior Appearance. The Owners will maintain their Lots and Improvements in substantially the same condition and appearance as that approved by the Architectural Committee. No subsequent exterior alterations, improvements or remodeling, whether structural or changes in landscaping, paint color or siding or trim materials will be made without the advance consent of the Committee.

7.4. Repair Following Damage. In the event of casualty loss or damage to the Improvements, the Owner will be entitled to reconstruct the Improvements as they existed prior to the damage or loss without review by the Committee, provided however that alterations or deviations from the originally approved plans will require review. Nothing in this Declaration is intended to prevent an Owner who has suffered property damage or loss from taking temporary measures to secure the property and prevent further damage, or to prevent injury or dangerous conditions following loss or damage, before re-construction begins. Such temporary measures may be taken without the consent or approval of the Architectural Committee, provided that any such measures must be of a temporary nature, and repair or reconstruction must begin as soon as circumstances will permit. No damaged structure will be permitted to remain on any Lot for more than 90 days without repairs commencing, and any damaged structure which does remain un-repaired after 90 days following the occurrence of damage is deemed a nuisance which may be abated by the Association at the expense of the Owner.

00436643 Bx00905 P00470

ARTICLE VIII

CONSTRUCTION COVENANTS AND REGULATIONS

8. In order to insure that the natural vegetation outside of the maximum Site Disturbance Area is not damaged during any construction activities, and to minimize the inconvenience to adjoining Owners, the following construction regulations shall be enforced during the construction period. These regulations shall be made a part of the construction contract between the Owner and his or her contractor on any Improvements on a Lot. Each Owner shall be bound by these regulations, and violations committed by the contractor shall be deemed a violation by the Owner for which Owner is liable.

8.1. Marking Site Disturbance Area. Prior to the commencement of construction, the Owner shall cause the perimeter of the Site Disturbance Area to be surveyed and marked in conjunction with the staking of the foundation and other Improvements. The perimeter of the Site Disturbance Area will be marked with surveyors tape or fenced to prevent any intrusion beyond that area.

8.2. Portable Office or Trailer. Any Owner whose contractor desires to bring a portable office or trailer on to a Lot shall first apply for and receive written approval from the Architectural Committee. The Architectural Committee will work with the Owner to determine the best location for the portable office. The portable office will be located only in a location approved by the Architectural Committee, which shall be on the Owner's Lot and within the area that can be disturbed by construction or driveway areas.

8.3. Removal of Temporary Office. The temporary office may not be installed prior to the commencement of construction, and must be removed upon the first to occur of (i) the issuance of a Certificate of Occupancy, (ii) the termination, expiration, or cancellation of the Building Permit, or (iii) the suspension of construction activities for a period of 60 days.

8.4. Construction Debris Removal. Owners and their contractors must comply with Park City ordinances requiring the placement and maintenance of a trash container or dumpster on the Lot during construction. Owners and their contractors are responsible for collection of trash at the end of each work day and depositing construction trash, packing material, unusable scraps, and other debris in a suitable container. Lightweight material must be weighted down to prevent wind from blowing it away. Debris must be contained until removed from the Lot to an appropriate land fill. The dumpster must be regularly serviced. No trash may be burned, buried, or otherwise disposed of on the Lot. No concrete trucks may be cleaned out on any Lot, Open Space Parcel, or anywhere within the Subdivision.

8.5. Construction Area Appearance. The Lot must be maintained in a reasonably organized and neat condition at all times during the construction of Dwelling or any other Improvements. Materials must be stored in neat stacks and covered. No more material may be delivered to the site than can reasonably be consumed in a week's time, provided that once the Dwelling is enclosed, materials may be stored inside, out of sight, indefinitely.

8.6. Sanitary Facilities. Each Owner is responsible for the installation and maintenance of an approved portable toilet facility on the site during construction. The portable toilet must be located on the Lot at a location approved by the Architectural Committee, and removed from the site at such time as the permanent plumbing system is operational.

8.7. Removal of Mud. Owner and contractor are responsible for keeping mud from the construction site from being deposited on the roadways of the Subdivision. This may require cleaning of truck tires before leaving the site.

8.8. Duration of Construction. It is the obligation of the Owner to proceed with construction with all reasonable speed once construction has commenced, and in any event, all exterior surfaces of the building shall be substantially complete within a period of twelve months from commencement. All landscaping and soil stabilization work must be completed as soon as possible after completion of the exterior of the Dwelling, but in no event later than the summer following completion of the exterior of the Dwelling.

ARTICLE IX

OPEN SPACE AND AMENITY PARCELS

9. Within the Subdivision, there are areas designated on the plat as Open Space Parcels, and an area designated as the Amenity Parcel. Declarant has, or will convey the Open Space Parcels to the City. The use of the Open Space Parcels will be governed by this Declaration. The Amenity Parcel will be conveyed to the Association.

9.1. Use of Amenity Parcel. The Amenity Parcel will be owned by the Association. Its ultimate use is to be determined by the Association, consistent with these covenants. The Amenity Parcel may be used for a natural or landscaped park area, for the construction by the Association, at its expense, of a swimming pool, tennis courts, club house, or similar recreational amenity for the use and benefit of the Owners, or left in its natural condition. Prior to the construction by the Association of any Improvements costing more than \$15,000 on the Amenity Parcel, the Trustees will first present to proposal to the Owners, and receive the affirmative vote of 2/3rds of the Owners, excluding the Declarant. No such Improvements will be made until the Declarant has conveyed at least 2/3rds of the Lots to third parties, unless the Declarant otherwise consents in writing.

9.2. No Dwellings. The Amenity Parcel may not be used for, sold, or leased for the purpose of constructing Dwellings, office space, or commercial buildings. Any recreation amenity will be for the use of the Owners, and not open to the general public or for members other than Owners within the Hidden Meadows Subdivision. This shall not preclude the construction of a manager's dwelling of not more than 400 square feet in any club house facility constructed by the Association.

9.3. No Commercial Use. The Amenity Parcel may not be used for any commercial purpose, including the operation of a club house, restaurant, tennis club or pool facility open to the public or persons other than Owners or their guests. No vehicles, construction materials (other than those for the use and benefit of the Association), or equipment will be parked or stored on the Open Space Parcel, except

during Declarant's initial construction of the Subdivision Improvements, such as streets and utilities.

9.4. Culinary Water Well Site. Declarant's predecessor in interest has reserved the right to drill and operate a culinary water well within the Amenity Parcel. The location of that well will be coordinated with the Association to minimize site disturbance or interference with the Association's use of the Amenity Parcel, but also to provide access to sub-surface geologic structures which are believed to be advantageous locations for drilling a well. The well, if drilled, will be equipped with a surface pump house not to exceed 1,000 square feet, which will be sided, roofed, and landscaped in a manner consistent with these covenants.

9.5. Water Quality Protection. The Association will not do anything on the Amenity Parcel that might reasonably be expected to compromise water quality from the proposed well, including disposal or storage of hazardous materials, fuels or oils, insecticides or herbicides, or the use of other toxic or hazardous materials.

9.6. Open Space Parcels. Around the perimeter of the Subdivision there are larger areas designated on the Plat as Open Space. Declarant has, or will, convey these parcels to the City, subject to this Declaration and additional covenants contained in the deeds. The Owners may enforce these covenants against the City as owner of the Open Space, as the Open Space is created for the benefit of the Subdivision. The City is not deemed an Owner for purposes of participation in the Association, and shall not be subject to Assessment, nor entitled to vote. These covenants are not reciprocal as to the Open Space, and the City will have no right to enforce these covenants against Lot Owners, provided that this shall not waive any powers that exist under City ordinances. The Open Space parcels are to be maintained in their natural condition, and no improvements of any kind will be permitted, except:

- (a) Trails, which will be public easements for non-motorized use;
- (b) Underground utilities, and such above ground controls, transformer boxes, and junction boxes as may be reasonably necessary;
- (c) The existing overhead power line.

No clearing, grading, excavation, or other site work is permitted that would alter the natural vegetation or natural appearance of the Open Space Parcels.

9.7. Additional Trails. The City may construct an additional trail that extends north through Open Space Parcel Number 4, provided that no new trail will be constructed closer to any Lot than the trail easement shown on the Plat north of the rear lot line of Lots 16 through 26.

ARTICLE XI

COMBINATION OF LOTS

10. Subject to the provisions of this Declaration and the limitations set forth in this Section, any Owner may combine two adjoining Lots with adjoining frontage on the same street within the Subdivision, subject to the approval of the Architectural

Committee and City. The following regulations will apply in the event of a combination:

10.1. Maximum Site Disturbance Area Revision. As a result of the combination of Lots, the maximum allowable Site Disturbance Area of the resulting combined Lot will be determined from the table in Exhibit B, but will not exceed 75% of the combined irrigated area allowed for the two lots. Siting of the Dwelling should spread the resulting building mass more or less evenly over the combined Lots, although may be more concentrated where good site planing practices dictate. In no event may the entire mass be constructed on a single Lot.

10.2. Maximum Floor Area. The maximum Floor Area for the Dwelling on the combined Lots shall not exceed 75% of the combined floor areas of the two individual Lots.

10.3. Architectural Committee May Deny Combination. The Architectural Committee has the power to deny the Owner's application to combine Lots on the basis that the resulting combination concentrates too much building mass on a single Lot, that the combination results in damage to significant natural features on the Property such as natural drainage courses or significant wooded areas, or results in a structure that violates the provisions of this Declaration.

10.4. Combination Deemed Permanent. The combination of Lots is deemed to be permanent and the Lots may not be independently sold once construction has commenced on the Improvements for the combined Lot.

10.5. Record Notice of Combination. The Owner of any Lots that have been combined will execute and deliver to the Architectural Committee a notice in recordable form, containing the name of the Owner and the legal description of the Lots combined, which Notice will state that the two Lots have been combined and cannot subsequently be subdivided. The Owner will also submit a current title report showing any lien holders, who will also be required to sign the Notice. The Committee shall record this Notice with the Summit County Recorder upon the commencement of construction.

10.6. Plat Amendment. The combination of Lots may also require a formal Plat Amendment process under applicable state or city regulations, all or which will be done at the sole expense of Owner.

ARTICLE XI

GENERAL PROVISIONS

11. The covenants, conditions, and restrictions contained in this Declaration may be enforced as follows:

11.1. Remedies.

(a) Any single or continuing violation of the covenants contained in this Declaration may be enjoined in an action brought by the Declarant (for so long as the

00436643 Bk00905 Pg00474

Declarant is the Owner of any Lot), by any other Owner, or by the Association in its own name. In any action brought to enforce these covenants, the prevailing party shall be entitled to recover as part of its judgment all of the reasonable costs of enforcement, including attorneys fees and costs of court.

(b) Nothing in this Declaration shall be construed as limiting the rights and remedies that may exist at common law or under applicable federal, state, or local laws and ordinances for the abatement of nuisances, health and safety, or other matters. These covenants are to be construed as being in addition to those remedies available at law.

(c) The remedies available under this Declaration and at law or equity generally are not to be considered as exclusive, but rather as cumulative.

(d) The failure to take enforcement action shall not be construed as a waiver of the covenants contained in this Declaration in the future or against other similar violations.

11.2. Severability. Each of the covenants contained in this Declaration shall be independent of the others, and in the event that any one is found to be invalid, unenforceable, or illegal by a court of competent jurisdiction, the remaining covenants shall remain in full force and effect.

11.3. Limited Liability. Neither the Declarant, the Trustees, or the Architectural Committee or its individual members, nor any other Owner shall have personal liability to any other Owner for actions or inactions taken under these covenants, provided that any such actions or inactions are the result of the good faith exercise of their judgment or authority under these covenants, and without malice.

11.4. Term of Covenants, Renewal. This Declaration shall expire fifty years from the date it is first recorded with the Summit County Recorder, provided however that in the last year prior to expiration, the Owners of 90% of the Lots may, by written notice which is recorded with the Summit County Recorder, agree to extend the covenants for a period of an additional twenty years.

11.5. Amendment. At any time while this Declaration is in effect, the Owners of 75% of the Lots may amend the provisions of this Declaration. Any amendment must be in writing and be approved by 75% of the Owners at the time of the amendment. No amendment which has the effect of substantially or materially altering the size, nature, or use of the Improvements on any Lot permitted by this Declaration will be binding upon the holder of any mortgage or trust deed on any Lot unless the mortgage or trust deed holder joins in the amendment. These covenants may be repealed in whole or in part by amendment. No amendment which eliminates the rights of the Declarant under this Declaration will be effective without the consent of the Declarant.

11.6. Constructive Notice. Every person who owns, occupies, or acquires any right, title or interest in any Lot in the Subdivision is conclusively deemed to have notice of this Declaration and its contents, and to have consented to the application and enforcement of each of the covenants, conditions and restrictions against his Lot, whether or not there is any reference to this Declaration in the instrument by which he acquires his interest in any Lot.

11.7. Notices. All notices under this Declaration are deemed effective 5 business days after the date of mailing, whether delivery is proved or not, provided that any mailed notice must have postage pre-paid and be sent to the last known address of the party to receive notice. The address for notice may be taken from the latest available property tax assessment rolls if no other address for an Owner is known. Notices delivered by hand are effective upon delivery.

11.8. Liberal Interpretation. The provisions of this Declaration shall be interpreted liberally to further the goal of creating a uniform plan for the development of the Subdivision. Paragraph headings are inserted for convenience only and shall not be considered in interpretation of the provisions. Singular will include plural, and gender is intended to include masculine, feminine and neuter as well.

11.9. Covenants Run with the Land. The covenants, conditions, and restrictions in this Declaration are covenants running with the land, and shall burden and benefit the successors and assigns of the Declarant and the Owners for so long as the Declaration is in effect.

ARTICLE XII

EXPANSION OF PROJECT

12. The Declarant owns other land adjoining the Subdivision which is described on the attached Exhibit D. It is the intention of the Declarant to subdivide the additional land and to add it to the Subdivision and to these Covenants. Within a period of seven years from the date this Declaration is recorded, the additional land may be added to this Declaration and become a part of the Subdivision by the Declarant, or its successor in interest, recording a Subdivision Plat describing the additional land and the Lots created on it, and a Supplemental Declaration stating that it is the intention of the Declarant to add the additional land to the Subdivision, and to have that land be subject to these same covenants, conditions and restrictions.

12.1. No Obligation to Expand. The Declarant reserves the right to add some or all of the additional land to the Subdivision, but is under no obligation to do so. The additional land, if not added to the Subdivision, may be developed in a manner that is different from that described in this Declaration.

00436643 Bx00905 Ps00476

12.2. Expansion in Phases. The Declarant may exercise its right to expand the project in one or more phases or stages, and the addition of some of the expansion area does not obligate the Declarant to add the balance of the land to the Subdivision.

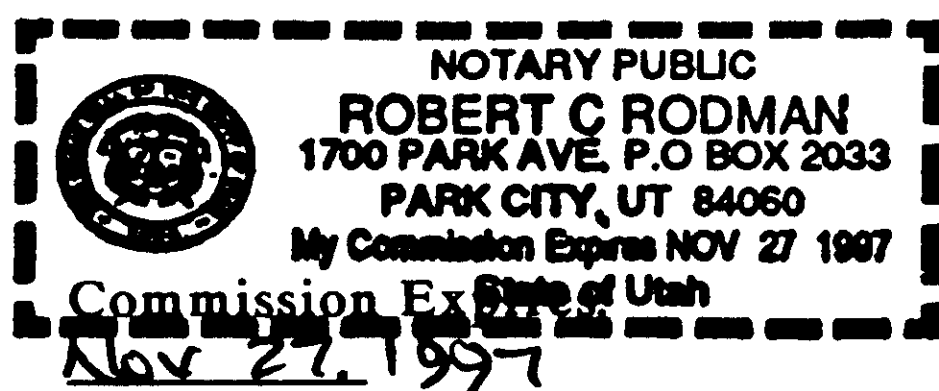
Executed on the date stated above.

BLUE LEDGE CORPORATION, a
Delaware
corporation

By: Hank Rothwell
Hank Rothwell, Pres.

STATE OF UTAH)
 :SS
COUNTY OF SUMMIT)

On the 17 day of July, 1995, Hank Rothwell appeared before me and acknowledged that he is the President of Blue Ledge Company, a Delaware corporation, which is the Declarant in the above instrument, and that he executed the same on behalf of the corporation with proper authority.



Robert C. Rodman
Notary Public
Residing at: Summit Co Utah

00436643 Bk00905 Pg00477

EXHIBITS

EXHIBIT A PROPERTY DESCRIPTION

**EXHIBIT B TABLE FROM PLAT ON HOUSE SIZES AND BUILDING ZONE
MAXIMUMS, INCLUDE REFERENCE TO GARAGES AND SIDE
FRONT AND REAR SET BACKS**

EXHIBIT C AMENITY PARCEL DESCRIPTION

EXHIBIT D PHASE II PROPERTY

00436643 Bk00905 Pg00478

EXHIBIT "A"

HIDDEN MEADOW SUBDIVISION PHASE 1
BOUNDARY DESCRIPTION
May 10, 1995

Beginning at a point on the northerly end line of the Emma mining claim North 77° 39' 13" West 251.53 feet from the Northeast corner of the Emma mining claim, said point is located North 4133.38 feet and East 2713.23 feet from the East Quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the northerly end of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77° 39' 13" West 1375.42 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28° 59' 00" West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North 59° 06' 00" East 465.36 feet more or less; thence along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61° 01' 00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 38° 40' 43" West 14.26 feet; thence along the Chatham Crossing Subdivision boundary (Recorded Instrument Number 179465 in the Office of the Summit County Recorder) the following four courses:) 1) North 61° 10' 55" East (Plat North 61° 05' 58" East) 46.56 feet; thence 2) North 41° 14' 05" West (Plat North 41° 19' 02" West) 1317.38 feet; thence 3) South 39° 55' 03" East (Plat East) 595.29 feet; thence 4) North 0° 04' 57" East (Plat North) 785.35 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60° 10' 00" East 509.54 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 62° 56' 19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44° 04' 01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78° 41' 14" East 40.19 feet; thence along easterly side line of the Potosi mining claim North 53° 33' 00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41° 00' 00" East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South 39° 40' 23" East 393.40 feet; thence along the North line of Section 11 North 88° 47' 03" West 1240.30 feet to the Northwest corner of Section 11; thence South 0° 57' 03" West 714.42 feet; thence South 70° 48' 39" West 20.35 feet; thence South 89° 32' 18" West 124.80 feet; thence South 07° 11' 05" East 317.18 feet to a point on a 50.00 foot radius curve to the right, whose radius point bears South 04° 46' 56" East, thence along the arc of said curve 42.48 feet thru a central angle of 48° 40' 36" to a point on a 15.00 foot radius curve to the left, whose radius point bears North 43° 53' 40" East; thence along the arc

00436643 Bk00905 Pg00479

of said curve 13.05 feet thru a central angle of 49° 51' 38" to a point on a 675.00 foot radius curve to the right, whose radius point bears South 05° 57' 58" East; thence along the arc of said curve 47.10 feet thru a central angle of 03° 59' 53"; thence South 0° 57' 03" West 1451.52 feet to a point on a 50.00 foot radius curve to the left, whose radius point bears North 89° 02' 57" West; thence along the arc of said curve 73.52 feet thru a central angle of 84° 14' 57"; thence North 10° 46' 33" West 34.02 feet; thence South 80° 37' 22" West 628.64 feet; thence North 16° 28' 35" West 238.32 feet; thence North 13° 36' 27" West 50.00 feet; thence South 76° 23' 33" West 64.47 feet to a point on a 290.15 foot radius curve to the left, whose radius point bears South 13° 36' 27" East; thence along the arc of said curve 48.67 feet thru a central angle 09° 36' 38"; thence North 31° 57' 40" West 225.19 feet; thence South 46° 41' 39" West 377.59 feet; thence South 07° 56' 32" East 319.08 feet; thence South 10° 24' 24" West 233.92 feet; thence South 41° 50' 49" West 137.01 feet; thence South 67° 45' 45" West 221.74 feet; thence South 14° 25' 20" East 246.82 feet; thence South 38° 35' 36" East 164.61 feet to the northeast corner of Phase 1, Parcel 1 of Royal Oaks Subdivision Phase I (Recorded instrument No. 352414 in the office of the Summit County Recorder); thence along the north line of said Parcel 1 South 79° 34' 34" West (Plat South 79° 36' 44" West) 160.00 feet; thence along the north line of said Parcel 1 South 69° 24' 48" West (Plat South 69° 26' 58" West) 65.28 feet; thence along The Oaks at Deer Valley (Recorded instrument No. 311418 in the office of the Summit County Recorder) boundary line South 68° 57' 50" West (Plat South 69° 00' 00" West) 59.25 feet; thence along The Oaks at Deer Valley boundary line South 48° 57' 50" West (Plat South 49° 00' 00" West) 300.00 feet; thence North 65° 36' 22" West 331.48 feet to a point on a 538.60 foot radius curve to the left, whose radius point bears South 60° 33' 01" East; thence along the arc of said curve 335.95 feet thru a central angle of 35° 44' 16"; thence South 06° 17' 17" East 477.78 feet to a point on a 125.00 foot radius curve to the left, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 18.63 feet thru a central angle of 08° 32' 16"; thence along The Oaks at Deer Valley boundary line South 81° 46' 37" West (Plat South 81° 48' 47" West) 50.24 feet to a point on a 175.00 foot radius curve to the right, whose radius point bears North 77° 03' 57" East; thence along the arc of said curve 20.30 feet thru a central angle of 06° 38' 46"; thence North 06° 17' 17" West 477.78 feet to a point on a 588.60 foot radius curve to the right, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 214.78 feet thru a central angle of 20° 54' 26"; thence North 68° 29' 02" West 229.73 feet; thence South 46° 04' 16" West 126.36 feet; thence South 11° 47' 28" West 170.03 feet to the point of beginning. Description contains 226.42 acres. The Basis of Bearing for the above description is South 00° 30' 11" West between the East Quarter corner and the southeast corner of Section 16.

Y:\VC\HMBRY3.DES

00436643 Bk00905 Pg00480

EXHIBIT "A"

HIDDEN MEADOW SUBDIVISION PHASE 2
BOUNDARY DESCRIPTION
April 19, 1995

Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11 South 88° 47' 03" East 1240.30 feet; thence along the easterly end line of the Glegg No. 2 mining claim (Mineral Survey 6792) South 39° 40' 23" East 215.18 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38° 46' 13" East 606.70 feet; thence along the Southerly side line of the Glegg No. 3 mining claim South 75° 52' 07" West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 mining claim South 63° 17' 52" West 360.03 feet; thence North 0° 57' 03" East 142.10 feet to a point on a 675.00 foot radius curve to the left, whose radius point bears South 01° 58' 05" East; thence along the arc of said curve 47.10 feet thru a central angle of 03° 59' 53" to a point on a 15.00 foot radius curve to the right, whose radius point bears North 05° 57' 58" West; thence along the arc of said curve 13.05 feet thru a central angle of 49° 51' 38" to a point on a 50.00 foot radius curve to the left, whose radius point bears South 43° 53' 40" West; thence along the arc of said curve 42.48 feet thru a central angle of 48° 40' 36"; thence North 07° 11' 05" West 317.18 feet; thence North 89° 32' 18" East 124.80 feet; thence North 70° 48' 39" East 20.35 feet; thence North 0° 57' 03" East 714.42 feet to the point of beginning. Description contains 32.73 acres.

Y:VC/DOCS/HMBRY2.DES

00436643 Bk00905 Pg00481

TABLE B

EXHIBIT "B"

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,380 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,921 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,921 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,303 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,989 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	80,190 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,388 S.F.	8,500 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	58,077 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,379 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	78,352 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,309 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	125,517 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	80,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,994 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	60,918 S.F.	7,250 S.F.	10,000 S.F.
LOT 29	64,391 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	48,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	43,069 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	39,189 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,722 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,063 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,052 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	44,458 S.F.	7,250 S.F.	10,000 S.F.
LOT 41	29,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	75,089 S.F.	8,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	14,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.

00436643 Bx00905 P=00482

EXHIBIT "C"

HIDDEN MEADOW SUBDIVISION
RECREATION OPEN SPACE PARCEL 3

Beginning at a point North 5704.31 feet and East 3793.03 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 east, Salt Lake Base and Meridian; and running thence North 88° 19' 31" West 353.13 feet to a point on a 88.00 foot radius curve to the right, whose radius point bears North 1° 40' 29" East; thence along the arc of said curve 266.24 feet thru a central angle of 173° 20' 48"; thence North 85° 01' 17" East 339.08 feet to a point on a 148.70 foot radius curve to the right, whose radius point bears South 4° 58' 43" East; thence along the arc of said curve 119.05 feet thru a central angle of 45° 52' 18" to a point on a 15.00 foot radius curve to the right, whose radius point bears South 40° 53' 36"; thence along the arc of said curve 26.22 feet thru a central angle of 100° 08' 48" to a point on a 201.21 foot radius curve to the left, whose radius point bears South 51° 02' 24" West; thence along the arc of said curve 165.45 feet thru a central angle of 47° 06' 47" to a point on a 15.00 foot radius curve to the right, whose radius bears North 86° 04' 23" West; thence along the arc of said curve 22.97 feet thru a central angle of 87° 44' 52" to the point of beginning. Description contains 2.09 acres. The basis of Bearing for the above description is South 00° 30' 11" West between the East Quarter corner and the southeast corner of Section 16.

Y:\VC\DOCS\HM-R03.DES

00436643 Bx00905 Pg00483

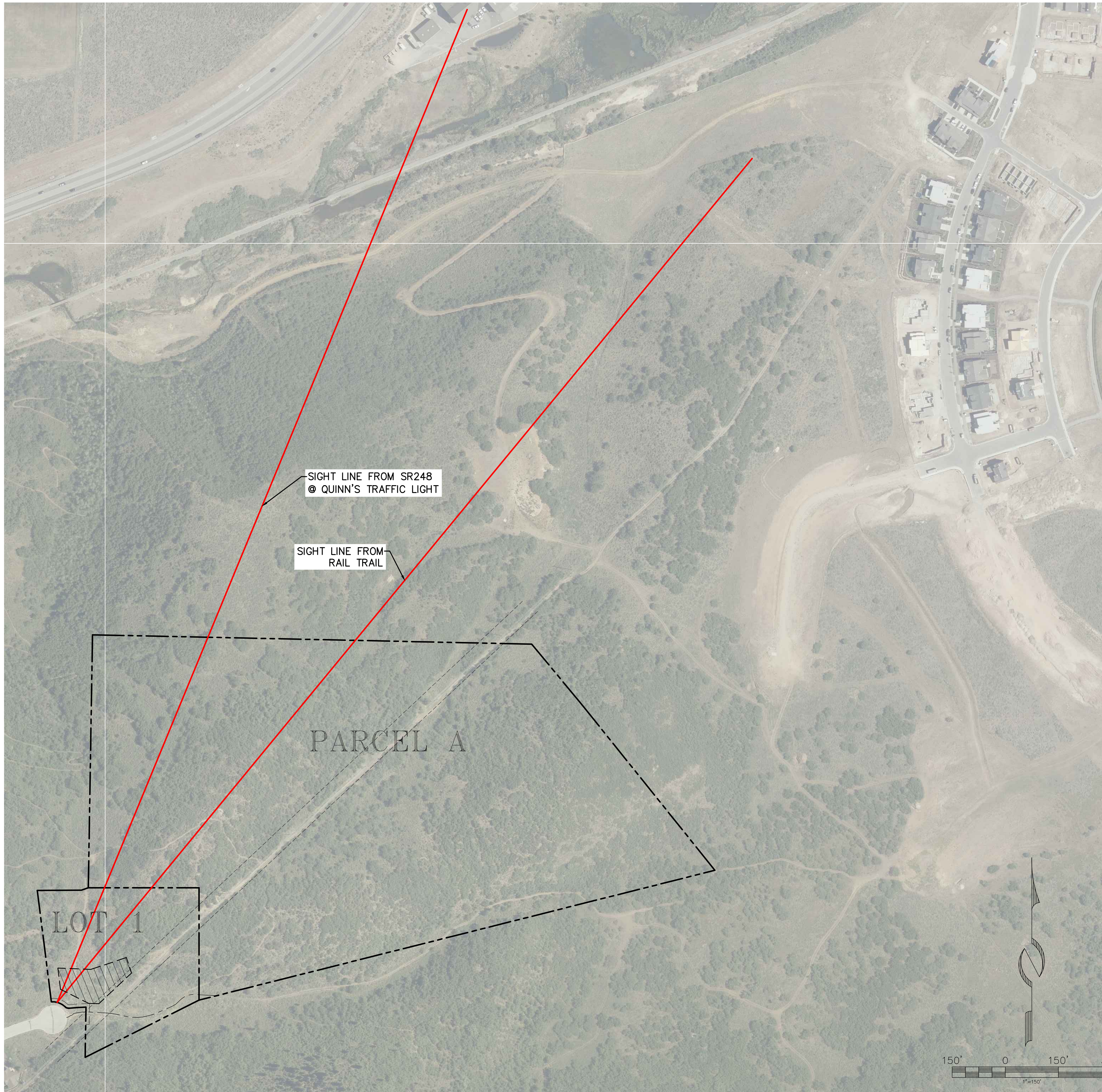
EXHIBIT "D"

HIDDEN MEADOW SUBDIVISION PHASE 2
BOUNDARY DESCRIPTION
April 19, 1995

Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11 South 88° 47' 03" East 1240.30 feet; thence along the easterly end line of the Glegg No. 2 mining claim (Mineral Survey 6792) South 39° 40' 23" East 215.18 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38° 46' 13" East 606.70 feet; thence along the Southerly side line of the Glegg No. 3 mining claim South 75° 52' 07" West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 mining claim South 63° 17' 52" West 360.03 feet; thence North 0° 57' 03" East 142.10 feet to a point on a 675.00 foot radius curve to the left, whose radius point bears South 01° 58' 05" East; thence along the arc of said curve 47.10 feet thru a central angle of 03° 59' 53" to a point on a 15.00 foot radius curve to the right, whose radius point bears North 05° 57' 58" West; thence along the arc of said curve 13.05 feet thru a central angle of 49° 51' 38" to a point on a 50.00 foot radius curve to the left, whose radius point bears South 43° 53' 40" West; thence along the arc of said curve 42.48 feet thru a central angle of 48° 40' 36"; thence North 07° 11' 05" West 317.18 feet; thence North 89° 32' 18" East 124.80 feet; thence North 70° 48' 39" East 20.35 feet; thence North 0° 57' 03" East 714.42 feet to the point of beginning. Description contains 32.73 acres.

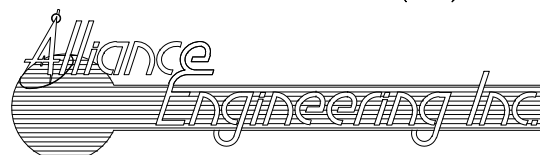
Y:VC/DOCS/HMBRY2.DES

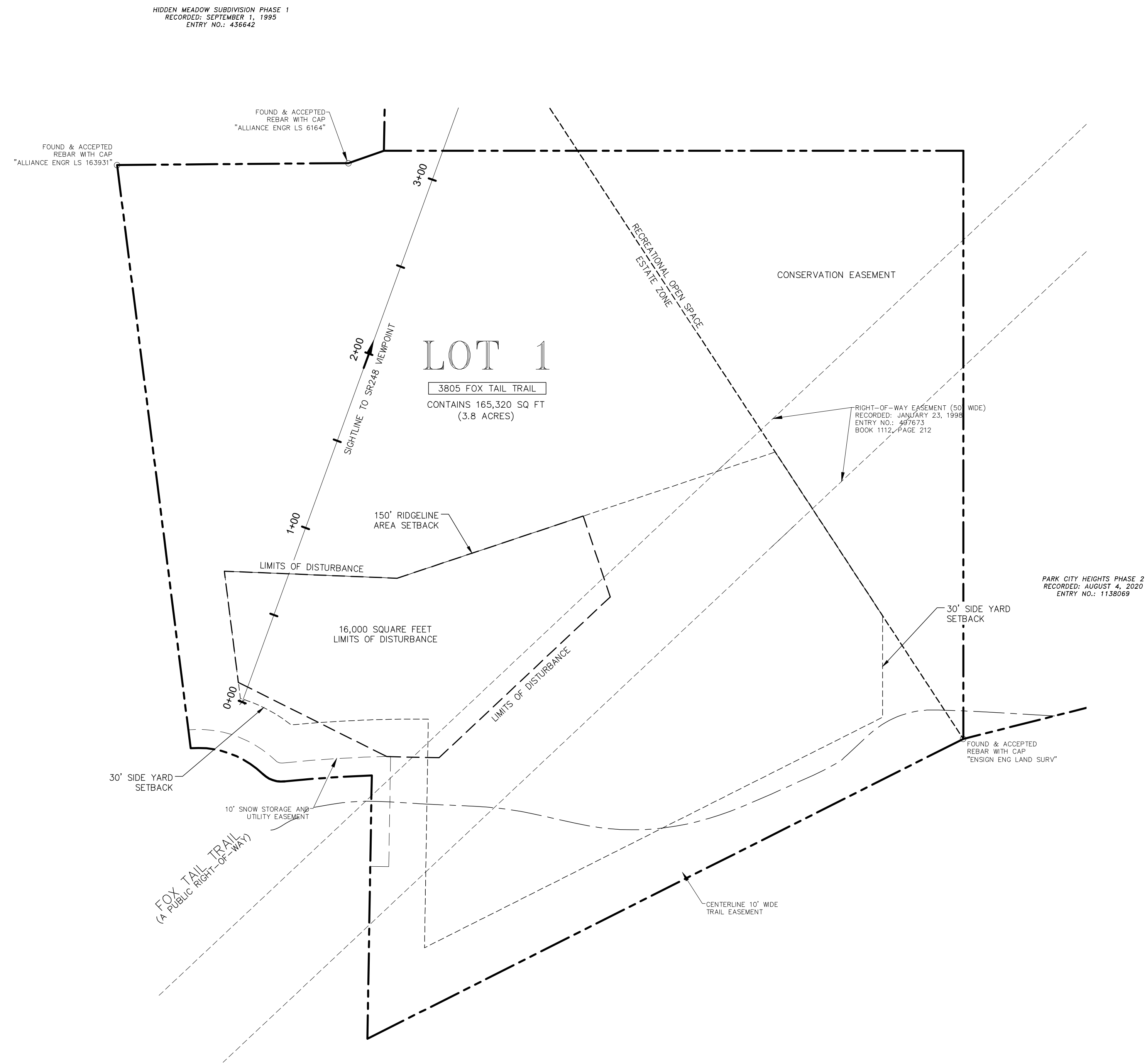
00436643 Bx00905-Ps00484



RIDGELINE IMPACT STUDY

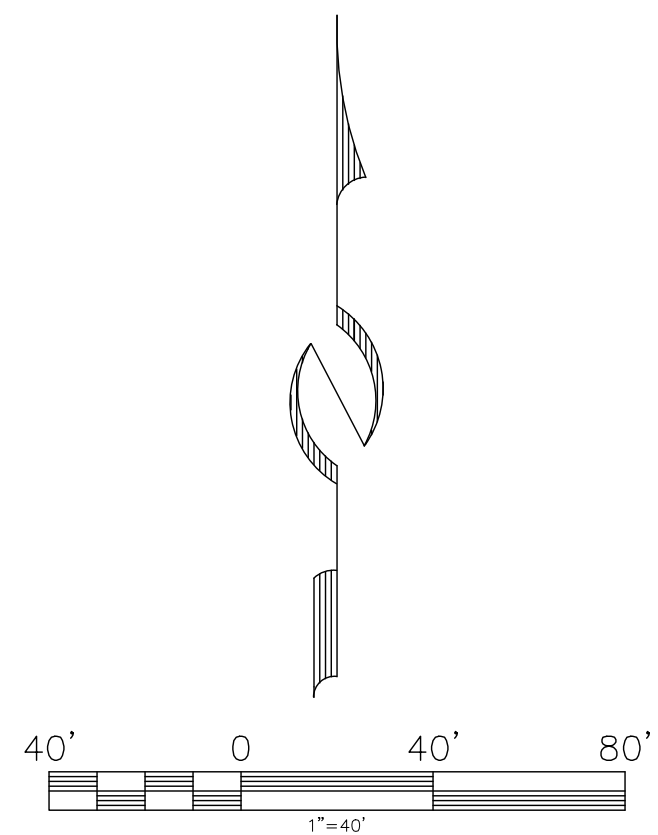
LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

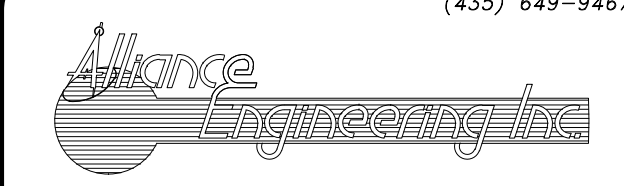
 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE DATE: 5/3/22	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	SHEET 1 OF 5
---	--	--	---

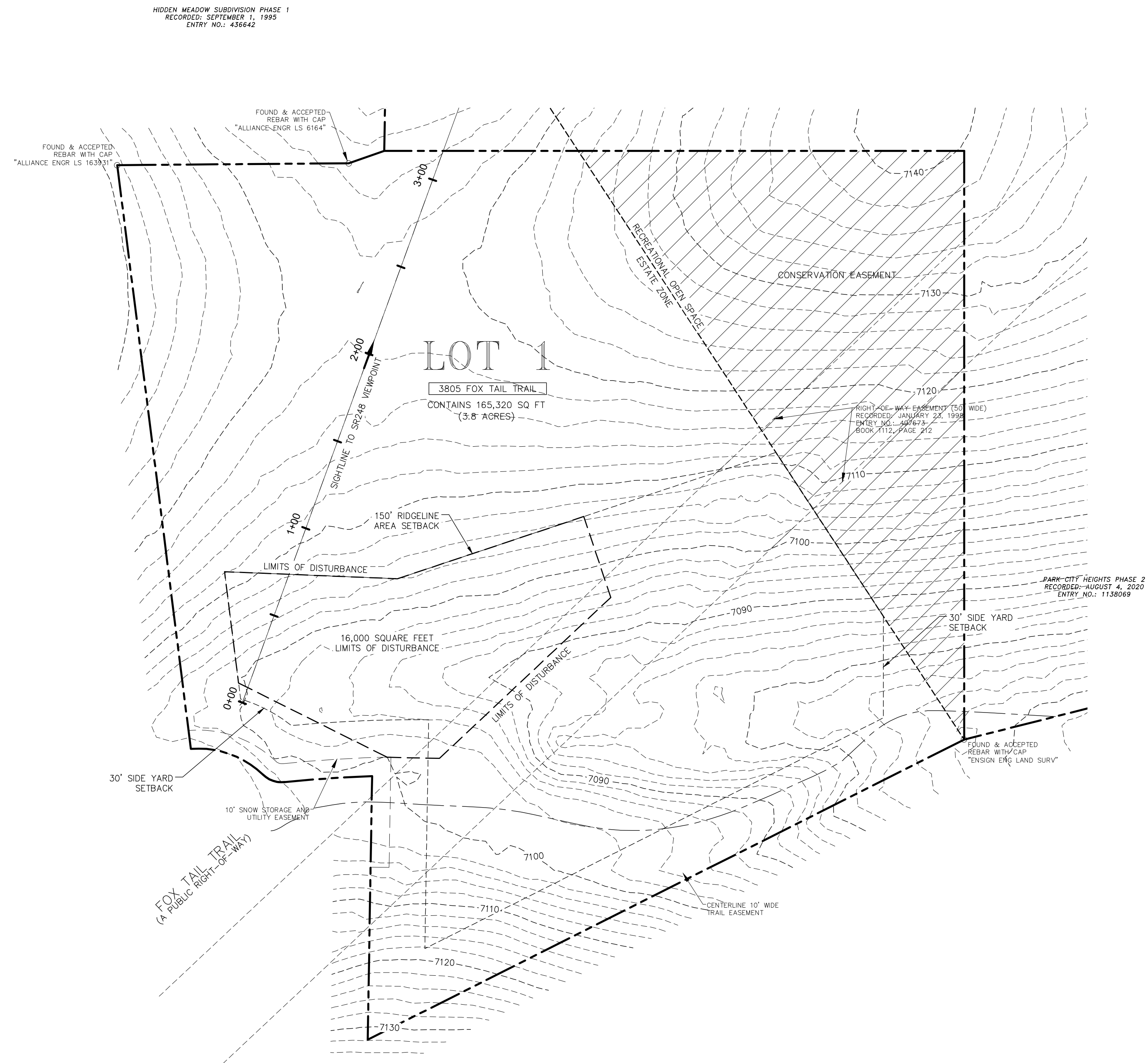


RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

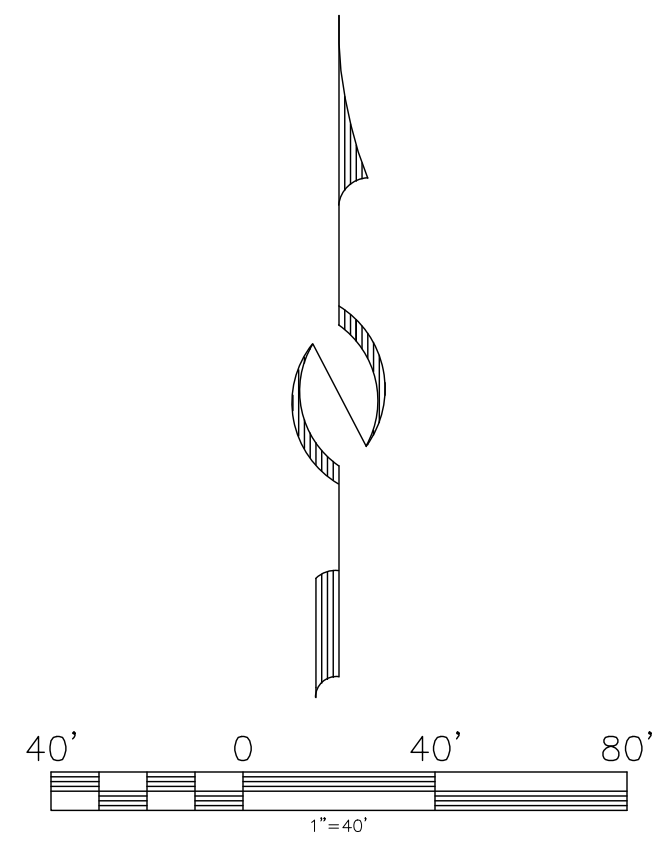


 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	SHEET 2 OF 5
	DATE: 5/3/22		

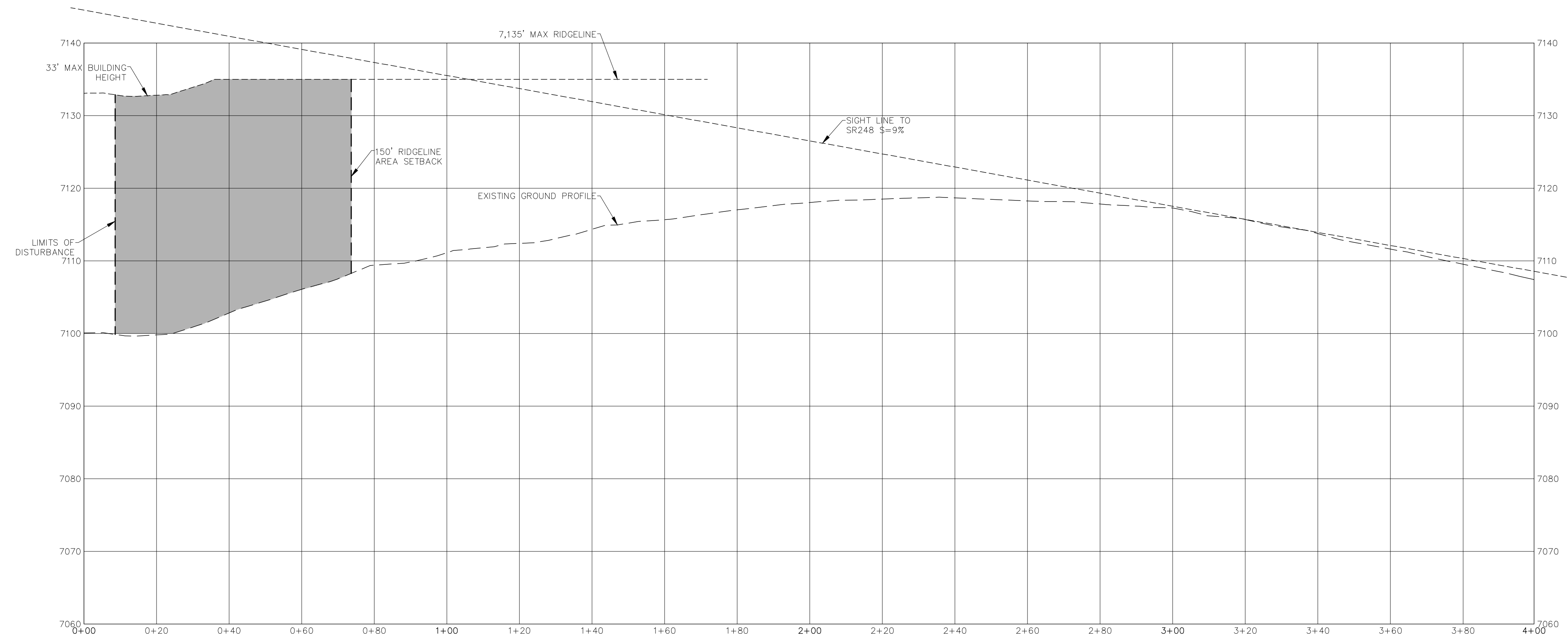


RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION	SHEET 3 OF 5
	DATE: 5/3/22		
	FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plot2020		

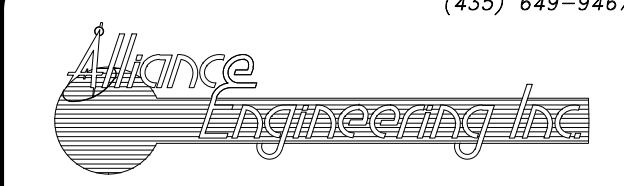


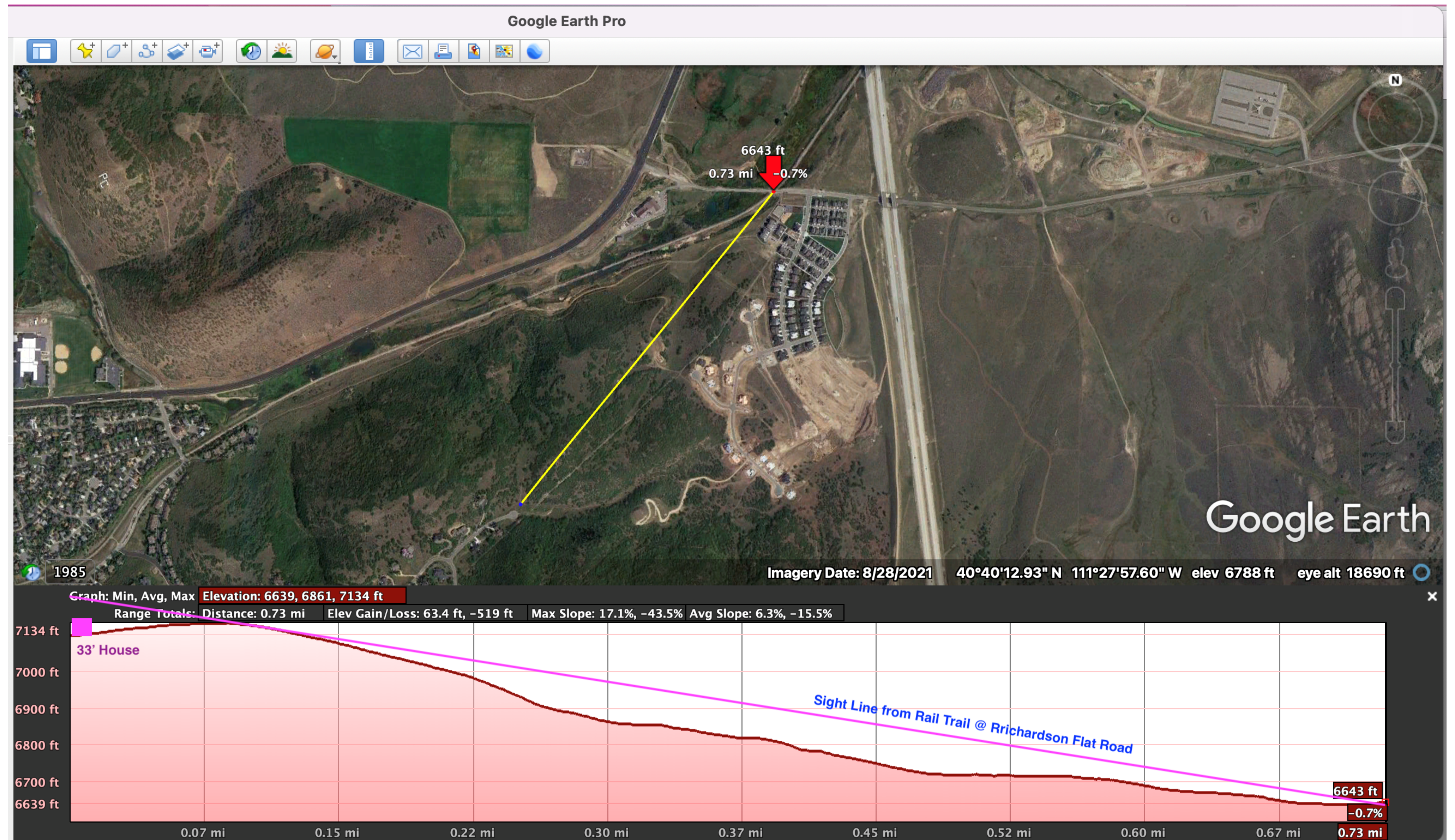
PROFILE FROM SR248 VIEWPOINT

SCALE: H=20', V=10'

RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

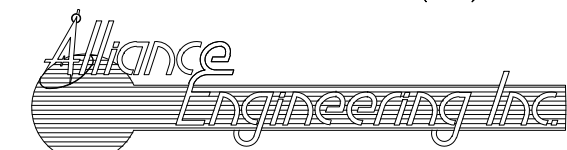
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE DATE: 5/3/22	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	SHEET 4 OF 5
---	--	--	---



PROFILE FROM RAIL TRAIL VIEWPOINT

RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE DATE: 5/3/22	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	SHEET 5 OF 5
---	---	--	---

May 25, 2022

VIA EMAIL ONLY planning@parkcity.org

Park City Planning Commissioners
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

*RE: 3805 Fox Tail Trail and Fox Tail Trail Subdivision Proposal
(Inaccuracies in Mr. Ogilvy's Letter to HOA Members)*

Dear Commissioners:

The above referenced applications are set for a hearing before the Commission on June 8. My wife and I own property at 3790 Fox Tail Trail. I regret that I must write to address inaccuracies in a letter Mr. Ogilvy sent to Hidden Meadows HOA members. These same misleading statements have been made to this Commission.

1. Mr. Ogilvy stated that he conferred with 29 homeowners in the Hidden Meadows HOA and he implied all 29 favor this application.

James Letchford, president of the HOA, surveyed our members and located only one member who favors the application. Mr. Bill Ligety now favors the proposal after Mr. Ogilvy agreed to improve Mr. Ligety's undeveloped property (lot 25) by moving a sewer line located on lot 25 as part of this proposal.

2. Mr. Ogilvy stated that a 10,000 ft.² house would be consistent with our neighborhood.

Mr. Ogilvy also made this statement in the very first meeting back in July, 2021. Not true. One of the commissioners asked him to provide a site map showing the 10,000 ft.² houses. He never did. My wife, an architect, asked for the same information and he simply forwarded her the 1995 plat map.

3. **Mr. Ogilvy's reference to the 1995 plat showing that ten lots permitted a 10,000 ft.² house is misleading.** What he doesn't tell you is that not a single one of the 40 houses in Hidden Meadows exceeds 10,000 ft.² (although one comes close).

- Only 1 house exceeds 9000 ft.²
- 5 houses are 8000 ft.² to 9000 ft.²
- 2 houses are 7000 ft.² 8000 ft.²
- 8 houses are 6000 ft.² to 7000 ft.²
- 24 houses are 4000 ft.² to 6000 ft.²

4. **Mr. Ogilvy's comments about our Fox Tail Trail neighborhood ignore the concept of "block continuity".**

- None of the six largest houses in the HOA are near Fox Tail Trail. The houses around Fox Tail Trail do not exceed 6000 ft.² Most are less than 5000 ft.² - one half the size of his requested development.
- Of the six largest houses, five are next door to each other on Foxwood Ct. (about a half-mile from this project). The sixth sits high on the backside of a hill behind Fox Tail Trail, on Sun Ridge Cove. None are even within sight of Fox Tail Trail.

5. **Mr. Ogilvy says since 1995 it has been contemplated that lot 26 would have a 10,000 ft.² house.** But what about 2022? We have an existing neighborhood on Fox Tail Trail, with restrictions on areas of disturbance, ridgeline, zoning, and setback. Mr. Ogilvy has cherry-picked one thing from 1995 that might favor him, while ignoring all other 1995 contemplations, like the fact that lot 26 was intended to be a part of the Hidden Meadows HOA, and no construction could begin before the platting of Phase Two of Hidden Meadows.

6. **Mr. Ogilvy claims to have heard our concern over nightly rentals.** All Mr. Ogilvy proposes is a plat restriction with no enforcement mechanism. I direct the Commission to the existing plat: it states that no

Commissioners
May 25, 2022
Page 3

construction will begin on lot 26 until Hidden Meadows Phase two is platted. Yet Mr. Oglivy seeks to build there without Phase Two platting.

I'm enclosing with this letter a color-coded chart that shows the size of houses in Hidden Meadows as they exist today - 2022. You can see that a 10,000 ft.² house at the bottom of the Fox Tail Trail cul-de-sac completely disrupts the block continuity and is inconsistent with our neighborhood.

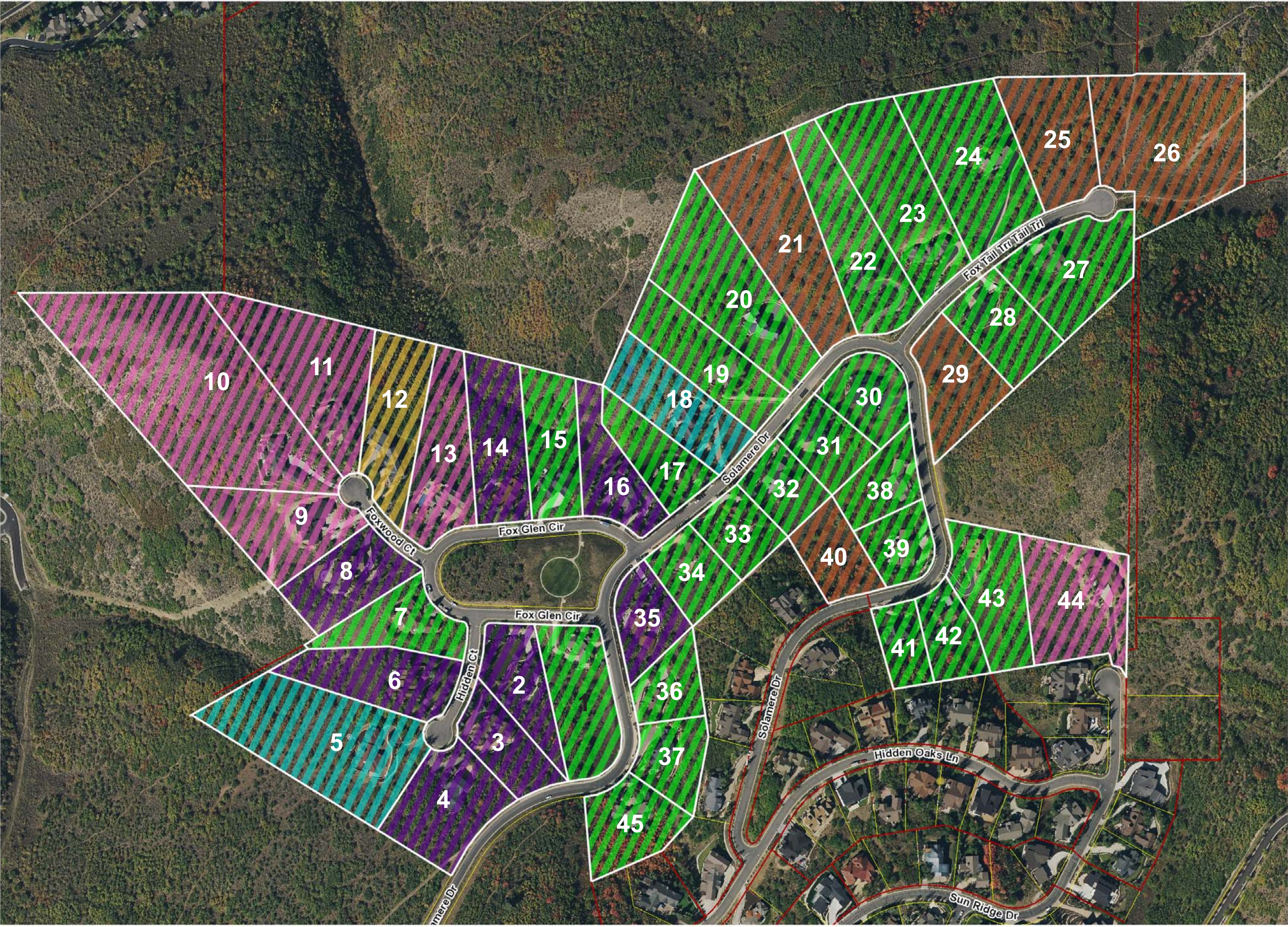
Thank you for your consideration of these points in the opportunity to correct Mr. Oglivy's misleading statements. Please deny these applications.

Very truly yours,

A handwritten signature in blue ink that reads "Coyt Randal Johnston". The signature is fluid and cursive, with the first name "Coyt" being more prominent.

Coyt Randal Johnston

cc: James Letchford, Pres.
Hidden Meadows HOA



LEGEND	
# OF LOTS	4,000 - 5,000 SQFT
24	4,000 - 6,000 SQFT
8	6,000 - 7,000 SQFT
2	7,000 - 8,000 SQFT
5	8,000 - 9,000 SQFT
1	9,000 - 10,000 SQFT
4	LAND

HIDDEN MEADOW SUBDIVISION

**Statement of Joan Card, 3764 Fox Tail Trail, on 3805 Fox Tail Trail Subdivision Matter
Before the Planning Commission, June 22, 2022**

Thanks for the opportunity to provide comments. My name is Joan Card and my husband is here too, Andy Dannerbeck. We own the property and live with our college-aged daughter in the home at 3764 Fox Tail Trail, Hidden Meadows, Lot 28. We have been Park City residents since 2002.

Greater Fox Tail Trail is a beautiful spot. Fox Tail Trail is a residential street, a cul de sac, and a hiking and biking trail. The lots on Fox Tail Trail are the eastmost lots in what I understand to be United Park City Mines Company's first foray into residential development—Hidden Meadows. On our side of the street, the Rocky Mountain Power line limits development opportunities making the cost of lots attainable to Park City locals who built our house in 2006, Steve and Charlene Brewster, and the Johnston's house next door, built and occupied by Fred and KK Heslop. We're certainly among the smallest houses in the subdivision and the power line's constraints limits development opportunities on lot 29, next to us, which remains vacant and owned by a long-time local, Mark Lampe.

Fox Tail Trail, the street and the cul de sac, are used by many as trailheads—access to zoned and dedicated Open Space, by far this community's most important and popular amenity. On a daily basis—and literally hourly in the mornings, evenings, and weekends—people walk their dogs, hike, and bike past our house for either a quick walk around the lower Fox Tail Trail loop or after a ride on Lost Prospector topping out in the cul de sac to head back home or to climb again to Snow Top or another trail toward the Deer Valley resort network. The property at issue in tonight is a community amenity. Please don't assume that the only people who care about what happens or have a stake in this spot are those who send written comments or attend the Planning Commission meetings.

Further to the point about the importance of the Open Space accessed from Fox Tail Trail and the cul de sac, the City installed trail markers in the center of the privately-owned Lot 26 to guide the many users as trailhead markers, leading users for at least more than two decades to understand this property is *de facto* open space and open for recreation use. Why would the City do this?

I surmise City staff viewed Hidden Meadows Lot 26 the way I have long viewed Lot 26 as a homeowner and former City employee. During 2010-2013 I was the City's Environmental Regulatory Program Manager and my responsibilities centered on understanding the environmental legacy of hard rock mining here, and specifically understanding the roles and responsibilities of United Park City Mines Company and its parent at the time, Talisker. That's how I came upon a plat map of my subdivision--the map that shows Lot 26 in the subdivision and that the records indicated was owned by the Mine Company—a lot that to my knowledge was never marketed for sale by the Mine Company, never proposed for development by the Mine Company, and in my eyes, those of my neighbors—and I suspect the many Fox Tail Trail trailhead users—never would be. This also, I believe, is the reason, or a reason, the City would install trail markers in the middle of Lot 26. Perhaps, like me, City staff have only recently learned that the recorded plat for our subdivision does not include Lot 26, despite the indications on the former map I had seen and maintained in City files. That fact has come as a surprise and is new information that is relevant to your decision on the bank's application.

Long story short, the Mine Company and Talisker simultaneously avoided their responsibilities to pay for their legacy of environmental contamination in our community and profited from the development on their lands at and near Deer Valley Resort as well as their controversial, painful sale of Park City Mountain Resort to Vail. Somehow, that way of doing their business resulted in bankruptcy and the bank lost its bet that the Mine Company and Talisker were worthy creditors, having acquired Lot 26 and adjacent lands (among other parcels throughout the area) through foreclosure. Here we are now, the City, the Planning Commission, the neighborhood, and the myriad trail users, facing an unexpected application to create a new stand-alone subdivision and permit a 10,000 square foot house, disrupting the historic use of this special piece of land down the street and our collective community expectations about it.

The standard for your action on that application is “good cause.” According to the staff report, good cause means “providing positive benefits,” including providing “public amenities and benefits” and “preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City Community.” In short, the application requires “goodness.” Given the context I’ve tried to describe here and the impact on our enjoyment of our property, the impact on our neighborhood, and the impact on trailhead users, the applicant’s demonstration to you that its proposal is “good” for Park City is not only legally required, but vitally important. I see little if anything in the proposal or staff report that shows “good cause” in the context I’ve tried to describe here. Further to the point, “good cause” is satisfied with findings that the proposal “meets the land management code” or “is better than the initial proposal.” A “good cause” demonstration and finding must be made in a larger, community-focused context to ensure the “furtherance of the health, safety, and welfare of the Park City community” as the staff report implores you, and we implore you, to do.

Finally, the Planning Commission is not an application mill. The Planning Commission represents the people of Park City to make findings and recommendations to our elected leaders that are based in “good cause”—*goodness* for me, my immediate neighbors, and the greater community. You have a very difficult job and I appreciate your service. I can see how you might feel like you are little more than an application processing body. But you are not. You are appointed to represent us as landowners, residents, and living breathing members of this community. Unfortunately, to this point, we feel unrepresented in the face of the bank’s application. We have not been consulted or included by the bank or the City staff in the development of the proposal except through the hearing process and our own efforts to contact them. The provision of limited information by the applicant’s representative and Commission packet materials is not consultation or inclusion. This approach has left us with the seemingly inadequate opportunity to write letters and provide comments in reaction to the application and staff findings. I wish for more from the City government that I really respect and admire and used to be a part of. And this is why your representation of me, my family, and other community members—present and not present—is so important to us and to the City Council that you advise.

On behalf of my family, our request is that you do not approve the application before you tonight. Thank you.

I’d be delighted to answer any questions and I offer a copy of these comments to submit to the written record.

WHEN RECORDED, RETURN TO:

REDUS PARK CITY LLC
c/o Wells Fargo Bank, N.A.
Attn: June Merritt
1 Independent Drive
8th Floor, Suite 810
Jacksonville, FL 32202

APN: _____

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (this “**Declaration**”) is executed by REDUS PARK CITY LLC, a Delaware limited liability company (the “**Declarant**”), for the benefit of PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation (the “**City**”), this ____ day of _____, 2022, to be effective as of the date it is recorded in the Summit County, Utah Recorder’s Office (the “**Effective Date**”).

RECITALS

WHEREAS, Declarant is developing a project located at approximately 3805 Fox Tail Trail, Park City, Summit County, State of Utah (the “**Project**”);

WHEREAS, a portion of the Project, approximately nine-tenths (.9) acre in size and more particularly described on **Exhibit A** attached hereto and depicted on **Exhibit B** attached hereto (the “**Easement Area**”), is the subject of this Declaration; and

WHEREAS, Declarant has agreed to execute and record this Declaration for the purpose of subjecting the Easement Area to the Restrictive Covenant (defined below), as set forth herein.

NOW THEREFORE, Declarant hereby declares as follows:

DECLARATION

1. Recitals. The Recitals set forth above are true and correct, are hereby incorporated into this Declaration as a part hereof.
2. Restrictive Covenant. Declarant hereby declares that the Easement Area shall be subject to the following restrictive covenant (the “**Restrictive Covenant**”): (i) no structures shall be constructed upon the Easement Area; (ii) grading shall not be permitted upon the Easement Area except for private pedestrian trails; (iii) no significant vegetation shall be removed from the Easement Area except pruning to construct and maintain private pedestrian trails shall be permitted; and (iv) the Easement Area shall not be used for the keeping or grazing of horses.
3. Runs With the Land; Assignment. All provisions of this Declaration, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the respective successors and permitted assigns of Declarant and the City. The benefit of the Restrictive Covenant is personal to the City and may not be assigned or transferred without the prior written consent of Declarant or Declarant’s successor-in-title to the Easement Area.
4. Amendment. This Declaration may be amended, restated, revoked, or terminated in whole or in part only by an instrument in writing executed and acknowledged by Declarant and

the City, or their respective successors or permitted assigns, and recorded in the Summit County, Utah Recorder's Office. Nothing contained herein shall create any rights in the general public or any person or entity other than the City.

5. Remedies. The City shall be entitled to exercise any available remedies at law or in equity against the owner or owners of the Easement Area arising out of a breach or failure to comply with the Restrictive Covenant set forth in this Declaration, which remedies shall include, but are not limited to, injunctive relief, specific performance, a declaratory action, damages, or other similar equitable relief.

6. Governing Law. This Declaration and the interpretation and enforcement thereof shall be governed by and construed in accordance with the laws of the State of Utah without giving effect to its conflict of laws principles.

7. Severability. If any term or provision contained in this Declaration shall to any extent be deemed invalid or unenforceable, the remainder of the Declaration shall not be affected thereby, and each remaining term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

[Signature Page Follows]

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictive Covenant on the date first above written, to be effective as of the Effective Date.

DECLARANT:

REDUS PARK CITY LLC,
a Delaware limited liability company

By: REDUS PROPERTIES, INC.,
a Delaware corporation
Its: Manager

By: _____
David L. Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

**EXHIBIT A
TO
DECLARATION OF RESTRICTIVE COVENANT**

LEGAL DESCRIPTION OF THE Easement Area

That certain real property located in Summit County, State of Utah, more particularly described as follows:

[TO BE INSERTED]

**EXHIBIT B
TO
DECLARATION OF RESTRICTIVE COVENANT**

DEPICTION OF THE Easement Area

[TO BE INSERTED]

WHEN RECORDED, RETURN TO:

REDUS PARK CITY LLC
c/o Wells Fargo Bank, N.A.
Attn: June Merritt
1 Independent Drive
8th Floor, Suite 810
Jacksonville, FL 32202

APN: _____

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (this “**Declaration**”) is executed by REDUS PARK CITY LLC, a Delaware limited liability company (the “**Declarant**”), for the benefit of HIDDEN MEADOWS HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation (the “**Association**”), and PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation (the “**City**”), this ____ day of _____, 2022, to be effective as of the date it is recorded in the Summit County, Utah Recorder’s Office (the “**Effective Date**”).

RECITALS

WHEREAS, Declarant is developing a project located at approximately 3805 Fox Tail Trail, Park City, Summit County, State of Utah (the “**Project**”);

WHEREAS, Lot [#] of the Project, more particularly described on Exhibit A attached hereto and depicted on Exhibit B attached hereto (the “**Lot**”), is the subject of this Declaration; and

WHEREAS, Declarant has agreed to execute and record this Declaration for the purpose of subjecting the Lot to the Restrictive Covenant (defined below), as set forth herein.

NOW THEREFORE, Declarant hereby declares as follows:

DECLARATION

1. Recitals. The Recitals set forth above are true and correct, are hereby incorporated into this Declaration as a part hereof.
2. Restrictive Covenant. Declarant hereby declares that the Lot shall be subject to the following restrictive covenant (the “**Restrictive Covenant**”): The Lot shall be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, a boarding house, a “bed and breakfast”, a VRBO, an AirBnB, or for any other such uses providing accommodation to travelers. No lease of any dwelling unit located on the Lot shall be for a period of less than twelve (12) months. The Lot shall not be used as a timeshare, private residence club, nor under any other fractional ownership arrangement having formal allocation of property use rights among multiple owners. This Restrictive Covenant is not intended to limit ownership of the Lot by multiple parties as joint tenants or tenants in common, nor is it intended to limit intermittent use of the Lot as a second home.
3. Runs With the Land; Assignment. All provisions of this Declaration, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the respective successors and permitted assigns of Declarant, the Association, and the City. The benefit of the Restrictive Covenant is personal to the Association and the City and may not be

assigned or transferred without the prior written consent of Declarant or Declarant's successor-in-title to the Lot.

4. Amendment. This Declaration may be amended, restated, revoked, or terminated in whole or in part only by an instrument in writing executed and acknowledged by Declarant, the Association, and the City, or their respective successors or permitted assigns, and recorded in the Summit County, Utah Recorder's Office. Nothing contained herein shall create any rights in the general public or any person or entity other than the Association and the City.

5. Remedies. The Association and the City shall be entitled to exercise any available remedies at law or in equity against the owner or owners of the Lot arising out of a breach or failure to comply with the Restrictive Covenant set forth in this Declaration, which remedies shall include, but are not limited to, injunctive relief, specific performance, a declaratory action, damages, or other similar equitable relief.

6. Governing Law. This Declaration and the interpretation and enforcement thereof shall be governed by and construed in accordance with the laws of the State of Utah without giving effect to its conflict of laws principles.

7. Severability. If any term or provision contained in this Declaration shall to any extent be deemed invalid or unenforceable, the remainder of the Declaration shall not be affected thereby, and each remaining term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

[Signature Page Follows]

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictive Covenant on the date first above written, to be effective as of the Effective Date.

DECLARANT:

REDUS PARK CITY LLC,
a Delaware limited liability company

By: REDUS PROPERTIES, INC.,
a Delaware corporation
Its: Manager

By: _____
David L. Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

**EXHIBIT A
TO
DECLARATION OF RESTRICTIVE COVENANT**

LEGAL DESCRIPTION OF THE LOT

That certain real property located in Summit County, State of Utah, more particularly described as follows:

[TO BE INSERTED]

**EXHIBIT B
TO
DECLARATION OF RESTRICTIVE COVENANT**

DEPICTION OF THE LOT

[TO BE INSERTED]

City Council Staff Report



Subject: 949 Empire Avenue Plat Amendment
Application: PL-22-05158
Author: Spencer Cawley
Date: July 21, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the 949 Empire Avenue Plat Amendment, (II) hold a public hearing, and (III) consider approving Ordinance No. 2022-26, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: Terence Scheckter
Location: 949 Empire Avenue
Zoning District: Historic Residential (HR-1)
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action.¹

DRT Design Review Team
HDDR Historic District Design Review
HR-1 Historic Residential —1
LMC Land Management Code
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

On June 22, 2022, the Planning Commission reviewed the 949 Empire Avenue Plat Amendment, held a public hearing, and forwarded a unanimous positive recommendation for City Council's consideration. No questions or concerns were raised during the meeting ([Staff report](#); [Meeting Audio](#)).

Background

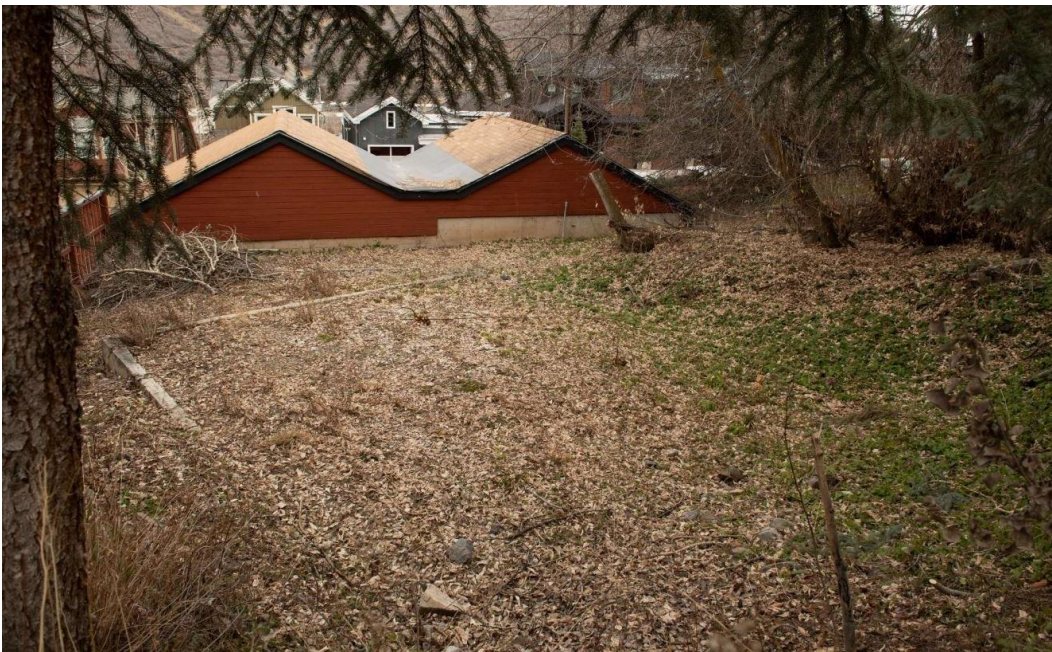
949 Empire Avenue is in Block 29 of Snyder's Addition to Park City, is a portion of Lots 12 & 13, and is in the Historic Residential – 1 (HR-1) Zoning District. The Parcel has an unusual flag configuration with a smaller, narrower portion of the Parcel adjacent to the Empire Avenue Right-of-Way (ROW) and a larger full-width section in the rear. The rear portion of the Property is vacant; however, the portion of the Parcel adjacent to Empire Avenue contains an existing, non-historic garage. This existing garage shares a

¹ LMC [§ 15-7.1-2\(B\)](#)

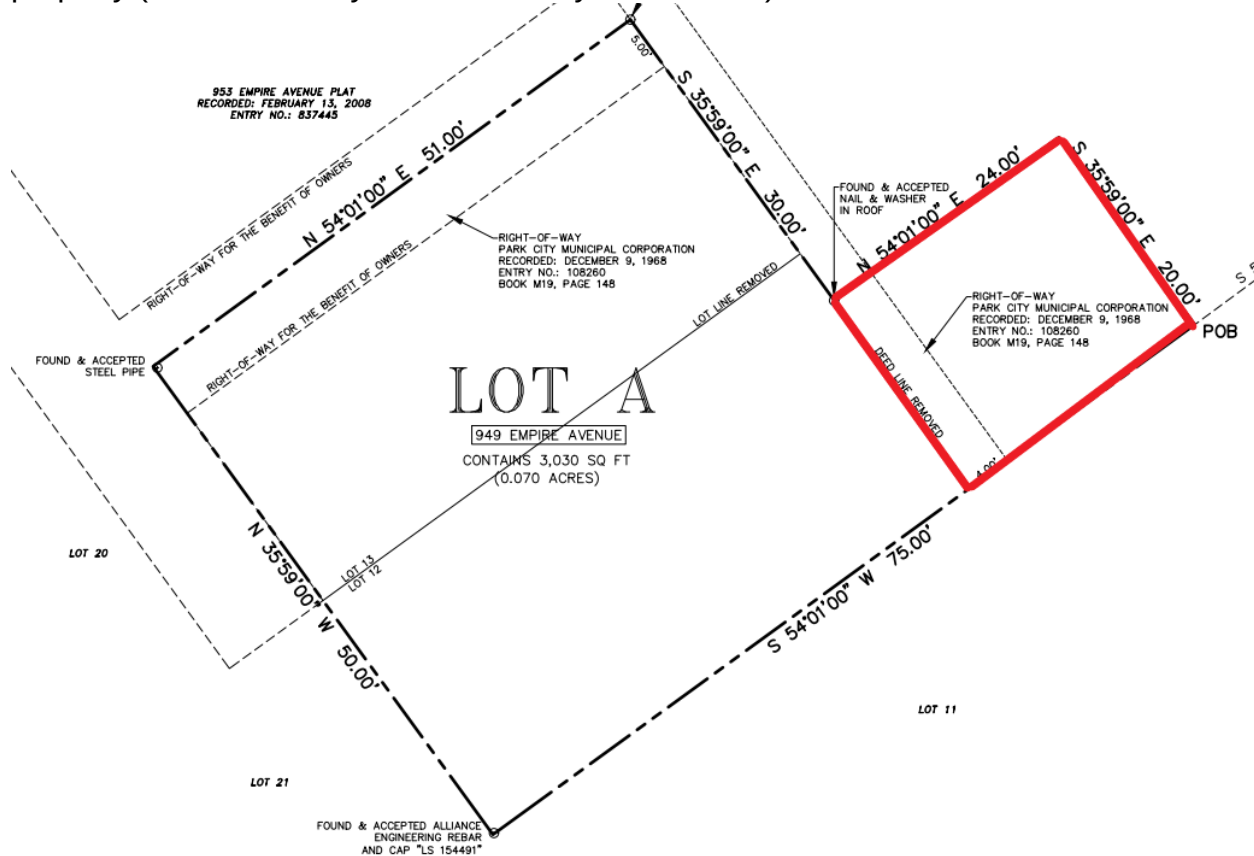
common wall with another garage to the north. The Property owner proposes to demolish the southern portion of the garage that encroaches on the adjacent Property and construct a new residence. To accommodate this proposal, the Applicant requests to remove the existing Lot line and a Deed Line to create one Lot of record. The image below shows the proposed Lot Area in blue.



In August 2013, a non-historic Structure was demolished on the Applicant's Property. The rear Area of the Parcel has since remained vacant as shown in the following Site photo:



The unusual configuration of this Lot results in a smaller rectangular Area that measures 20 feet wide by 24 feet deep and fronts the Empire Avenue ROW. Additionally, a ROW crosses this portion of the property and allows for access to the valves and associated equipment to the water lines crossing over and located upon the property (Summit County Recorder Entry No. 108260).



In 1967, Restrictive Covenants were recorded against 949 Empire Avenue and Lots 12-22 of Block 29, Snyders Addition. The Restrictive Covenants establish regulations for these properties, restricting Uses to residences and garages. (Summit County Recorder Entry No. 105853, Exhibit B).

The Lots subject to the Restrictive Covenants have been developed by property owners of several Single-Family Dwellings on Lowell Avenue who own portions along Empire Avenue for parking. The images below, taken from the Summit County Parcel viewer and Google Street view, highlight the corresponding ownership of Parcels on Lowell Avenue and Empire Avenue:

- SA-301 – 952 Lowell Avenue. Property ownership highlighted in yellow.
- SA-301-D – 950 Lowell Avenue. Property ownership highlighted in red.
- SA-301-E – 948 Lowell Avenue. Property ownership highlighted in blue. Off-site parking is in the northern portion of the garage. Approximately four feet (4') of the southern portion of the garage encroaches onto Parcel SA-301-B.
- SA-301-B – 949 Empire. The southern half of the garage is owned by the Property owner of 949 Empire.



On April 13, 2022, the Planning Commission continued 949 Empire Avenue Plat Amendment to June 22, 2022, to allow the Applicant additional time to address concerns with the demolition of the garage ([Staff Report](#); [Minutes](#), p. 13). The Building Department accepted an application for demolition on March 30, 2022. However, the permit will not be issued until the Applicant and neighboring property owner come to a solution regarding division/partial demolition of the garage and the encroachment of the southern garage onto Parcel SA-301-B.

Analysis

Plat amendments require Planning Commission review and City Council Final Action.² The removal of a Lot line and deed line shall be approved in accordance with the procedures outlined in LMC [§ 15-7.1-12](#) and a Final Plat shall be approved in accordance with these regulations.³

(I) The proposed Plat amendment complies with the Historic Residential (HR-1) Zoning District requirements.

The following table outlines the HR-1 Zoning District Lot requirements.⁴

HR-1 Zoning Requirement	Analysis of Proposal
Min. Lot Area: 1,875 sq. ft.	Complies Lot contains 3,030 sq. ft. (0.07 acres)
Min. Lot Width: 25 feet	Complies The rear portion of the proposed Lot is 50 feet wide. The frontmost section of the proposed lot is 20 feet wide. LMC § 15-2.2-3(B) requires that the minimum width of a Lot is 25 feet, measured 15 feet back from the Front Lot Line. However, pursuant to LMC § 15-2.2-3(B) , the Planning Director determines lot width measurements in the case of unusual lot configurations. On March 30, 2022, the Planning Director determined that the Lot width will be measured 24 feet from the frontmost Property line parallel with Empire Avenue, totaling a width of 50 feet (Exhibit C).
Lot Depth: 75 feet	Complies The rear portion of the Lot is 51 feet deep. The frontmost portion adds an additional 24 feet for a total Lot depth of 75 feet for the south Lot line and 51 feet and 24 feet for the north Lot lines.

² LMC [§ 15-12-15\(B\)\(9\)](#)

³ LMC [§ 15-7.1-3\(D\)](#)

⁴ LMC [§ 15-2.2-3](#)

Maximum Building Footprint = (Lot Area/2) x 0.9 Lot Area/1875	Condition of Approval 6 The maximum Building Footprint for this Lot is 1,278 sq. ft. The Applicant shall include the maximum Building Footprint as a Plat note.
Setbacks: Front: Ten feet (10') Rear: Ten feet (10') Side: Minimum five feet (5')	Condition of Approval 7 The Setbacks for the Lot are measured from the Lot lines on the 50' x 51' portion of the Lot. See Analysis II for Planning Director determination of Setback requirements.
Building Height: 27 feet	Condition of Approval 8 Future development of this Lot shall comply with LMC Building Height requirements.

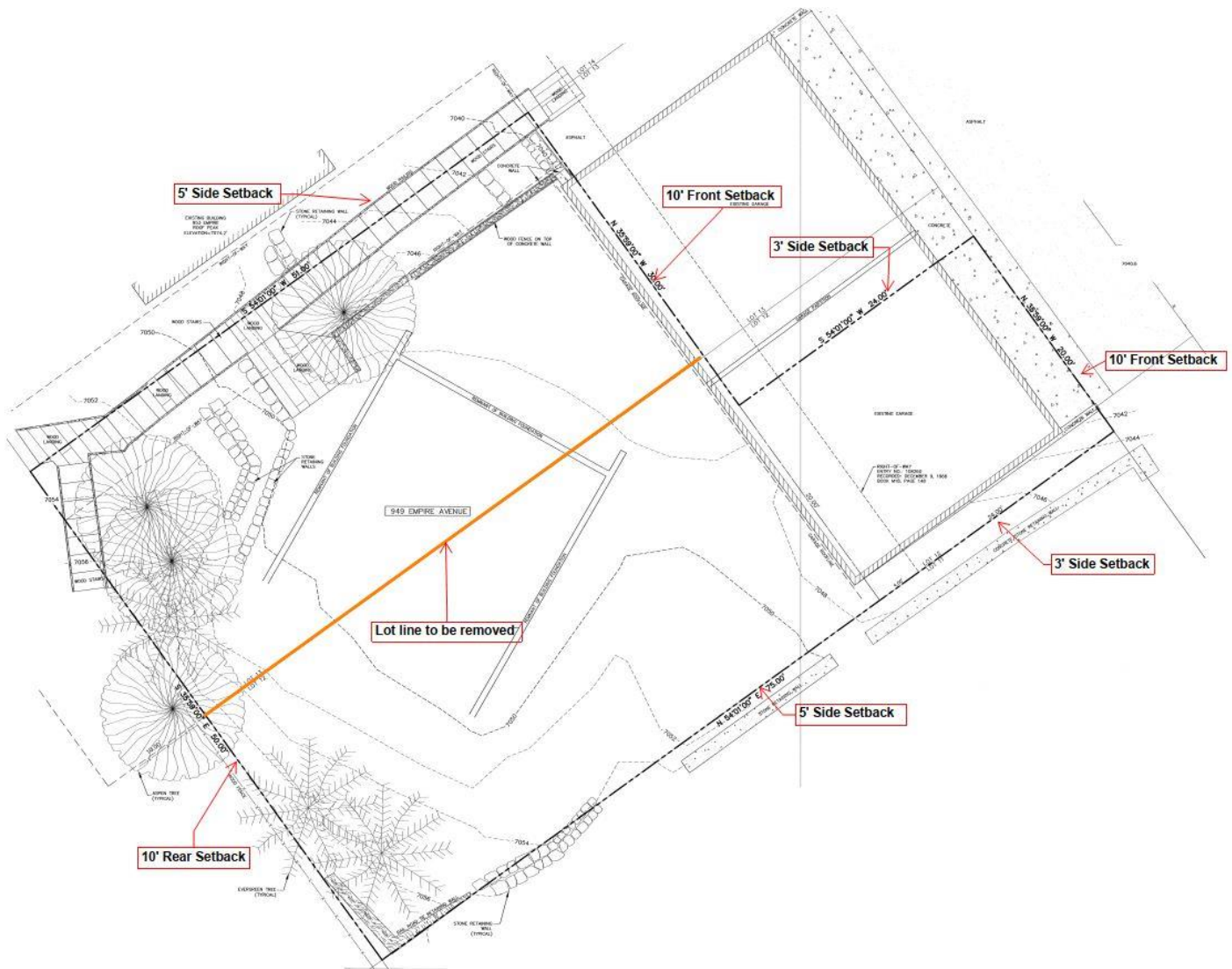
Architectural Review LMC [§ 15-2.1-8](#)

Prior to issuance of a Building Permit for any Conditional or allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed structure or future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for review in compliance with LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) Setbacks for Unusual Lot Configurations, LMC [§ 15-4-17](#).

This Plat amendment will create a Lot with more than four (4) sides. The Planning Director determines the Setbacks for these Lots as outlined in Land Management Code [§ 15-4-17](#). On March 30, 2022, the Planning Director determined that the Lot has two five-foot (5') Side Setbacks, two 3-foot (3') Side Setbacks, two ten-foot (10') Front Setbacks, and one ten-foot (10') Rear Setback (Exhibit C). The Applicant shall memorialize these Setbacks on the final plat (Condition of Approval 7). The image

below demonstrates this determination.



As stated in the background section, the survey of the existing site shows a portion of the garage (approximately four feet (4')) encroaches onto the neighboring northern Parcel SA-301-E. Because the Applicant proposes to demolish the southern portion of the garage, staff recommends Condition of Approval 9 requiring the Applicant to gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to complete demolition of the southern portion of the double garage. The survey also indicates that a rear portion of the remaining garage will encroach onto the front of the Lot and an existing rock retaining wall will encroach onto the southwest of the Lot. Condition of Approval 10 requires the Applicant to enter into an encroachment agreement with the owner of Parcel SA-301-E for the portion of the remaining garage that will encroach onto the front of the Lot or the encroachment shall be removed prior to Plat recordation. Condition of Approval 11 requires the Applicant to enter into an encroachment agreement with the owner of SA-308 for the portion of the rock retaining wall that encroaches onto the Lot or the encroachment shall be removed

prior to Plat recordation.

(III) Staff finds Good Cause for removing the Lot line because (A) present land Uses and the Character of the HR-1 Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#) *Final Subdivision Plat* and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

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

A. The Historic Residential (HR-1) Zoning District Uses and Character of the residential Area are retained.

The purpose of the HR-1 Zoning District in part is to preserve land Uses and character of the Historic residential Areas of Park City and defines Development parameters that are consistent with the General Plan policies for the Historic Core.⁵

This proposal is consistent with the zoning district which “encourage[s] single family Development on a combination 25’ X 75’ Historic Lots.”⁶ If approved, the Applicant can construct a Single-Family Dwelling.

B. No Public Street or Right-of-Way is vacated or amended.

The Lot is accessed by Empire Avenue and the plat amendment does not vacate or amend any portion of Empire Avenue. A public Right-of-Way on the north end of the property is for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22 of Block 29, Snyder’s Addition to Park City.

C. No easement is vacated or amended.

(IV) The Development Review Committee met on March 1, 2022, reviewed the proposal, and did not identify any issues.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

⁵ LMC [§ 15-2.2-1](#)

⁶ LMC [§ 15-2.2-1\(D\)](#)

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the Property on March 30, 2022. Staff mailed courtesy notice to Property owners within 300 feet on March 30, 2022. The *Park Record* published notice on March 30, 2022.⁷ On April 14, 2022, the Planning Commission opened a public hearing and continued the item to June 22, 2022.

Public Input

Staff did not receive any public input related to this application, and no public comments were made at the Planning Commission's public hearing.

Alternatives

- The City Council may adopt Ordinance No. 2022-26; or
- The City Council may deny Ordinance No. 2022-26 and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance 2022-26 and Proposed Plat
Exhibit B: Summit County Recorder Entry No. 105863, *Restrictive Covenants*
Exhibit C: Planning Director Determination of Setbacks
Exhibit D: Aerial Photo
Exhibit E: Existing Conditions
Exhibit F: Site Photos
Exhibit G: Applicant Statement on Project Intent

⁷ LMC [§ 15-1-21](#)

Ordinance No. 2022-26

AN ORDINANCE APPROVING THE 949 EMPIRE AVENUE PLAT AMENDMENT, LOCATED AT 949 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 949 Empire Avenue petitioned the City Council for approval of the 949 Empire Avenue Plat Amendment; and

WHEREAS, on March 30, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on March 30, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 30, 2022, courtesy notice was mailed to property owners within 300 feet of the 949 Empire Avenue Plat Amendment; and

WHEREAS, on April 13, 2022, the Planning Commission held a public hearing and continued the discussion to June 22, 2022; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on June 22, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 21, 2022, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The 949 Empire Avenue Plat Amendment at 949 Empire Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 949 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-301-B and consists of a portion of Lots 12 and 13 in Block 29, Snyders Addition to Park City Survey in the Historical Residential (HR-1) Zoning District.
3. On February 10, 2022, the Applicant submitted a complete Plat Amendment

application.

4. The proposed Plat Amendment removes the internal lot line to create one Lot of record containing 3,030 square feet.
5. Demolition of a housing Structure in 2013 left the property vacant.
6. Restrictive Covenants were recorded with Summit County in 1967 against 949 Empire Avenue and Lots 12-22 of Block 29, Snyders Addition (Entry No. 105853).
7. No easement is vacated or amended as a result of the plat amendment.
8. The property is in the Historic Residential (HR-1) Zoning District.
9. The LMC regulates Lot and Site Requirements per LMC [§15-2.2-3](#).
10. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot size is 3,030 square feet.
11. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot complies with this requirement.
12. The required Front Setback for Lot depths of 75 feet is ten feet (10'). The proposed Lot complies with this requirement.
13. The required Rear Setback is ten feet (10'). The proposed Lot complies with this requirement.
14. The required Side Setback is five feet (5'). The proposed Lot complies with this requirement.
15. The Maximum Building Footprint in the HR-1 Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for this Lot is 1,278 square feet.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC [Chapter 15-2.2 Historic Residential \(HR-1\) Zoning District](#) and [LMC § 15-7.1-6 Final Subdivision Plat](#).
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 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 plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Empire Avenue shall be dedicated on the plat.
5. The portion of the garage on Parcel SA-301-B shall be demolished prior to recordation of the Plat.

6. The Applicant shall include a Plat note indicating the maximum Building Footprint for the Lot is 1,278 square feet.
7. The Applicant shall include the Setbacks as determined by the Planning Director on March 30, 2022, shall be shown on the final Plat.
8. Any new construction shall comply with the Land Management Code at the time of Application submittal.
9. The Applicant shall gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to demolish the southern portion of the double garage on SA-301-B.
10. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-301-E for the portion of the garage that encroaches onto the front of the Lot or the encroachment shall be removed prior to Plat recordation.
11. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-308 for the portion of the rock retaining wall that encroaches onto the Lot or the encroachment shall be removed prior to Plat recordation.
12. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

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

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

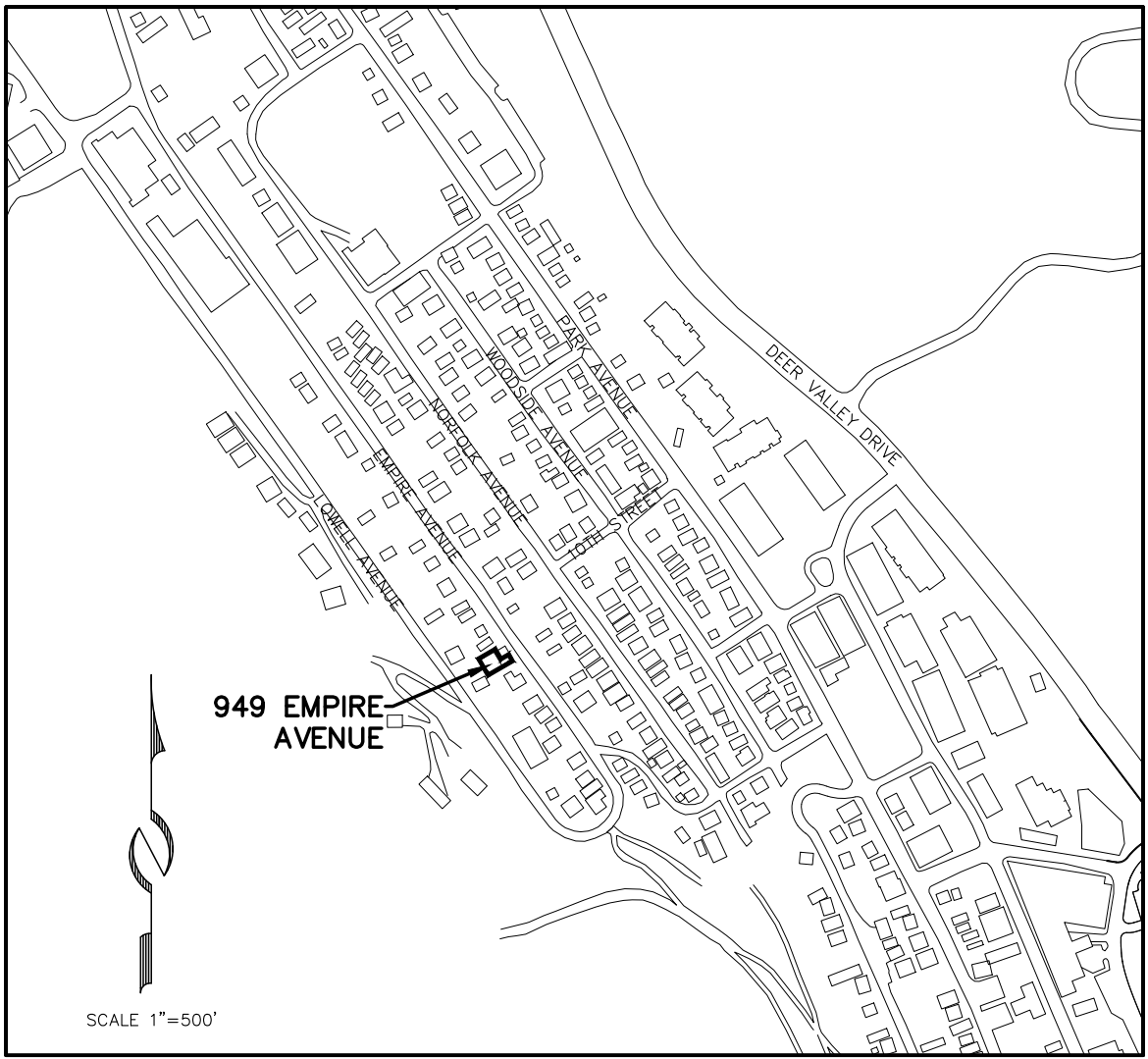
ATTEST:

City Recorder

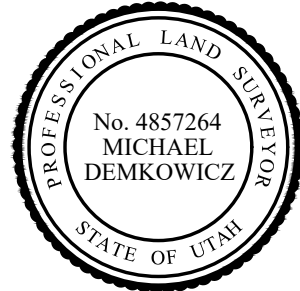
APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat



VICINITY MAP



SURVEYOR'S CERTIFICATE

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 land shown on this plat and described hereon, and have combined said land into one (1) lot, hereafter to be known as 949 EMPIRE AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

Beginning at the southwesterly corner of Lot 12, Block 29, Snyder's Addition to Park City, and running thence North 54°01' East 51 feet; thence North 35°59' West 50 feet; thence South 54°01' West 51 feet; thence South 35°59' East 50 feet to the point of beginning, being the westerly 51 feet of Lots 12 and 13 of said Block 29, Snyder's Addition.

Also, a garage area described as follows; beginning at the southeasterly corner of Lot 12, Block 29, Snyder's Addition, and running thence North 35°59' West 20 feet to the center of a partition, thence South 54°01' West 24 feet; thence South 35°59' East 20 feet to the center of a partition; thence North 54°01' East 24 feet to the point of beginning.

Subject to and together with a right-of-way over the following for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22, Block 29, Snyder's Addition to Park City, in Summit County, Park City, Utah; Beginning at the southeasterly corner of Lot 18, Block 29, Snyder's Addition to Park City, and running thence South 35°59' East 20 feet; thence North 54°01' East 51 feet; thence North 35°59' West 45 feet; thence North 54°01' East 4 feet; thence South 35°59' East 100 feet; thence South 54°01' West 4 feet; thence North 35°59' West 45 feet; thence South 54°01' West 51 feet; thence South 35°59' East 20 feet; thence South 54°01' West 10 feet; thence North 35°59' West 50 feet; thence North 54°01' East 10 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 949 EMPIRE AVENUE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

By: Terence Scheckter

ACKNOWLEDGMENT

STATE OF _____

: ss.

COUNTY OF _____

On this _____ day of _____, 2022, Terence Scheckter 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, that he acknowledged to me that he executed the 949 EMPIRE AVENUE PLAT AMENDMENT.

By: _____

Notary Public

Printed Name

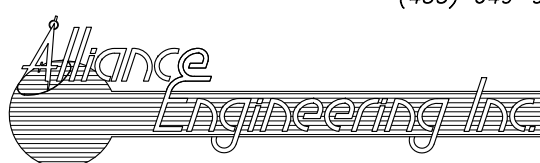
Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
2. See recorded survey S-_____ in the Office of the Summit County Recorder.



(435) 649-9467

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

949 EMPIRE AVENUE PLAT AMENDMENT

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

SHEET 1 OF 1

2/4/22 JOB NO.: 6-11-21 FILE: X:\SnydersAddition\dwg\sr\plat2021\061121.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022
BY _____ PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY OF _____, 2022
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

RESTRICTIVE COVENANTS

Entry No. 105863	Book M12
RECORDED 9.26.67	451A Page 673
Security Title Co.	679
8.00	WANDA V. SPRIGGS, SUMMIT CO. RECORDER
	<i>L. Spriggs</i>

WHEREAS, the undersigned Murray First Thrift & Loan Co., a Utah corporation, is the owner of the following described property, (hereinafter referred to as the "Subdivision") situated in Summit County, State of Utah, to-wit:

Lots 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22, Block 29, Snyder Addition in Summit County, Park City, Utah, according to the official plat thereof, recorded in the Office of the Recorder of Summit County, State of Utah.

Lots 12 and 13 together and as a unit are hereinafter referred to as a "dual lot";

Lots 14 and 15 together and as a unit are hereinafter referred to as a "dual lot";

Lots 17 and 18 together and as a unit are hereinafter referred to as a "dual lot";

Lots 19 and 20 together and as a unit are hereinafter referred to as a "dual lot";

Lots 21 and 22 together and as a unit are hereinafter referred to as a "dual lot";

WHEREAS, said owner desires to place restrictions against the title to said land,

NOW THEREFORE, the following restrictions, reservations and requirements are hereby created and declared to be covenants running with the land hereinabove described; and the undersigned, Murray First Thrift & Loan Co., owner of said land, does hereby declare that the above described land is to be held and conveyed

BOOK M12 PAGE 673

subject to the following described restrictions, reservations and requirements:

I.

RESIDENTIAL LOTS

Each and every dual lot included and contained in the Subdivision shall be known and is hereby designated as a "Residential Dual Lot", and, except as hereinafter provided, no structure shall be erected, altered, placed or permitted to remain on any such residential dual lot other than a single-family dwelling, together with a private garage for the storage of automobiles, which dwellings and garages and any changes made thereto must first be approved as to size and design by the Subdivision Committee.

II.

SUBDIVISION COMMITTEE

Initially, the Subdivision Committee shall consist of three persons. The persons comprising the initial Subdivision Committee shall be Edward I. Vetter, Salt Lake City, Utah; Brent Dyer, Salt Lake City, Utah; and John N. Clawson, Salt Lake City, Utah. The Subdivision Committee shall have the sole power to increase or decrease its size and to fill vacancies in its membership. Any member of the Subdivision Committee may resign at any time. The Subdivision Committee shall establish minimum standards to which buildings and structures in the Subdivision must conform, and shall have complete power

BOOK 12 PAGE 674

in its discretion to approve or reject any proposed structure or improvement upon any dual lot in the Subdivision, based upon compliance or non-compliance with said standards. The Subdivision Committee shall act in all matters by the majority vote of the members of the Committee necessary to constitute a quorum. A quorum of the Committee shall consist of half of the then members if there be an even number of members or a majority of the members if there be an odd number of members.

III.

BUILDING SIZE, DESIGN AND PLACEMENT

No building shall be erected, placed or altered on any dual lot in the Subdivision until a complete set of the building plans, specifications and plot plan showing the location of such building on the dual lot, the conformity and harmony of external design with existing structures in the Subdivision, and the location of the building with respect to topography and furnished ground elevations, have been approved in writing by the Subdivision Committee. Buildings will be required to be of such size, design and cost, and to be so placed on a dual lot, as the Subdivision Committee may reasonably determine in applying the standards hereinabove referred to.

If the construction of any building or structure upon any dual lot shall require the movement of any conifer trees, the dual lot owner or owners shall, before removing, destroying or altering in any way such trees, receive the approval of the

Subdivision Committee, it being the intent of the Corporation and the desire of the dual lot owners to preserve so far as possible the existing conifer growth in the Subdivision.

IV.

STRUCTURES SPECIFICALLY PROHIBITED

No trailer, basement, tent, shack, garage, barn or other outbuilding erected in, upon or about any of the dual lots in the Subdivision shall at any time be used as a residence, either temporary or permanent, and no structure of a temporary character shall at any time be used as a residence.

No structure shall be moved onto any dual lot in the Subdivision unless such structure has been previously approved in writing by the Subdivision Committee.

V.

TRADES AND OFFENSIVE USE

No noxious or offensive trade or activity shall be carried on upon any dual lot in the Subdivision or any part or portion thereof, nor shall anything be done thereon which is or may become an annoyance or nuisance to the occupants of other dual lots in the Subdivision. The Subdivision is not intended to be divided for, and shall not under any circumstances be used for, commercial purposes. This provision does not prohibit the leasing or renting of the premises by the week, month, or longer period to parties other than the owners. Live-

BOOK 12 PAGE 676

stock, fowls, and other animals, except pets, shall not be maintained on any lot or any portion thereof.

VI.

SIGNS AND REFUSE

No signs, billboards or advertising structure may be erected or displayed on any of the dual lots in the Subdivision or on any part thereof.

No trash, ashes, paper or other refuse of any kind shall be thrown, dumped, left or permitted to remain on any dual lot or portion thereof in the Subdivision.

VII.

RESTRICTIONS TO RUN WITH THE LAND

All covenants and restrictions herein stated and set forth shall run with the land and shall be binding on all parties and persons claiming any interest in any dual lot in the Subdivision or any part thereof until fifteen (15) years from the date hereof, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years unless, by vote of the owners of the then majority of said dual lots, it is agreed to change these covenants in whole or in part. These covenants, restrictions and requirements may be amended, modified or changed in any way at any time while in effect by a vote of the then owners of 3/5 or more of said dual lots.

BOOKM12 PAGE677

VIII.

PENALTY FOR VIOLATION

If the parties now claiming any interest in dual lots in the Subdivision, or any of them, or their heirs, successors, grantees, personal representatives or assigns, shall violate or attempt to violate any of the covenants and restrictions herein contained, it shall be lawful for any other person or persons owning any other dual lot or dual lots in the Subdivision, or for the Corporation, to initiate proceedings at law or in equity against the person, firm or corporation so violating or attempting to violate such covenant or restriction and thereby either prohibit him from so doing or recover damages or seek other appropriate relief for such violation.

IX.

SAVING CLAUSE

If any covenant, restriction or provision hereinabove set forth be declared invalid or unenforceable by a judgment or order of any court of competent jurisdiction or by other official decree, such action shall not affect in any way any of the other provisions hereof, which shall remain in full force and effect.

DATED this 21st day of September, 1967.

ATTEST:

MURRAY FIRST THRIFT & LOAN CO.

Bruce L. Mason
Secretary

By: Edward Vetter
Its President

BOOKM12 PAGE678

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 21st day of September, A. D. 1967,
personally appeared before me EDWARD I. VETTER and BRUCE L.
MOESSER who being by me duly sworn did say, each for himself,
that he, the said EDWARD I. VETTER is the president, and he,
the said BRUCE L. MOESSER is the secretary of MURRAY FIRST
THRIFT & LOAN CO., and that the within and foregoing instrument
was signed in behalf of said corporation by authority of a
resolution of its board of directors and said EDWARD I. VETTER
and BRUCE L. MOESSER each duly acknowledged to me that said
corporation executed the same and that the seal affixed is
the seal of said corporation.

My Commission Expires:

June 22, 1968

Sandra J. Gibson
Notary Public
Residing at Salt Lake City, Utah

BOOK 12 PAGE 679



Planning Department

March 30, 2022

Terence Scheckter
3172 Nasa Street
Brea, CA 92821
(714) 891-0700

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of Setbacks for an Unusual Lot Configuration at 949 Empire Avenue, Park City, UT

Dear Terence,

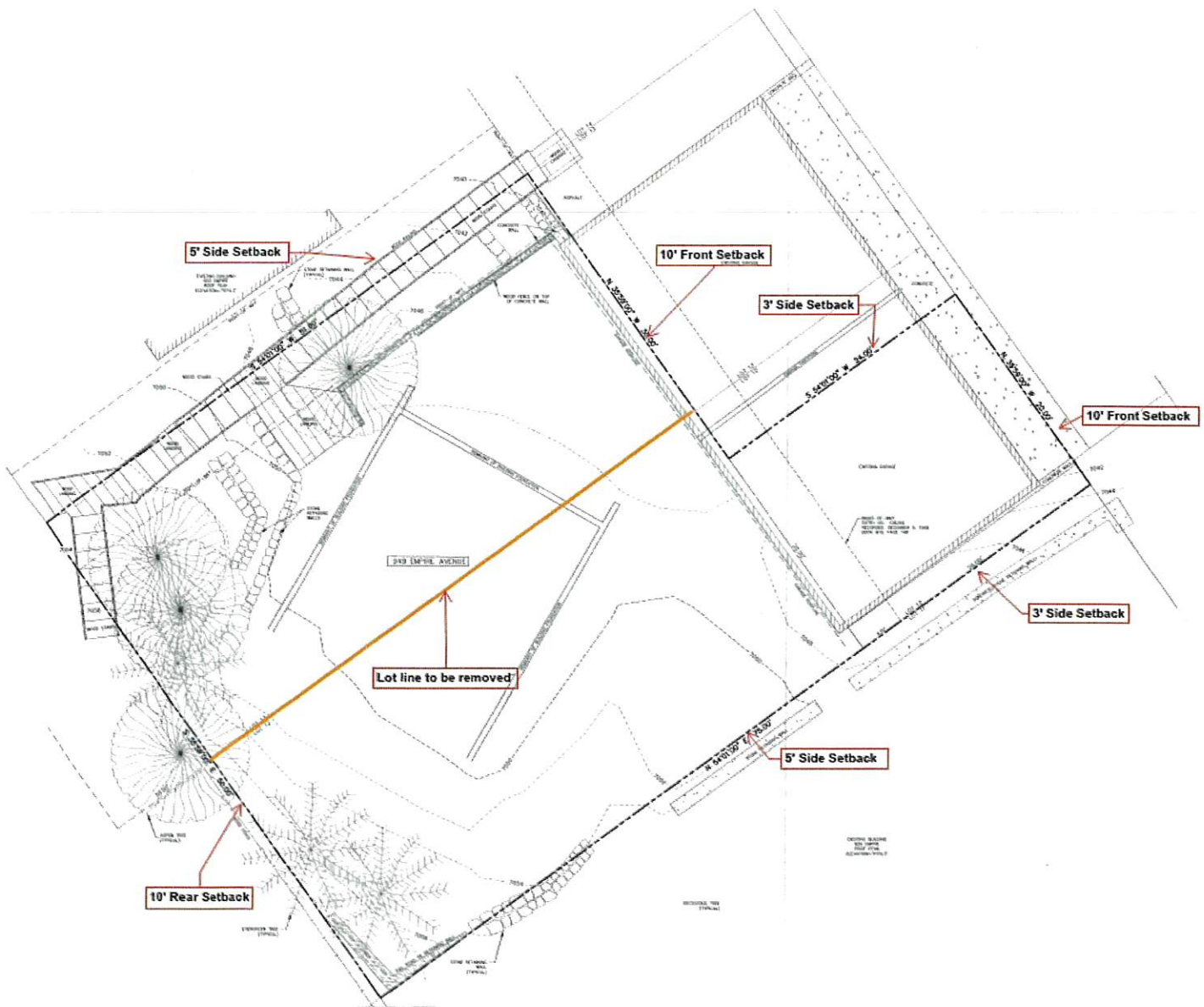
The proposed Plat amendment for 949 Empire Avenue will create a Lot with more than four (4) sides and is considered a Lot with an unusual configuration. Land Management Code §15-4-17 states, "Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director".

The Land Management Code § 15-2.2-3(B) requires a 25-foot minimum Lot width, measured 15 feet back from the Front Lot Line. The Planning Director determines that the Lot width will be measured 24 feet back from the 20-foot-wide property Line at the Empire Avenue Right-of-Way. Most of the Lot is 50 feet wide by 51 feet deep.

The Planning Director determines this Lot has the following Setback configuration:

- Two (2) three-foot (3') Side Setbacks;
- Two (2) five-foot (5') Side Setbacks;
- Two (2) ten foot (10') Front Setbacks; and,
- One (1) ten foot (10') Rear Setback.

The image on the next page identifies these determined Setbacks.



If you have questions or concerns regarding this Determination, please do not hesitate to contact us.

Sincerely,

Gretchen Milliken

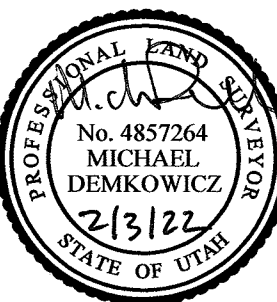
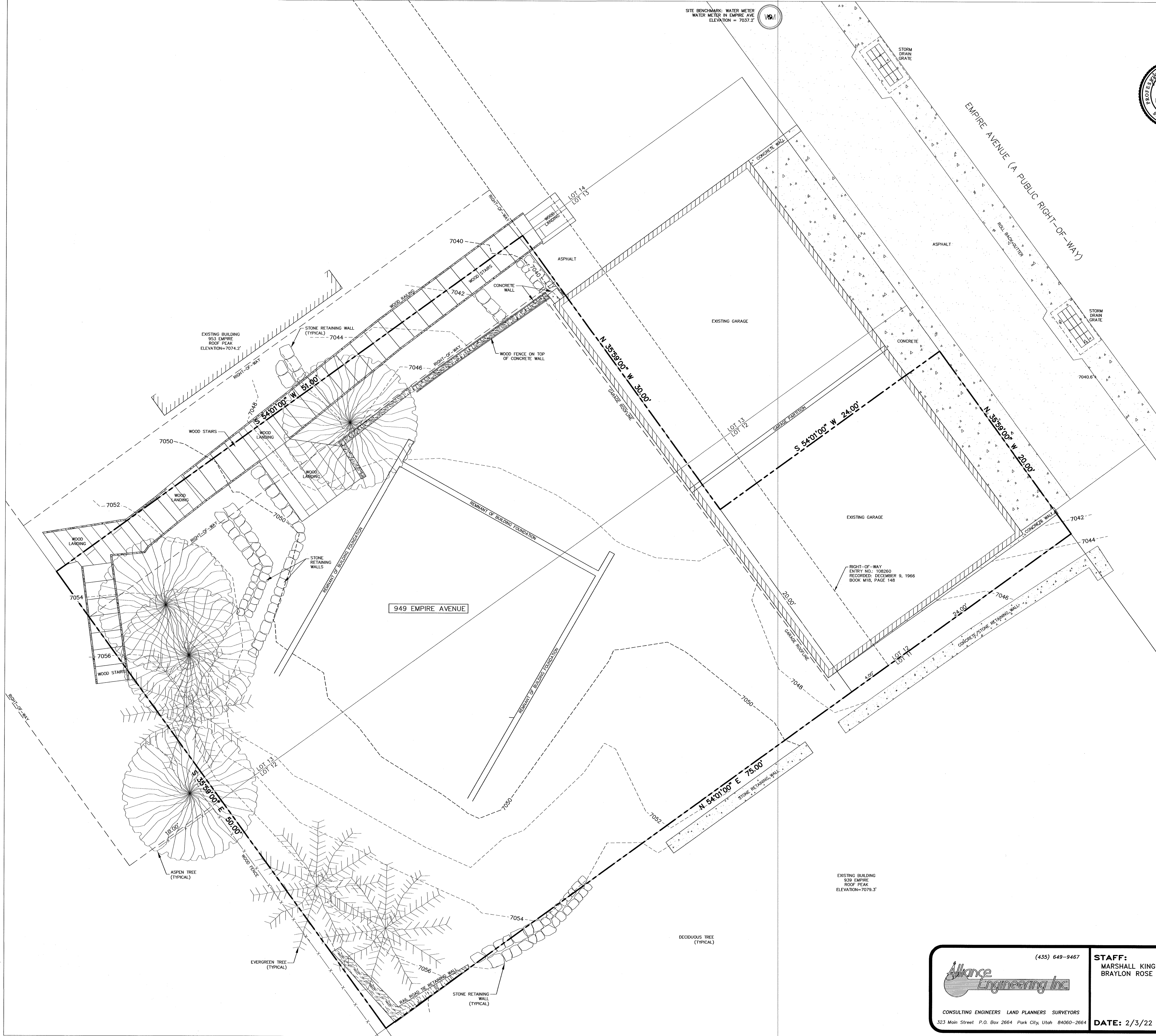
Planning Director

(435) 615-5008

gretchen.milliken@parkcity.org

CC: Spencer Cawley, Project Planner





SURVEYOR'S CERTIFICATE

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 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.

NOTES

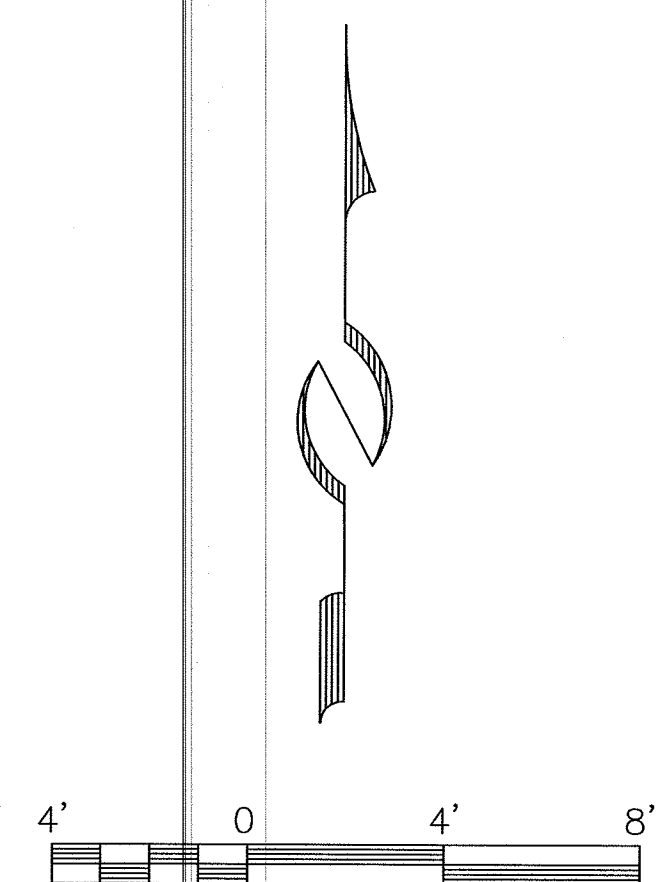
1. Site Benchmark : Water meter on Empire Avenue. Elevation=7037.2'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 19, 2021.

LEGAL DESCRIPTION

Beginning at the southwesterly corner of Lot 12, Block 29, Snyder's Addition to Park City, and running thence North 54°01' East 51 feet; thence North 35°59' West 50 feet; thence South 54°01' West 51 feet; thence South 35°59' East 50 feet to the point of beginning, being the westerly 51 feet of Lots 12 and 13 of said Block 29, Snyder's Addition.

Also, a garage area described as follows; beginning at the southeasterly corner of Lot 12, Block 29, Snyder's Addition, and running thence North 35°59' West 20 feet to the center of a partition, thence South 54°01' West 24 feet; thence South 35°59' East 20 feet to the center of a partition; thence North 54°01' East 24 feet to the point of beginning.

Subject to and together with a right-of-way over the following for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22, Block 29, Snyder's Addition to Park City, in Summit County, Park City, Utah; Beginning at the southeasterly corner of Lot 18, Block 29, Snyder's Addition to Park City, and running thence South 35°59' East 20 feet; thence North 54°01' East 51 feet; thence North 35°59' West 45 feet; thence North 54°01' East 4 feet; thence South 35°59' East 100 feet; thence South 54°01' West 4 feet; thence North 35°59' West 45 feet; thence South 54°01' West 51 feet; thence South 35°59' East 20 feet; thence South 54°01' West 10 feet; thence North 35°59' West 50 feet; thence North 54°01' East 10 feet to the point of beginning.



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING BRAYLON ROSE	TOPOGRAPHIC MAP A PORTION OF LOTS 12 & 13, BLOCK 29 949 EMPIRE AVENUE FOR: TERENCE SCHECKTER JOB NO.: 6-11-21 FILE: X:\SnydersAddition\dwg\srvt\topo2021\061121.dwg	SHEET 1 OF 1
	DATE: 2/3/22		



949 Empire Avenue - front - looking westerly



949 Empire Avenue - front - looking southwesterly



949 Empire Avenue - front - looking southwesterly



949 Empire Avenue - rear - looking northerly



949 Empire Avenue - rear - looking northeasterly



949 Empire Avenue - rear - looking easterly

SNYDER'S ADDITION TO PARK CITY SURVEY, BLOCK 29,
949 EMPIRE AVENUE
February 3, 2022

PROJECT INTENT

The property at 949 Empire Avenue is located in Block 29, Snyder's Addition to Park City and is a portion of Lots 12 & 13. The rear of the property is vacant and the 20-foot by 24-foot parcel adjacent to the Empire Avenue right-of-way is currently occupied by a garage. This existing garage shares a party wall with another garage on the adjacent 20-foot by 24-foot parcel to the north. The owner is proposing to demolish the garage associated with the 949 Empire Avenue property and construct a new residence utilizing the entire property. To accomplish the proposed plan, the owner is applying to extinguish the existing lot line to unify the property into one lot of record.

City Council Staff Report



Subject: 405 Woodside Avenue Subdivision
Application: PL-22-05184
Author: Spencer Cawley, Project Planner
Date: July 21, 2022
Type of Item: Administrative – Subdivision

Recommendation

(I) Review the 405 Woodside Avenue Subdivision Plat, (II) hold a public hearing, and (III) consider approving Ordinance No. 2022-27 based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: Chuck Berriochoa, General Personal Representative
Alliance Engineering, Applicant Representative
Location: 405 Woodside Avenue
Zoning District: Historic Residential (HR-1)
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action¹

HR-1 Historic Residential – 1
LMC Land Management Code
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

On June 22, 2022, the Planning Commission reviewed the 405 Woodside Avenue Subdivision Plat ([Staff Report](#); [Meeting Audio](#)). Although the Planning Commission did not have questions regarding the application, they suggested amending Condition of Approval 6 to read “Any remodel or additions to the historic Significant Structure shall be reviewed by the Historic Preservation Board, and comply with the Land Management Code, including but not limited to Setbacks and Building Height, at the time of application submittal.” In the end, the Planning Commission forwarded a unanimous positive recommendation for City Council’s consideration.

Additionally, Planning Staff recommends adding Condition of Approval 9 requiring the Applicant to seek a determination of significant compliance from the Planning Director for the Accessory Building in the side Setback.

¹ LMC [§ 15-7.1-2\(B\)](#)

Background

405 Woodside Avenue is a metes-and-bounds parcel west of Block 30, Amended Plat of Park City, and is bound on three sides by Treasure Hill Subdivision Phase 1. The property is not within the boundaries of the Amended Plat of Park City but does reference Block 4 of the Plat, east of 405 Woodside Avenue. (See image below.) The parcel is identified by Summit County as PC-63 and is in the Historic Residential (HR-1) Zoning District. 405 Woodside Avenue is [a Significant Site](#) on the Park City Historic Sites Inventory.²



The property contains one (1) Single-Family Dwelling, one (1) Accessory Building, and two (2) sheds—one at the front of the property and one behind the Accessory Building. Accessory Buildings are an Allowed Use in the HR-1 Zoning District. The shed at the front of the property encroaches into the Woodside Right-of-Way as does the fence and retaining wall. There is not an existing encroachment agreement and Condition of Approval 7 requires the Applicant to either remove the non-historic shed, retaining walls, and fence, or record an encroachment agreement with Summit County prior to recordation of the Plat.

² LMC § 15-11-10(D)(2)(fz)

This subdivision is necessary for current or future property owners to complete additions or renovations to the historic Structure.

Analysis

Plat Amendments require Planning Commission review and City Council Final Action.³ A Subdivision containing not more than three Lots fronting an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements, is a Minor Subdivision and does not require a Preliminary Plat.⁴

(I) The proposed Subdivision complies with the Historic Residential (HR-1) Zoning District requirements.

The table below outlines the HR-1 Zoning District Lot requirements:

HR-1 Zoning District Requirement	Analysis of Proposal
Min. Lot Area: 1,875 sq. ft.	Complies The Lot contains 7,500 sq. ft.
Min. Lot Width: 25 feet	Complies The Lot is 50 feet wide.
Lot Depth: 75 feet	Complies The Lot is 150 feet deep.
Maximum Building Footprint = (Lot Area/2) x 0.9 Lot Area/1875	Condition of Approval 5 The maximum Building Footprint for this Lot is 2,460 sq. ft. The Final Subdivision shall include the maximum Building Footprint as a Plat note.
Setbacks: Front: 15 feet Rear: 15 feet Side: 5 feet	Condition of Approval 6 Future development on this site requires compliance with HR-1 Setbacks.
Building Height: 27 feet	Condition of Approval 6 Future development on this site requires compliance with LMC Building Height requirements.

³ LMC [§ 15-12-15\(B\)\(9\)](#)

⁴ LMC [§ 15-7.1-3\(A\)](#)

Architectural Review LMC [§ 15-2.2-9](#)

Prior to issuance of a Building Permit for any Conditional or allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed structure or future Development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for review of compliance with LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) Staff finds Good Cause for the subdivision because (A) the Historic Character of the Historic Residential (HR-1) Zoning District is retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement has been vacated or amended.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

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

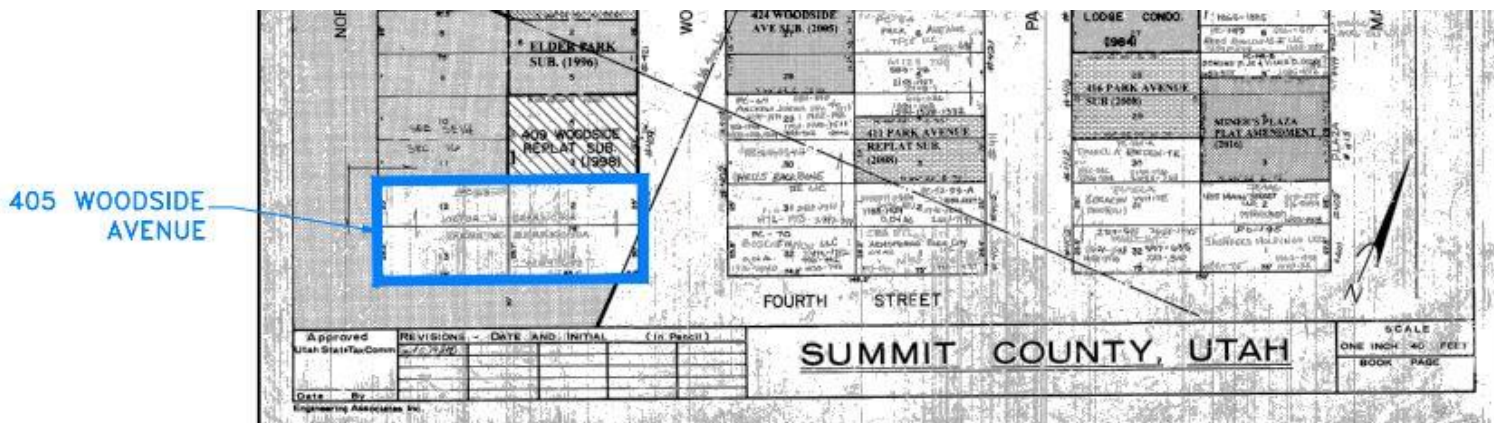
A. The Historic Residential (HR-1) Zoning District Historic Character is retained.

One of the purposes of the Historic Residential (HR-1) Zoning District is in part to preserve present land Uses and character of the Historic residential Areas of Park City.⁵

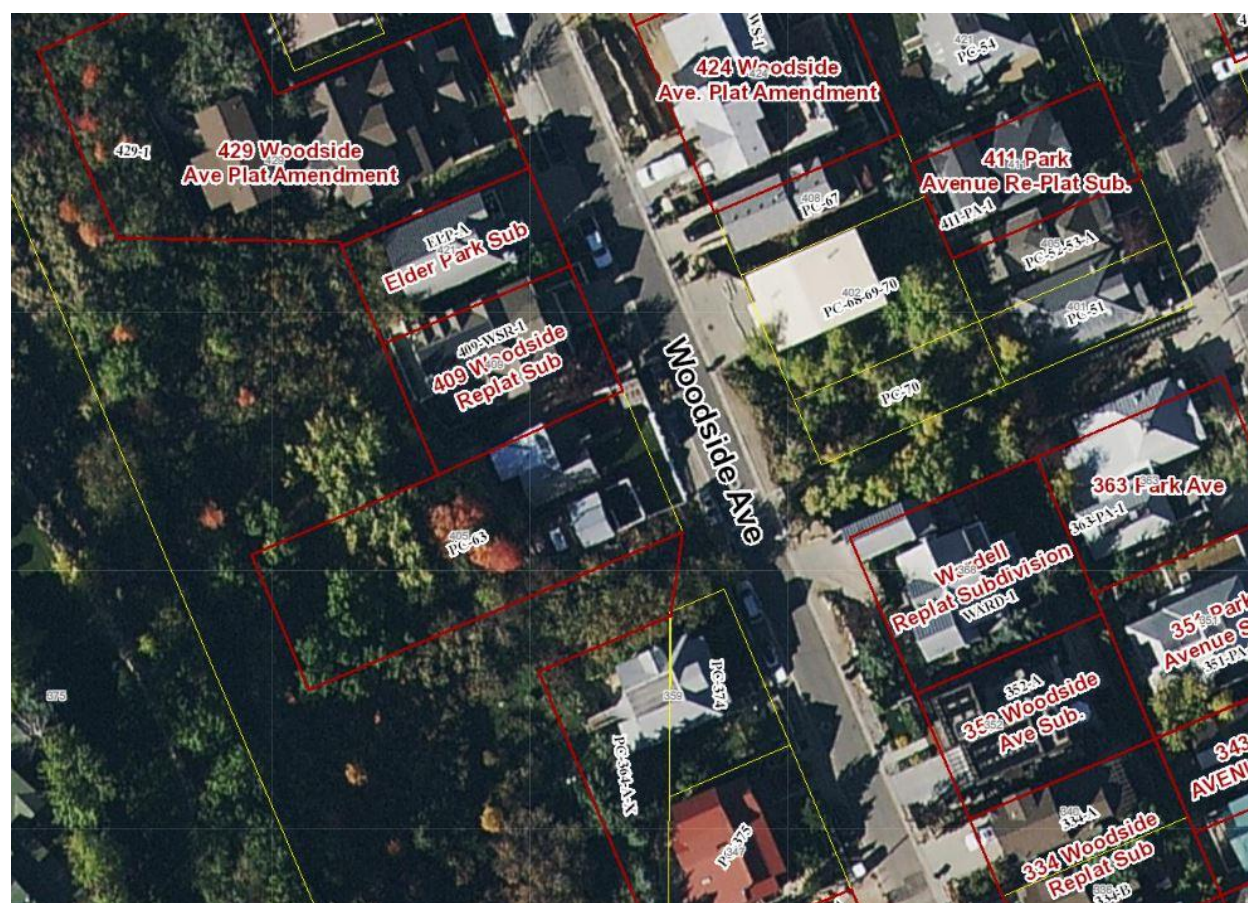
As indicated in the image below, this proposal is consistent with the zoning district which “encourage[s] single family Development on a combination of 25’ x 75’ Historic Lots.”⁶

⁵ LMC [§ 15-2.2-1\(A\)](#)

⁶ LMC [§ 15-2.2-1\(D\)](#)



The following image, taken from the Summit County parcel viewer, shows that many properties adjacent to 405 Woodside Avenue have similar 50-foot Lot widths. This Subdivision will maintain this consistency of the streetscape.



B. No Public Street or Right-of-Way is vacated or amended.

Access to the Lot is through Woodside Avenue. The proposed Plat does not vacate or amend any portion of Woodside Avenue. However, there are several encroachments into the ROW at the front of the property and stone retaining walls that encroach onto the neighboring property to the south. Staff recommends **Condition of Approval 7** requiring the Applicant to either remove the non-historic shed, retaining walls, and fence, or record an encroachment agreement with Summit County prior to recordation of the Plat.

C. No easement is vacated or amended.

(III) The Development Review Committee met on April 19, 2022, reviewed the proposal, and did not identify any issues.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 8, 2022. Staff mailed courtesy notice to property owners within 300 feet on June 8, 2022. The *Park Record* published notice on June 8, 2022. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input related to this application, and no public comments were made at the Planning Commission's public hearing.

Alternatives

- The City Council may adopt Ordinance No. 2022-27; or
- The City Council may deny Ordinance No. 2022-27 and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-27 and Proposed Plat
Exhibit B: Existing Conditions
Exhibit C: Project Intent
Exhibit D: Property Photos

Ordinance No. 2022-27

AN ORDINANCE APPROVING THE 405 WOODSIDE AVENUE SUBDIVISION PLAT, LOCATED AT 405 WOODSIDE AVENUE, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owners of the property at 405 Woodside Avenue petitioned the City Council for approval of the 405 Woodside Avenue Subdivision Plat; and

WHEREAS, on June 8, 2022, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on June 8, 2022, staff mailed courtesy notices to property owners within 300 feet, posted noticed to the Utah Public Notice Website and City Website, and posted noticed to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the proposed Subdivision Plat, held a public hearing, and forwarded a positive recommendation to the City Council;

WHEREAS, on July 21, 2022, the City Council reviewed the 405 Woodside Avenue Subdivision Plat and held a public hearing; and

WHEREAS, the 405 Woodside Avenue Subdivision Plat is consistent with the Park City Land Management Code, including § 15-7.1- 3(A), § 15-7.1-6, and Chapters 15-2.2, and 15-7.

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

SECTION 1. APPROVAL. The 405 Woodside Avenue Subdivision Plat is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT

1. The property is located at 405 Woodside Avenue.
2. The property is listed with Summit County as Parcel number PC-63.
3. The property is in the Historic Residential (HR-1) Zoning District.
4. The Lot contains 7,500 square feet.
5. No easement is vacated or amended as a result of the Subdivision Plat.
6. The Land Management Code regulates HR-1 Zoning District Lot and Site requirements pursuant to LMC [§ 15-2.2-3](#).
7. The property contains one (1) Single-Family Dwelling, one (1) Accessory Building, and two (2) sheds. Accessory Buildings are an Allowed Use in the HR-1 Zoning District.

8. The Single-Family Dwelling is a Significant Site on the Park City Historic Sites Inventory.
9. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size is 7,500 square feet.
10. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot is 50 feet wide.
11. The Lot is 150 feet deep.
12. The required Front and Rear Setbacks are 15 feet for Lot depths over 100 feet.
13. The required Side Setbacks are five feet (5') for Lot widths up to 75 feet.
14. The Maximum Building Footprint in the HR-1 Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint is 2,460 square feet.

Conclusions of Law

1. The Subdivision is consistent with the Park City Land Management Code, including LMC [Chapter 15-2.2](#) *Historic Residential (HR-1) Zoning District* and [LMC § 15-7.1-6](#) *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Subdivision.
3. Approval of the Subdivision, 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 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 plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Woodside Avenue shall be dedicated on the plat.
5. The Applicant shall include a Plat note indicating the Maximum Building Footprint for the Lot is 2,460 square feet.
6. Any remodel or additions to the historic Structure shall be reviewed by the Historic Preservation Board, and comply with the Land Management Code, including but not limited to Setbacks and Building Height, at the time of Application submittal.
7. The Applicant shall remove encroachments into the Woodside Avenue Right-of-Way and the neighboring property to the south or record an encroachment agreement with Summit County prior to recordation of the Plat.
8. City Engineer approval of all Lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

9. The Applicant shall seek a determination of significance from the Planning Director for the Accessory Building in the Side Setback.

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

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

ATTEST:

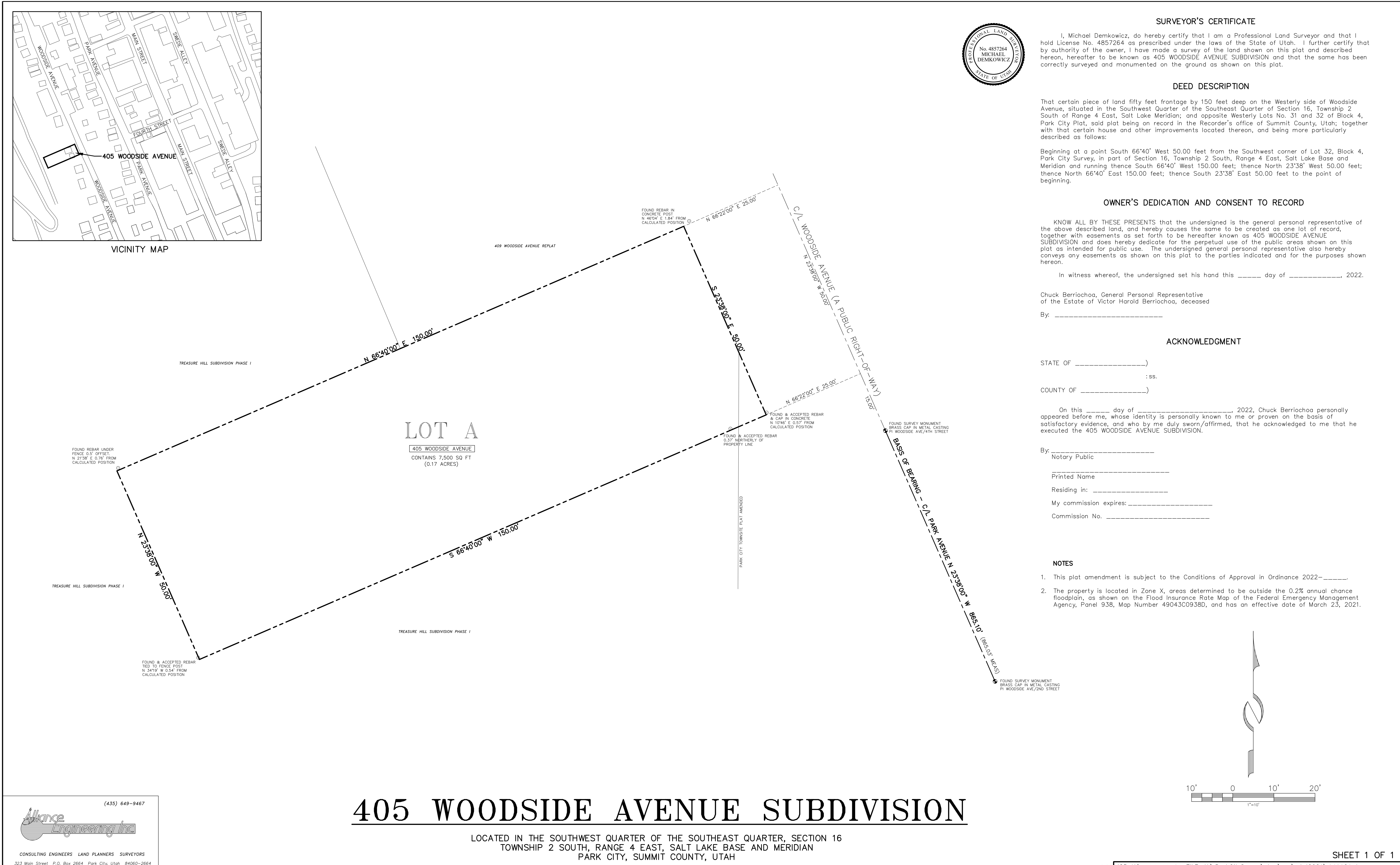
Nann Worel, MAYOR

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

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 land shown on this plat and described hereon, hereafter to be known as 405 WOODSIDE AVENUE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

DEED DESCRIPTION

That certain piece of land fifty feet frontage by 150 feet deep on the Westerly side of Woodside Avenue, situated in the Southwest Quarter of the Southeast Quarter of Section 16, Township 2 South of Range 4 East, Salt Lake Meridian; and opposite Westerly Lots No. 31 and 32 of Block 4, Park City Plat, said plat being on record in the Recorder's office of Summit County, Utah; together with that certain house and other improvements located thereon, and being more particularly described as follows:

Beginning at a point South 66°40' West 50.00 feet from the Southwest corner of Lot 32, Block 4, Park City Survey, in part of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence South 66°40' West 150.00 feet; thence North 23°38' West 50.00 feet; thence North 66°40' East 150.00 feet; thence South 23°38' East 50.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the general personal representative of the above described land, and hereby causes the same to be created as one lot of record, together with easements as set forth to be hereafter known as 405 WOODSIDE AVENUE SUBDIVISION and does hereby dedicate for the perpetual use of the public areas shown on this plat as intended for public use. The undersigned general personal representative also hereby conveys any easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this ____ day of _____, 2022.

Chuck Berriochoa, General Personal Representative
of the Estate of Victor Harold Berriochoa, deceased

By: _____

ACKNOWLEDGMENT

STATE OF _____)

: ss.

COUNTY OF _____)

On this ____ day of _____, 2022, Chuck Berriochoa 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, that he acknowledged to me that he executed the 405 WOODSIDE AVENUE SUBDIVISION.

By: _____

Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
2. 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 49043C0938D, and has an effective date of March 23, 2021.

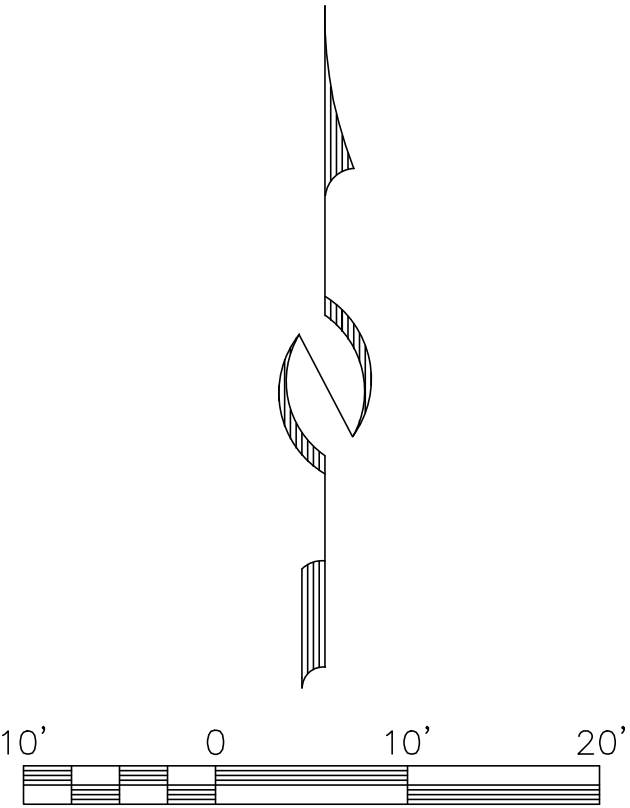
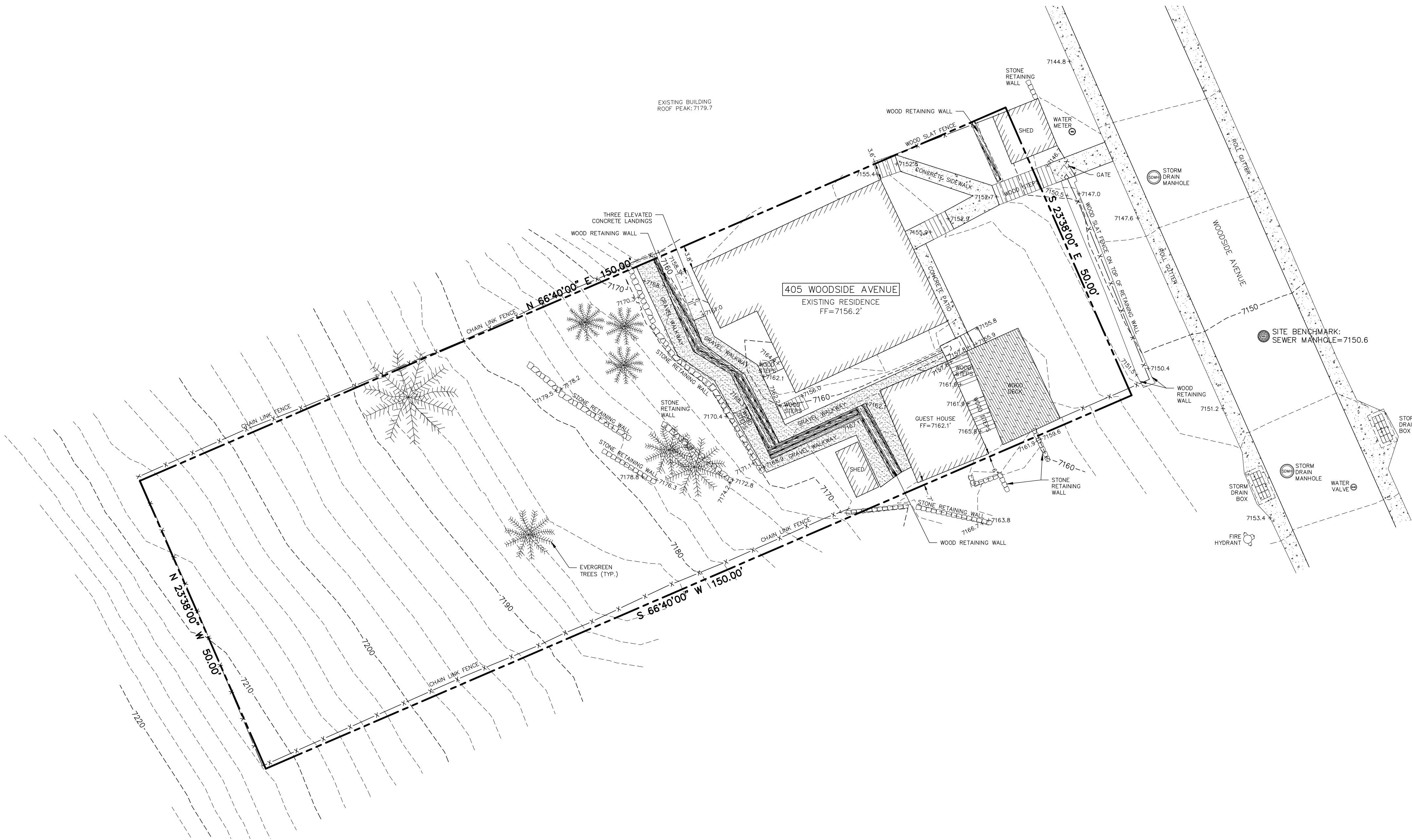


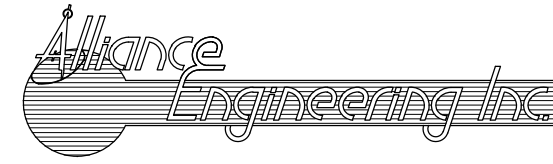
SURVEYOR'S CERTIFICATE

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 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.

NOTES

1. Site Benchmark: Sewer Manhole=7150.6'
2. Date of survey: January 19, 2022
3. Property location: Section 16, T2S, R4E, Salt Lake Base & Meridian
4. The architect is responsible for verifying building setbacks, zoning requirements and building heights.



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE	EXISTING CONDITIONS & TOPOGRAPHIC MAP 405 WOODSIDE AVENUE ADJACENT TO BLK 30, PARK CITY SURVEY FOR: CHUCK BERRIOCHOA JOB NO.: 14-11-21 FILE: X:\ParkCitySurvey\dwg\srv\srvy2021\141121- 405 Woodside.dwg	SHEET 1 OF 1
	DATE: 2/10/22			

ADJACENT TO BLOCK 30
AMENDED PLAT OF PARK CITY

(405 Woodside Avenue)

February 18, 2022

PROJECT INTENT

The property at 405 Woodside Avenue is a metes and bounds description adjacent to Block 30, Amended Plat of Park City and is bounded on three sides by Treasure Hill Subdivision Phase 1. The property is not within the boundaries of the Amended Plat of Park City, but does reference Block 4 of the Plat, which is directly across Woodside Avenue from 405 Woodside Avenue. This plat application is being submitted to create a single lot of record. Once the property has been recorded as a single lot of record, the owner proposes to renovate the existing residence and construct an addition onto the rear of the renovated existing residence.



405 Woodside Avenue - front - looking west



405 Woodside Avenue - front - looking southwesterly



405 Woodside Avenue - rear - looking easterly



405 Woodside Avenue - rear - looking northeasterly



405 Woodside Avenue – back edge of property - looking northeasterly

City Council Staff Report



Subject: 115 Sampson Avenue Subdivision – First Amended
Application: PL-22-05180
Author: Spencer Cawley
Date: July 21, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the 115 Sampson Avenue Subdivision First Amended Plat, (II) hold a public hearing, and (III) consider approving Ordinance No. 2022-28, based on the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined in Draft Ordinance 2022-28 (Exhibit A).

Description

Applicant: Mountain Town Lands, LLC;
Alliance Engineering, Inc., Applicant Representative
Location: 115 Sampson Avenue
Zoning District: Historic Residential – Low Density
Adjacent Land Uses: Single-Family Residential
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action.¹

CUP Conditional Use Permit
HDDDR Historic District Design Review
HPB Historic Preservation Board
HRL Historic Residential – Low Density
LMC Land Management Code
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

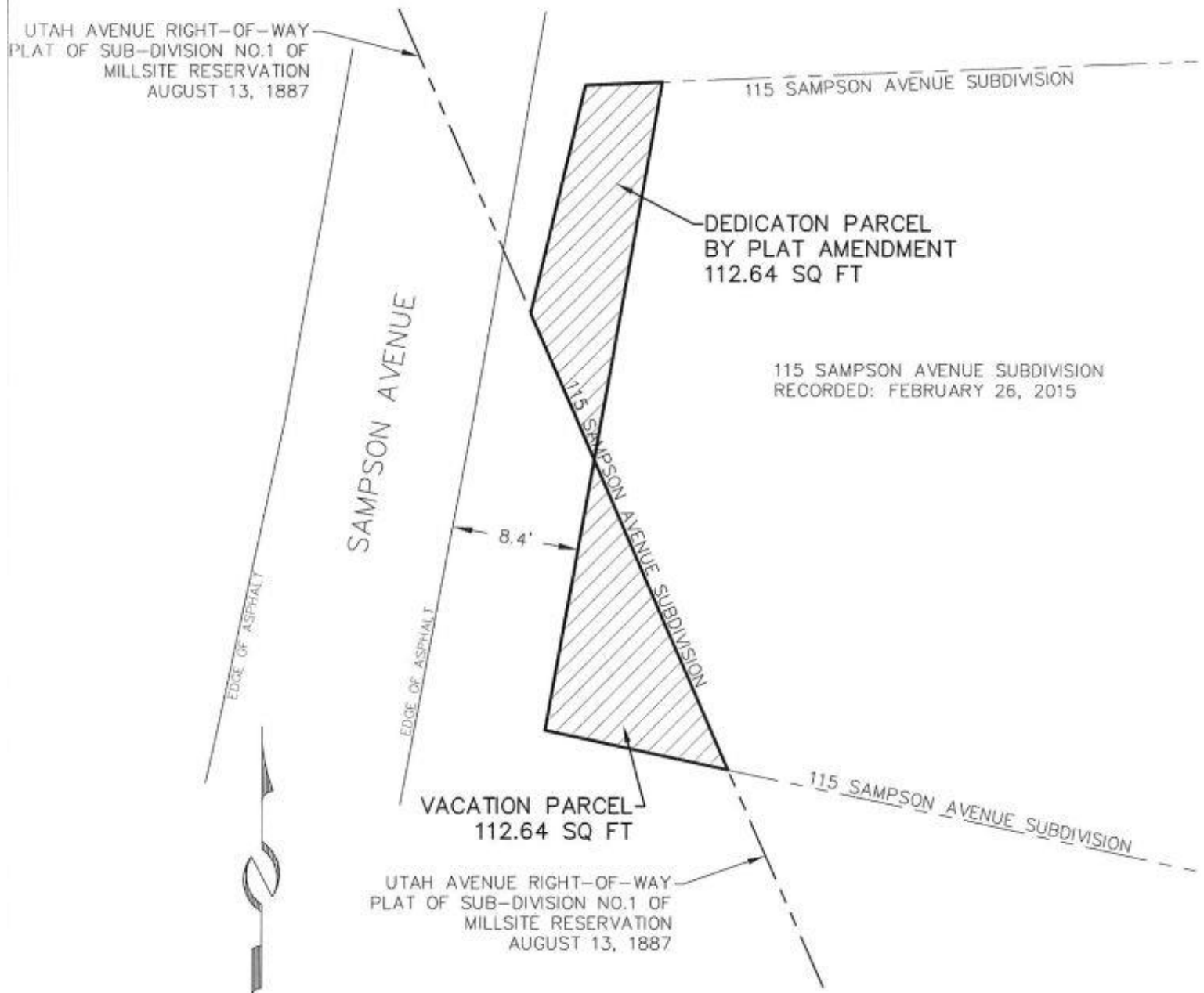
On June 22, 2022, the Planning Commission reviewed the 115 Sampson Avenue Plat Amendment, held a public hearing, and forwarded a unanimous positive recommendation for City Council's Consideration. No questions or concerns were raised during the meeting ([Staff report](#); [Meeting Audio](#)).

Background

115 Sampson Avenue is on the Historic Sites Inventory as a Significant site that includes a small Mining Era house built in 1904. The site also contains three non-

¹ LMC [§ 15-7.1-2\(B\)](#)

historic sheds. The Applicant petitions the City to vacate a 112.64 square foot portion of Right-of-Way (ROW) and proposes to dedicate an equal 112.64 square foot portion of the Lot to the Sampson Avenue ROW (Exhibit C). Additionally, the Applicant proposes to memorialize the vacation and dedication by amending the 115 Sampson Avenue Subdivision Plat (Exhibit D).



Because the front of the Lot is bordered to the east by two properties (113 and 125 Norfolk Avenue), access to the Lot is restricted to Sampson Avenue. The Lot's

topography is steep and rapidly descends in grade from Sampson Avenue toward Norfolk Avenue. The Applicant indicates that a future addition to the historic Structure will include a garage. The Applicant petitioned the city to vacate a small portion of the ROW and will dedicate an equal portion of their property to create a property line that is parallel with the existing Sampson Avenue ROW to improve ingress and egress.

The image below, prepared by the Engineering Department, helps illustrate the request. The area in red represents the 2014 ROW dedication required by [Ordinance No. 14-07](#), approving the 115 Sampson Avenue Subdivision. The area in yellow is the proposed new ROW dedication. The area in green is the petitioned vacation of ROW. The existing Sampson Avenue ROW is outlined in magenta.



In 2010 and 2013, the Building Department issued Orders to Repair and Vacate. The Structure continues to decline and is in significant disrepair. However, the Applicant proposes to rehabilitate the historic Structure and add an addition to the rear of the Structure, toward Sampson Avenue.

The table below outlines previous and current applications for 115 Sampson Avenue and the determination:

Date	Type of Application	Determination
October 9, 2013	Plat Amendment	The Planning Commission forwarded a positive recommendation to the City

	The Staff Report is attached as Exhibit F.	Council. In this meeting, the Planning Commission raised concerns about parking and the height of a possible uphill, rear addition.
March 6, 2014	Plat Amendment Staff Report ; Minutes	City Council adopted Ordinance No. 14-07 approving the 115 Sampson Avenue Subdivision. As part of this Ordinance, Condition of Approval 6 required dedication of the portion of Lots 51 and 52 that include Sampson Avenue to the City.
May 16, 2018	Material Deconstruction The Staff Report is attached as Exhibit G and the meeting minutes as Exhibit H.	The Historic Preservation Board approved the Applicant's request for material deconstruction of the Historic Structure.
June 13, 2018	Steep Slope CUP Staff Report ; Minutes	The Planning Commission approved a Steep Slope Conditional Use Permit application for construction of an addition on 115 Sampson Avenue. See Exhibit I for the Final Action Letter.
June 13, 2019	Extension of Steep Slope CUP See Exhibit J.	The Planning Director extended the Steep Slope CUP expiration date to December 10, 2019.
June 18, 2019	Extension of HDDR See Exhibit K.	The Planning Director extended the HDDR expiration date to December 14, 2019. Building permits were not issued and the extensions expired.

On March 4, 2022, the Applicant submitted a complete Plat Amendment application to the Planning Department. The Planning Director determined the Setbacks for the unusual Lot on June 3, 2022 (Exhibit L).

Analysis

(I) The proposed Plat amendment complies with the Historic Residential – Low Density (HRL) Zoning District requirements.

The following table outlines the HRL Zoning District Lot requirements.²

HRL Zoning Requirement	Analysis of Proposal
Min. Lot Area: 3,750 sq. ft.	Complies The Lot Contains 7,617 sq. ft.
Min. Lot Width: 35 feet	Complies The rear Lot line of the proposed Plat amendment is approximately 43 feet. The frontmost section of the Lot extends east toward Norfolk Avenue and is 25 feet wide. This is the Front Yard of the property, consistent with its historic use. LMC § 15-2.1-3(B) requires that the minimum width of a Lot is 35 feet, measured 15 feet back from the Front Lot Line. However, pursuant to LMC § 15-2.1-3(B) , the Planning Director determines Lot width measurements in the case of unusual Lot configurations. On June 3, 2022, the Planning Director determined that the Lot width is approximately 73 feet wide, measured 56 feet back from the 25-foot Front Lot Line. (Exhibit L).
Maximum Building Footprint = (Lot Area/2) x 0.9 ^{Lot Area/1875}	Condition of Approval 4 The maximum Building Footprint for this Lot is 2,482 sq. ft. The Applicant shall include the maximum Building Footprint as a Plat note.
Setbacks: Front: 15 feet Rear: 15 feet Side: Five feet (5')	Condition of Approval 5 Because of the Lot's unusual configuration, the Lot depth is determined on the buildable Area. The depth is greater than 100 feet. See Analysis II for the Planning Director's determination of Setback requirements.
Building Height: 27 feet from Existing Grade.	Condition of Approval 6 Future development of this Lot shall comply with LMC Building Height requirements.

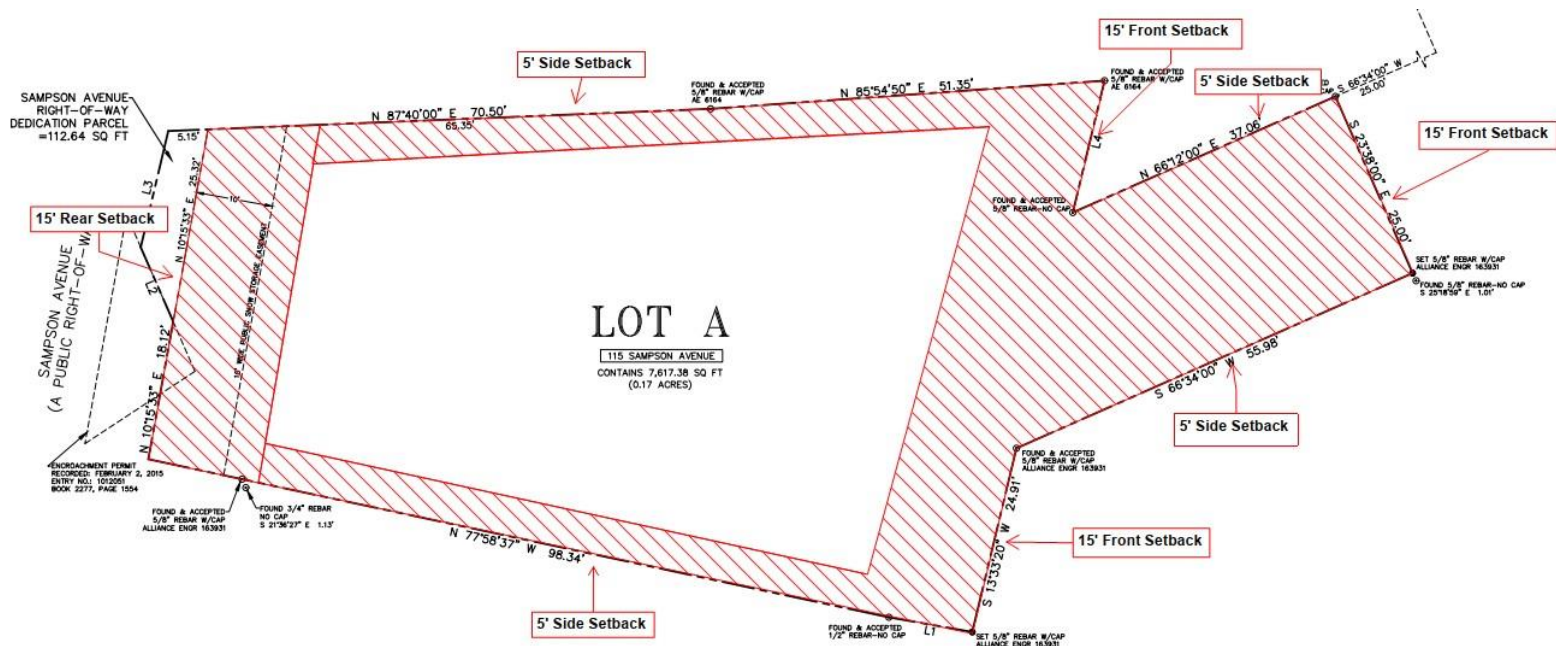
² LMC [§ 15-2.1-3](#)

Architectural Review LMC [§ 15-2.1-8](#)

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed structure or future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for compliance review with LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) Setbacks for Unusual Lot Configurations, LMC [§ 15-4-17](#).

This Plat amendment is for a Lot with more than four sides. The Planning Director determines the Setbacks for these Lots as allowed by LMC [§ 15-4-17](#). On June 3, 2022, the Planning Director determined that the Lot has three 15-foot Front Setbacks, four 5-foot Side Setbacks, and one 15-foot Rear Setback. The Applicant shall memorialize these Setbacks on the final Plat (Condition of Approval 5). The following image demonstrates this determination. This visualization is not to scale and is for reference only.



(III) The City may find Good Cause for the petition to vacate a public Right-of-Way if the proposal (A) does not increase density, (B) is compatible with the neighborhood, (C) the Utility of the existing Right-of-Way is no longer significant.

[Resolution No. 8-98](#) establishes the policy for vacation of public Rights-of-Way. The City may generally find Good Cause when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate the proposal against the following criteria to determine whether a "net

tangible benefit” has been demonstrated by the petitioner.³

(A) No Increase in Density.

Resolution No. 8-98 Requirement	Analysis of Proposal
Existing density shall be determined by counting the Lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed.	Complies The existing density will remain at one Single-Family Dwelling. Only Single-Family Dwellings are allowed on the site; Duplexes are prohibited in the HRL Zoning District. The Maximum Building Footprint is established by a formula outlined in LMC § 15-2.1-3(E) and excludes the square footage dedicated to Park City.
The existing density must have existing access and must not require a plat amendment in order to obtain a building permit.	Complies Access to the Lot is from Sampson Avenue and a Plat amendment is proposed only to memorialize the exchange of land as part of the petition.
Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance.	Complies The petitioner does not gain any additional density or floor area and does not increase area of disturbance.
New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code ("LMC") Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7), without the vacated right-of-way.	Not Applicable The petitioner does not propose a subdivision of the ROW.

(B) Neighborhood Compatibility.

Resolution No. 8-98 Requirement	Analysis of Proposal
Size and location of the site	Complies

³ Park City [Resolution No. 8-98](#)

	The ROW vacation and dedication are equal in size and do not increase or change the location of the site.
Traffic impacts including capacity of the existing streets in the area	Complies Traffic capacity will not increase on Sampson Avenue.
Utility capacity	Complies The petitioned area of the ROW vacation is next to Sampson Avenue and is not critical to the utilization of the ROW. The dedication of ROW will increase the width of Sampson Avenue to approximately 21 feet.
Emergency vehicle access	Complies Emergency vehicle access will remain consistent with the existing ROW.
Location and amount of off-street parking	Complies Because 115 Sampson is a Significant historic Structure, the property is exempt from off-street parking requirements pursuant to LMC § 15-2.1-4 . However, an existing encroachment permit for a parking pad allows the property owner to park one car on the existing right of way (see Exhibit M). The vacation of ROW will allow the applicant to construct a driveway on their property, without crossing a ROW, to a one-car garage.
Internal circulation	Not Applicable
Fencing, screening, and landscaping to separate the Use from adjoining Uses	Not Applicable
Building mass, bulk, and site plan	Complies The Applicant indicates they intend to

	rehabilitate the historic Structure and add a rear addition. Any development on this Lot shall comply with the LMC.
Useable open space	Not Applicable
Signs and lighting	Not Applicable
Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing	Complies The Applicant indicates they intend to rehabilitate the historic Structure and add a rear addition. Any development on this Lot shall comply with the LMC.
Provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site	Complies The proposed Plat indicates a ten-foot-wide public snow storage easement. The vacation and dedication of ROW will not have detrimental effects to surrounding property and property owners and will support snow storage in appropriate areas.
Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas	Not Applicable
Expected ownership and management of the project as primary residences, condominiums, time interval ownership, Nightly Rental, or commercial tenancies	Complies In the HRL Zoning District, no more than 12 nightly rental Condition Use Permits are allowed in the west sub-neighborhood. 115 Sampson is in this area and does not have a Conditional Use Permit. Only two (2) Nightly Rental CUPs remain. Timeshares and condominiums are prohibited in the HRL Zoning District.
Proposed uses in an historic district must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC	Condition of Approval 7 The Applicant shall obtain HDDR approval prior to developing the site.

All proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9	Not Applicable
The Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development.	Condition of Approval 8 The Applicant shall obtain a Steep Slope CUP from the Planning Commission prior to developing the site.

(C) Consideration.

Resolution 8-98 requires the following: “Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.”

The Applicant's proposal to dedicate 112.64 square feet to the Sampson Avenue ROW off-sets the petition to vacate 112.64 square feet of the ROW.

(D) Utility of existing Right-of-Way.

Resolution 8-98 requires the following: “The City shall typically dispose of public Right-of-Way only when the Right-of-Way is no longer of significant utility to the City. The City shall consider the Right-of-Way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the Right-of-Way, and the Capital improvement Plan. Replacement of the prior Right-of-Way alignment or dedication of new Right-of-Way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer.”

The Engineering Department reviewed the petition to vacate and gives the following recommendation (original Memo attached as Exhibit N):

I. Background

115 Sampson Avenue was created from lots 51, 52, 53, 54, 55, 5, 6, and 7 of the Park City Block 78, Section 16 and 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian (see Figure 1).

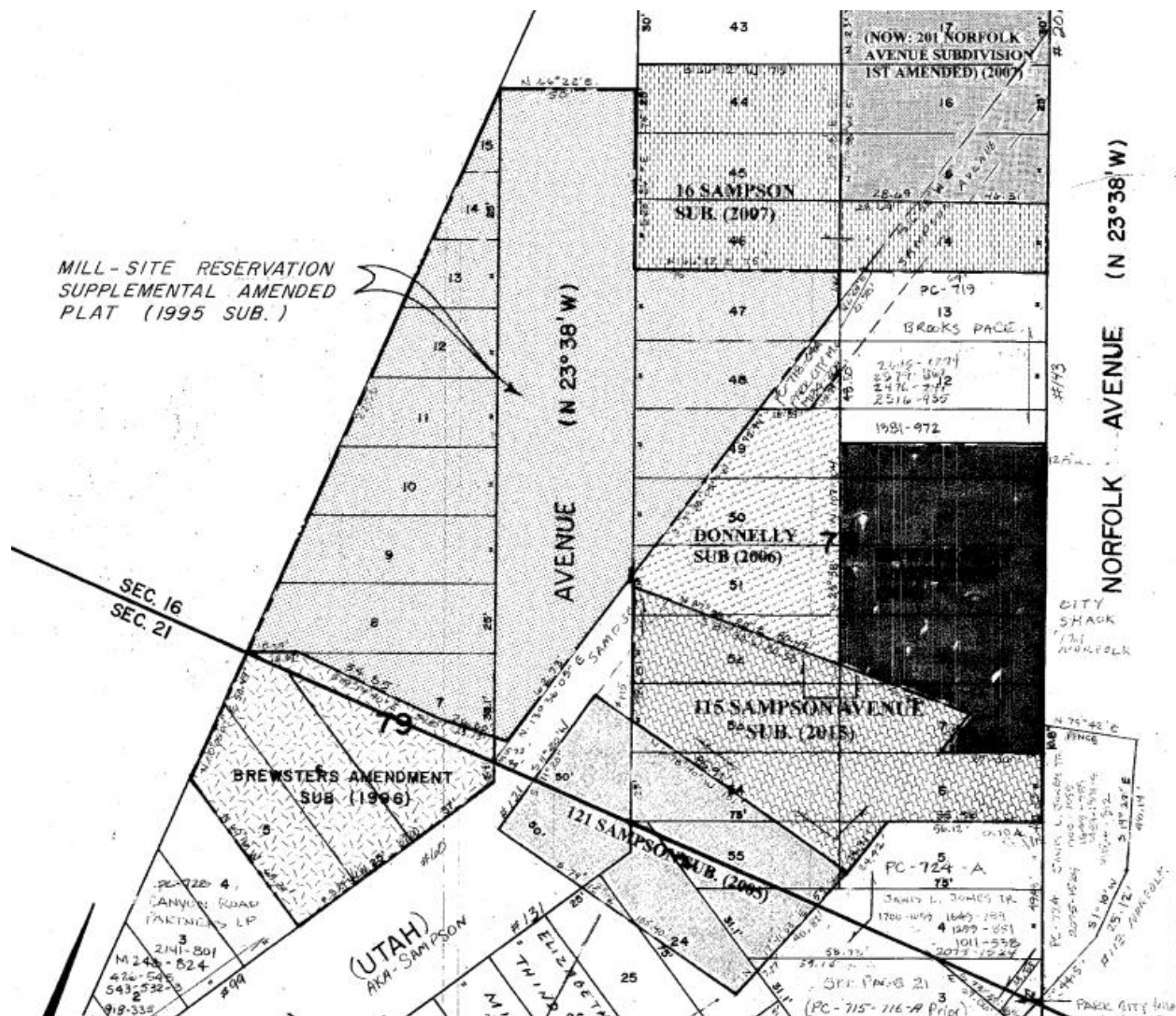


Figure 1: Location of Utah Avenue

According to the Summit County records, Utah Avenue had 50 feet wide right of way with a bearing North 29°44' West. Utah Avenue changes direction at the section line between Section 16 and Section 21 with a centerline bearing North 23°38' West.

Over the years, Lot 78 was subdivided, and the right of way and road centerline bearing changed.

II. Existing Conditions

As stated before, Utah Avenue has a 50-foot wide right of way up to the section line dividing Section 16 and Section 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian.

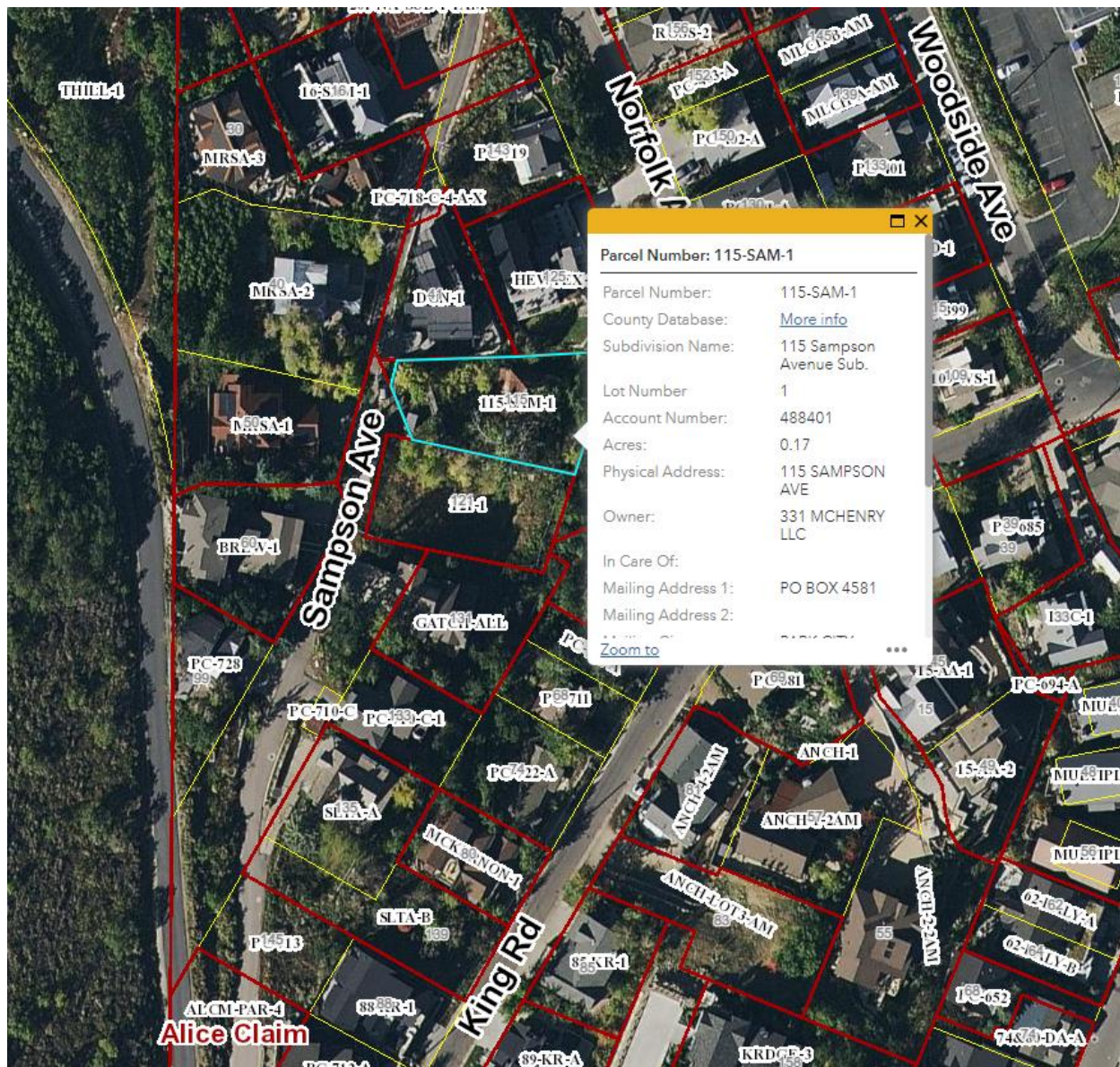


Figure 2: Utah Avenue and Sampson Avenue

Due to the recordation of subdivision plats on Section 16, the configuration and width of Utah Avenue changed, creating a new narrow corridor Sampson Avenue (see Figure 3).

As shown in Figure 3, the proposed right-of-way vacation does not conflict with adjacent residents' rights or cross the Utah Avenue centerline.

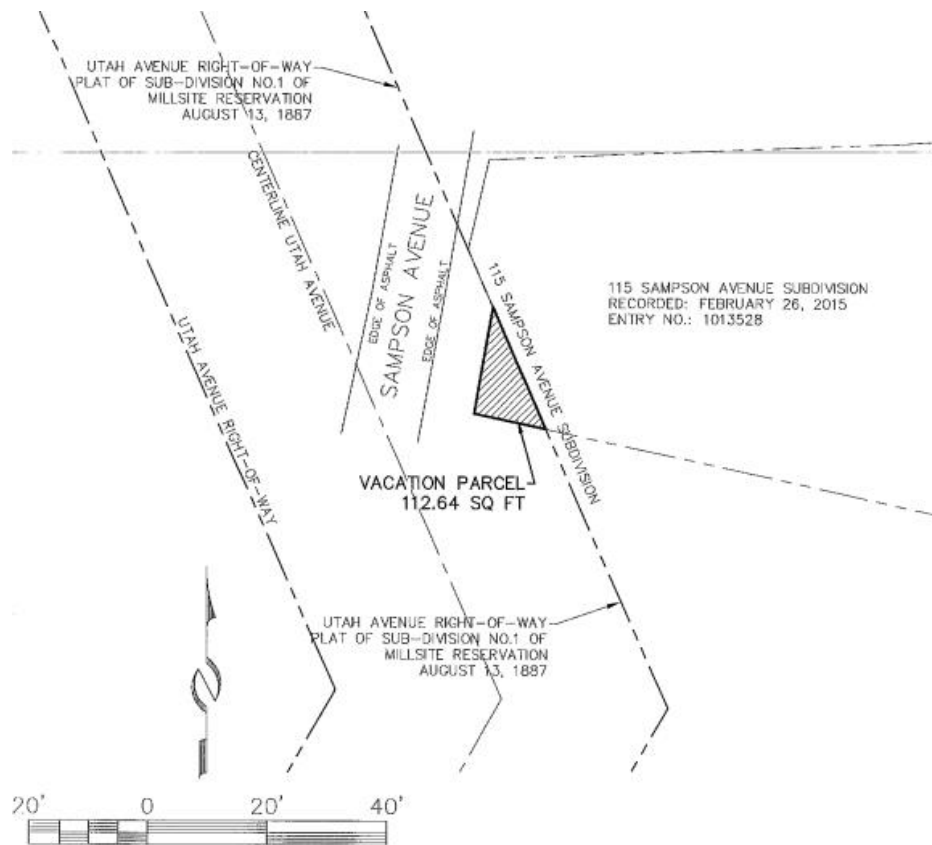


Figure 3: Utah Avenue right of way and road centerline.

III. Recommendation

The Engineering Department does not see any conflicts with the vacation of 112.64 square feet of the public right of way.

(IV) Staff finds Good Cause for this Plat amendment because (A) present land Uses and the character of the HRL Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#) *Final Subdivision Plat* and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement is vacated or amended.

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

A. The Historic Residential – Low Density (HRL) Zoning District Uses and Character of the residential Area is retained.

This proposal is consistent with the zoning district by preserving the character of Historic residential development, encouraging the preservation of the site's Historic Structure, and encourages construction of Historically Compatible Structures that contribute to the character and scale of the Historic District.⁴

B. No Public Street or Right-of-Way is vacated or amended.

Although the Applicant petitioned the City to vacate a ROW, the petition does not increase density, decrease the width of Sampson Avenue, or impact the utility of the ROW. The intent of the Plat amendment is to memorialize the vacation/dedication of ROW.

C. No easement is vacated or amended.

The Plat amendment will not vacate or amend any easement. The Applicant indicates they do not intend to vacate or amend the 2015 Encroachment Permit.

(V) The Development Review Committee met on March 15, 2022, reviewed the proposal, and did not identify any issues.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on June 8, 2022. Staff mailed courtesy notice to property owners within 300 feet on June 8, 2022. The *Park Record* published notice on June 8, 2022. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input related to this application, and no public comments were made at the Planning Commission's public hearing.

Alternatives

- The City Council may adopt Ordinance No. 2022-28; or
- The City Council may deny Ordinance No. 2022-28 and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain.

⁴ LMC [§ 15-2.1-1](#)

Exhibits

Exhibit A:	Draft Ordinance No. 2022-28 and Proposed Plat
Exhibit B:	Existing Plat
Exhibit C:	Right-of-Way Vacation Petition
Exhibit D:	Applicant Statement
Exhibit E:	Site Pictures and Existing Conditions
Exhibit F:	2013 Planning Commission Staff Report
Exhibit G:	2018 Historic Preservation Board Staff Report
Exhibit H:	2018 Historic Preservation Board Meeting Minutes
Exhibit I:	2018 Steep Slope Conditional Use Permit Final Action Letter
Exhibit J:	2019 Extension of Steep Slope Conditional Use Permit Final Action Letter
Exhibit K:	2019 Extension of HDDR Final Action Letter
Exhibit L:	Planning Director Determination Letter
Exhibit M:	Encroachment Permit
Exhibit N:	Engineering Department Recommendation Memorandum

Ordinance No. 2022-28

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PLATTED SAMPSON AVENUE RIGHT-OF-WAY ADJACENT TO 115 SAMPSON AVENUE AND THE 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED PLAT AMENDMENT, LOCATED AT 115 SAMPSON AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 115 Sampson Avenue petitioned the City Council for approval of the 115 Sampson Avenue First Amended Plat Amendment; and

WHEREAS, the owner of the property located at 115 Sampson Avenue petitioned the City Council for a vacation of 112.64 square feet of the platted Sampson Avenue adjacent to 115 Sampson Avenue; and

WHEREAS, on June 8, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on June 8, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 8, 2022, courtesy notice was mailed to property owners within 300 feet 115 Sampson Avenue; and

WHEREAS, the requirements of State Code 10-9a-609.5 Vacating a Street, Right-of-Way, or Easement were followed; and

WHEREAS, the guidelines provided in Resolution 08-98 were followed in analyzing the request for vacation; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the proposal and held a public hearing; and

WHEREAS, on June 22, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 21, 2022, the City Council reviewed the proposal and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.1 and 15-7.

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

SECTION 1. APPROVAL. The 115 Sampson Avenue Subdivision Plat Amendment at

115 Sampson Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 115 Sampson Avenue.
2. The property is listed with Summit County as Parcel number 115-SAM-1.
3. The existing historic Structure is listed as "Significant" on the Historic Sites Inventory.
4. On March 3, 2022, the Applicant petitioned Park City to vacate a portion of the Sampson Avenue Right-of-Way.
5. On March 4, 2022, the Applicant submitted a complete Plat Amendment application.
6. The proposed Plat Amendment memorializes the petition to vacate a 112.64 square feet portion of the Sampson Avenue Right-of-Way and the dedication of 112.64 square feet to the City.
7. No easement is vacated or amended as a result of the plat amendment.
8. The property is in the Historic Residential – Low Density (HRL) Zoning District.
9. The LMC regulates Lot and Site Requirements per LMC § 15-2.1-3.
10. A Single-Family Dwelling is an allowed Use in the HRL Zoning District and requires a minimum lot size of 3,750 square feet. The Lot size is 7,167 square feet.
11. The minimum Lot width in the HRL Zoning District is 35 feet. The proposed Lot complies with this requirement.
12. The required Front Setback for Lot depths of 100 feet or greater is ten feet (15'). The proposed Lot complies with this requirement.
13. The required Rear Setback is ten feet (15'). The proposed Lot complies with this requirement.
14. The required Side Setback is five feet (5'). The proposed Lot complies with this requirement.
15. The Maximum Building Footprint in the HRL Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for this Lot is 2,482 square feet.
16. The analysis section of the staff report is included herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.1 Historic Residential-Low Density (HRL) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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.
4. The Vacation of Right-of-Way is consistent with Resolution 8-98, Resolution Adopting a Policy Statement Regarding the Vacation of Public Right-of-Ways within Park City, Utah and Utah State Code 10-9a-609, Petition to vacate a public street.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, 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 plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. The final Plat shall include the maximum Building Footprint of 2,482 square feet as a Plat note.
5. Future development of this Lot shall comply with the required setbacks.
6. Future development of this Lot shall comply with Land Management Code Building Height Requirements.
7. The Applicant shall obtain Historic District Design Review approval prior to developing the site.
8. The Applicant shall obtain a Steep Slope Conditional Use Permit from the Planning Commission prior to developing the site.
9. A non-exclusive ten foot (10') public snow storage easement on Sampson Avenue shall be dedicated on the plat.
10. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

SECTION 2. VACATION APPROVAL. The vacation is approved as shown on Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

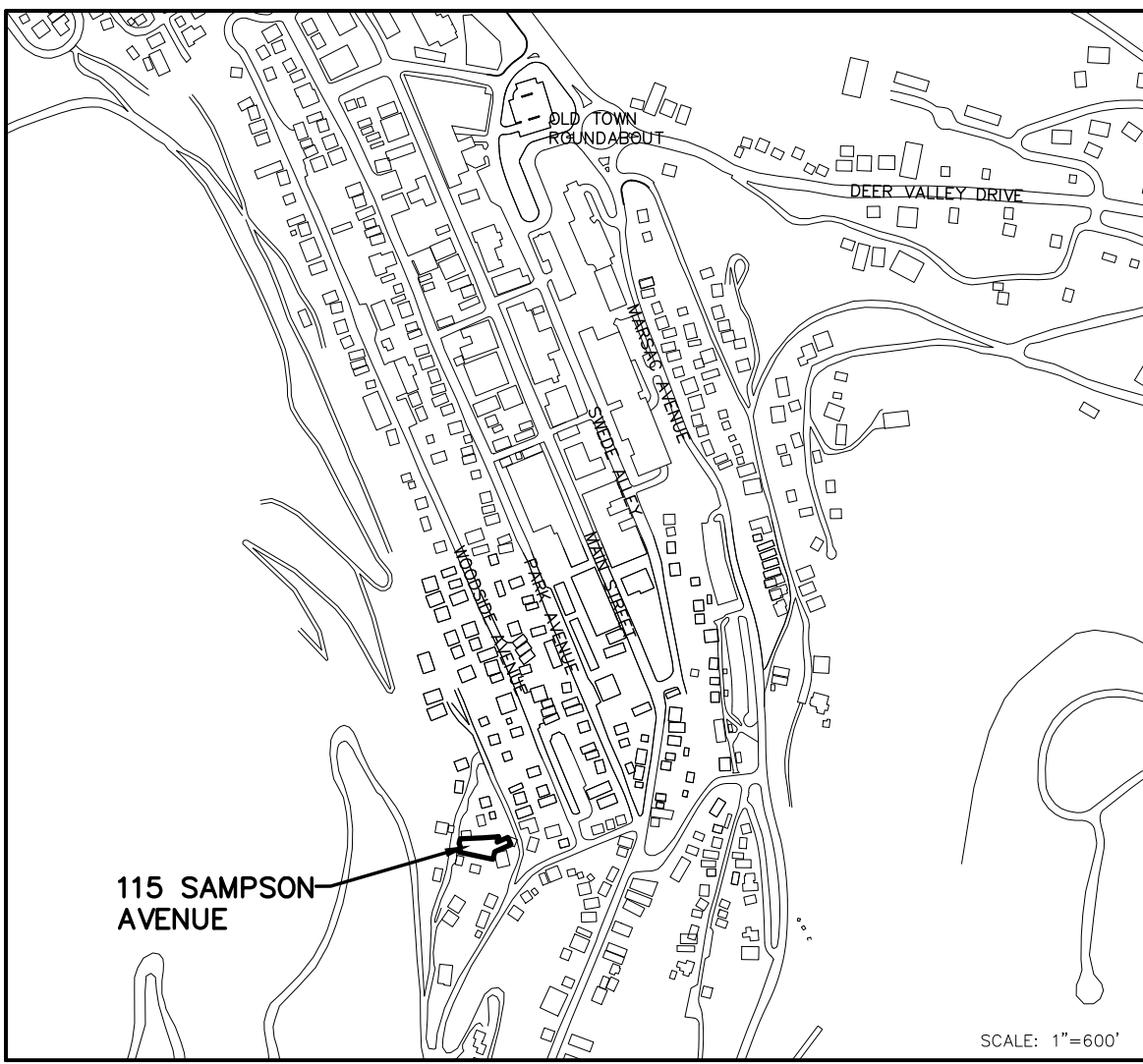
City Recorder

APPROVED AS TO FORM:

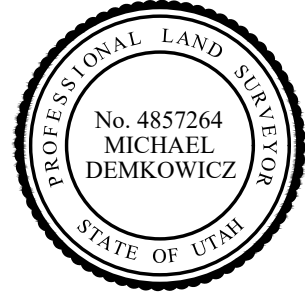
City Attorney's Office

Attachment 1 – Proposed Plat and Survey of Right-of-Way Vacation

DRAFT



VICINITY MAP



SURVEYOR'S CERTIFICATE

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 land shown on this plat and described hereon, hereafter to be known as 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

LOT 1, 115 SAMPSON AVENUE SUBDIVISION, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described parcel of land, and hereby causes the same to be amended, together with easements as set forth to be hereafter known as 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

Mountain Town Lands, LLC, a Utah limited liability company

By: Christopher J. Goff, Manager

ACKNOWLEDGMENT

STATE OF UTAH)

: ss.

COUNTY OF SUMMIT)

On this _____ day of _____, 2022, Christopher J. Goff 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 the Manager of Mountain Town Lands, 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 Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED.

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 2022-_____.
- 115 Sampson Avenue may require a privately owned and operated wastewater ejector pump for wastewater service.
- See recorded survey S-6749 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 49043C0938D, and has an effective date of March 23, 2021.

SAMPSON AVENUE
RIGHT-OF-WAY
DEDICATION PARCEL
=112.64 SQ FT

SAMPSON AVENUE
(A PUBLIC RIGHT-OF-WAY)

ENCROACHMENT PERMIT
RECORDED: FEBRUARY 2, 2015
ENTRY NO.: 1013521
BOOK 2277, PAGE 1554

FOUND & ACCEPTED:
5/8" REBAR W/CAP
ALLIANCE ENGR 163931

FOUND 5/4" REBAR
NO CAP
S 21°56'27" E 1.13'

LOT A

115 SAMPSON AVENUE
CONTAINS 7,617.38 SQ FT
(0.17 ACRES)

121 SAMPSON SUBDIVISION

FOUND & ACCEPTED
1/2" REBAR-NO CAP

FOUND & ACCEPTED
5/8" REBAR W/CAP
ALLIANCE ENGR 163931

FOUND & ACCEPTED:
5/8" REBAR-NO CAP

FOUND & ACCEPTED
5/8" REBAR W/CAP
AE 6164

FOUND & ACCEPTED
5/8" REBAR-NO CAP
S 66°34'00" W 25.00'

SET 5/8" REBAR W/CAP
ALLIANCE ENGR 163931
FOUND 5/8" REBAR-NO CAP
S 25°18'59" E 1.01'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 80°02'00" E	11.00'
L2	N 23°38'00" W	10.52'
L3	N 13°21'32" E	15.48'
L4	S 13°33'20" W	17.29'

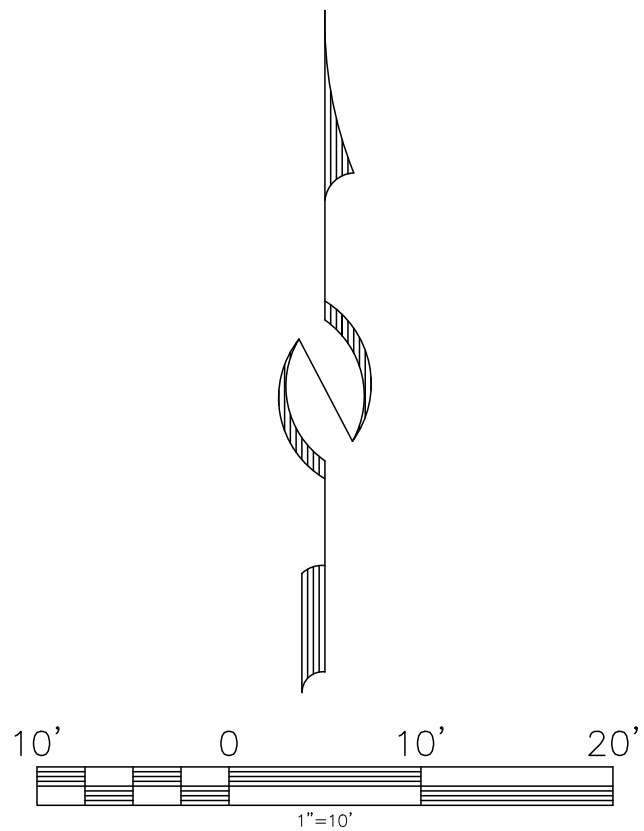
HEWTEX PLAT AMENDMENT

DONNELLY SUBDIVISION

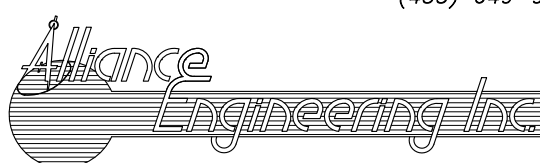
115 NORFOLK AVENUE

115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED

LOCATED IN BLOCK 78, PARK CITY SURVEY
AND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



THIS PLAT SUPERSEDES 115 SAMPSON AVENUE SUBDIVISION, RECORDED FEBRUARY 26, 2015, AS ENTRY NO. 1013528.



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

SHEET 1 OF 1

3/3/22 JOB NO.: 2-2-22 FILE: X:\ParkCitySurvey\dwg\sr\plot2022\020222.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

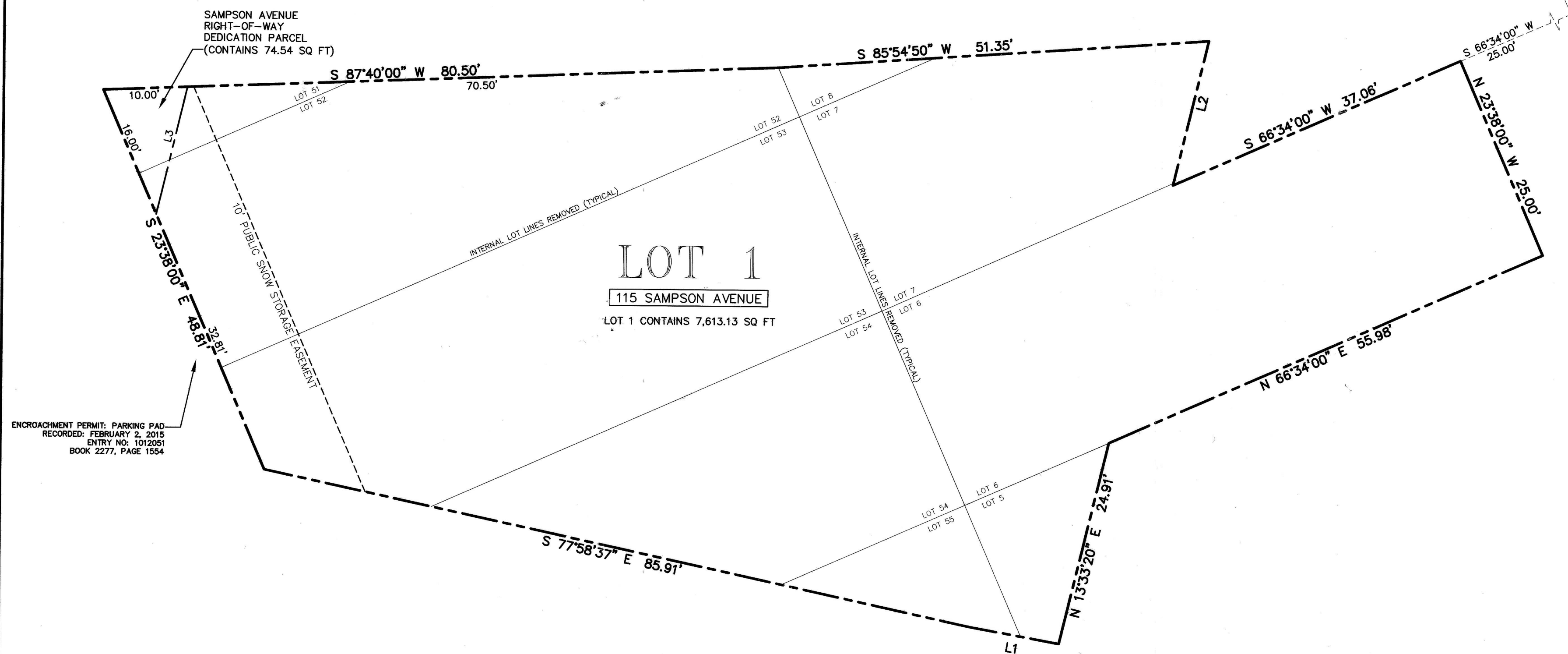
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022
BY _____ PARK CITY RECORDER

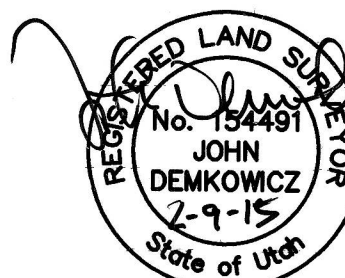
PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY OF _____, 2022
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____



FOUND SURVEY MONUMENT
PI PARK AVENUE/2ND STREET

BASIS OF BEARING - C/L 2ND STREET
N 66°34'00" E 198.49' PLAT (198.58' MEAS)



SURVEYOR'S CERTIFICATE

I, John Demkowicz, 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 by authority of the owner, I have prepared this Record of Survey map of 115 SAMPSON AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

ALL OF LOT 6 AND PART OF LOTS 5, 7, 8, 51, 52, 53, 54 AND 55, ALL IN BLOCK 78 OF THE MILLSITE RESERVATION TO PARK CITY, Summit County, Utah, being more particularly described as follows:

Beginning at a point which is distant North 86°02'50" West 30.02 feet from the easternmost corner of said Lot 7; thence South 85°54'50" West 51.35 feet to a point on the common lot line of said Lots 8 and 52; thence South 87°40'00" West 80.50 feet to a point on the southwesterly line of said Lot 51; thence South 23°38'00" East along the southwesterly line of said Lots 51, 52, and 53 a distance of 48.81 feet; thence South 77°58'37" East 85.91 feet; thence South 80°02'00" East 11.00 feet; thence North 13°33'20" East 24.91 feet to a point on the southeasterly line of said Lot 6; thence North 66°34'00" East 55.98 feet to the easternmost corner of said Lot 6; thence North 23°38'00" West 25.00 feet to the northernmost corner of said Lot 6; thence South 66°34'00" West along the northwesterly line of said Lot 6 a distance of 37.06 feet; thence North 13°33'20" East 17.29 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Silver Potato, LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as 115 SAMPSON AVENUE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

ALSO, the owner hereby irrevocably offers for dedication to the City of Park City all the streets and land for local government uses shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 10th day of February, 2015.

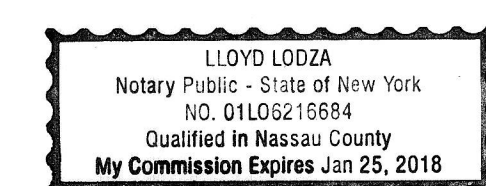
Joseph Sponholz, Manager
Silver Potato, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of NY
County of NY

On this 10th day of February, 2015, Joseph Sponholz personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Joseph Sponholz acknowledged to me that he is the manager of Silver Potato, LLC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

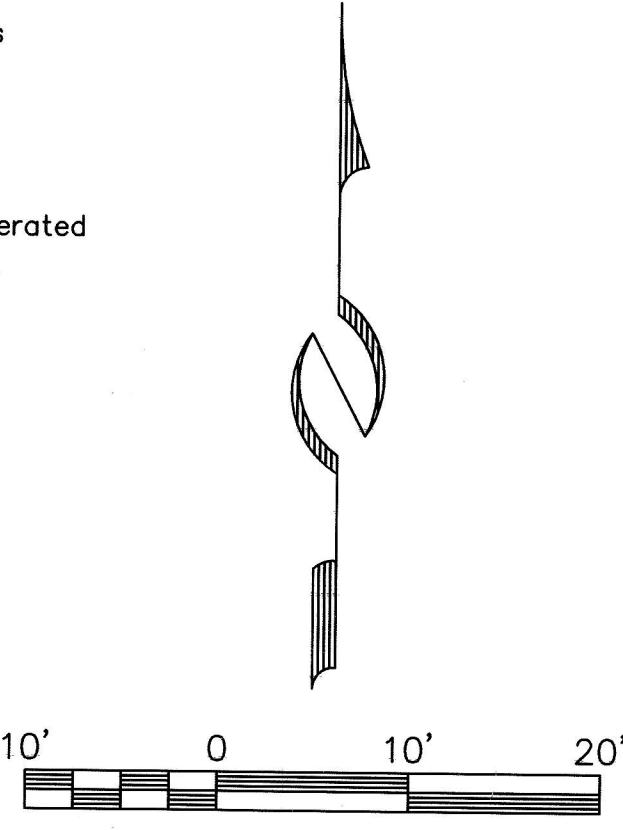
Lloyd Lodza
Notary Public
Printed Name LLOYD LODZA
Residing in: NY



My commission expires: 01/25/2018

NOTES

- All new construction will require modified 13-D sprinklers as required by the Building Department.
- This subdivision is subject to the conditions of approval in Ordinance 14-07.
- 115 Sampson Avenue may require a privately owned and operated wastewater ejector pump for wastewater service.
- Property survey S-6749 (Summit County Recorder)



A PARCEL COMBINATION PLAT A COMBINATION OF ALL OF LOT 6 AND PORTIONS OF LOTS 5, 7, 8 AND 51-55 OF BLOCK 78, PARK CITY SURVEY 115 SAMPSON AVENUE SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 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 <u>11-14</u> DAY OF <u>February</u> , 2015 BY <u>B.D. D.</u> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th DAY OF FEBRUARY, 2014 BY <u>Chair</u> CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>24th</u> DAY OF <u>February</u> , 2015 BY <u>Park City Engineer</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>24th</u> DAY OF <u>February</u> , 2015 BY <u>Park City Attorney</u> PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 6th DAY OF MARCH, 2014 BY <u>Jack Thomas</u> MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>24</u> DAY OF <u>February</u> , 2015 BY <u>Recorder</u> PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Silver Potato, LLC</u> DATE <u>2/26/2015</u> TIME <u>2:32 pm</u> ENTRY NO. <u>1013528</u> FEE <u>\$31.00</u> C. Willoughby - deputy RECORDER
--	--	---	--	--	--	--	---

Christopher James Goff

3125 Creek Road
Park City, UT 84098
Phone: 713-293-2682

Park City Municipal Corporation

445 Marsac Avenue
Park City, UT 84060

March 3, 2022

Re: Right of Way Vacation Petition (115 Sampson Avenue)

As the property owner, I would like to submit a petition for vacation for a portion of the public right of way within the jurisdictional boundary of Park City.

I am seeking to vacate a portion of the property between the current 115 Sampson Avenue property line and its access street, Sampson Avenue, in effort to line the property with the street. In exchange for this vacation, I intend to dedicate an equal portion of the property to the city. Both the vacation and the dedication properties are between the street and the property line for 115 Sampson Avenue. This neutral property swap would improve the egress and ingress of the property.

The attached exhibit (Exhibit A) shows the vacation area.

I am pleased to have the opportunity to work with the city through this vacation petition and welcome the opportunity to go before the city in a working meeting to discuss any of the details.

If you have any questions or concerns, please feel free to reach out to me.

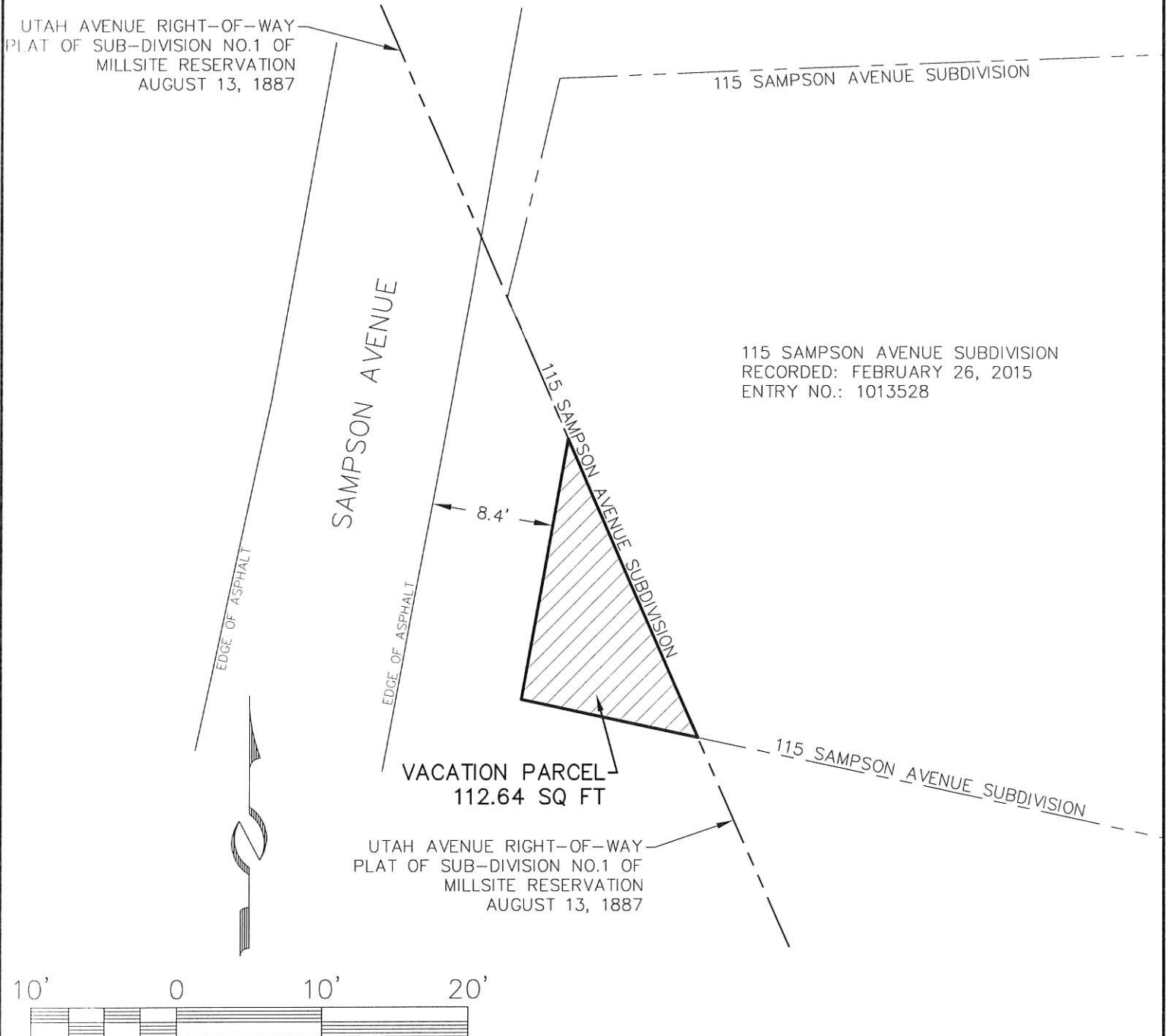
Respectfully,



Christopher James Goff
Manager
Mountain Town Lands, LLC

EXHIBIT A

115 SAMPSON AVENUE BLOCK 78, PARK CITY SURVEY PETITION FOR RIGHT-OF-WAY VACATION



LEGAL DESCRIPTION

115 SAMPSON AVENUE RIGHT-OF-WAY VACATION

March 3, 2022

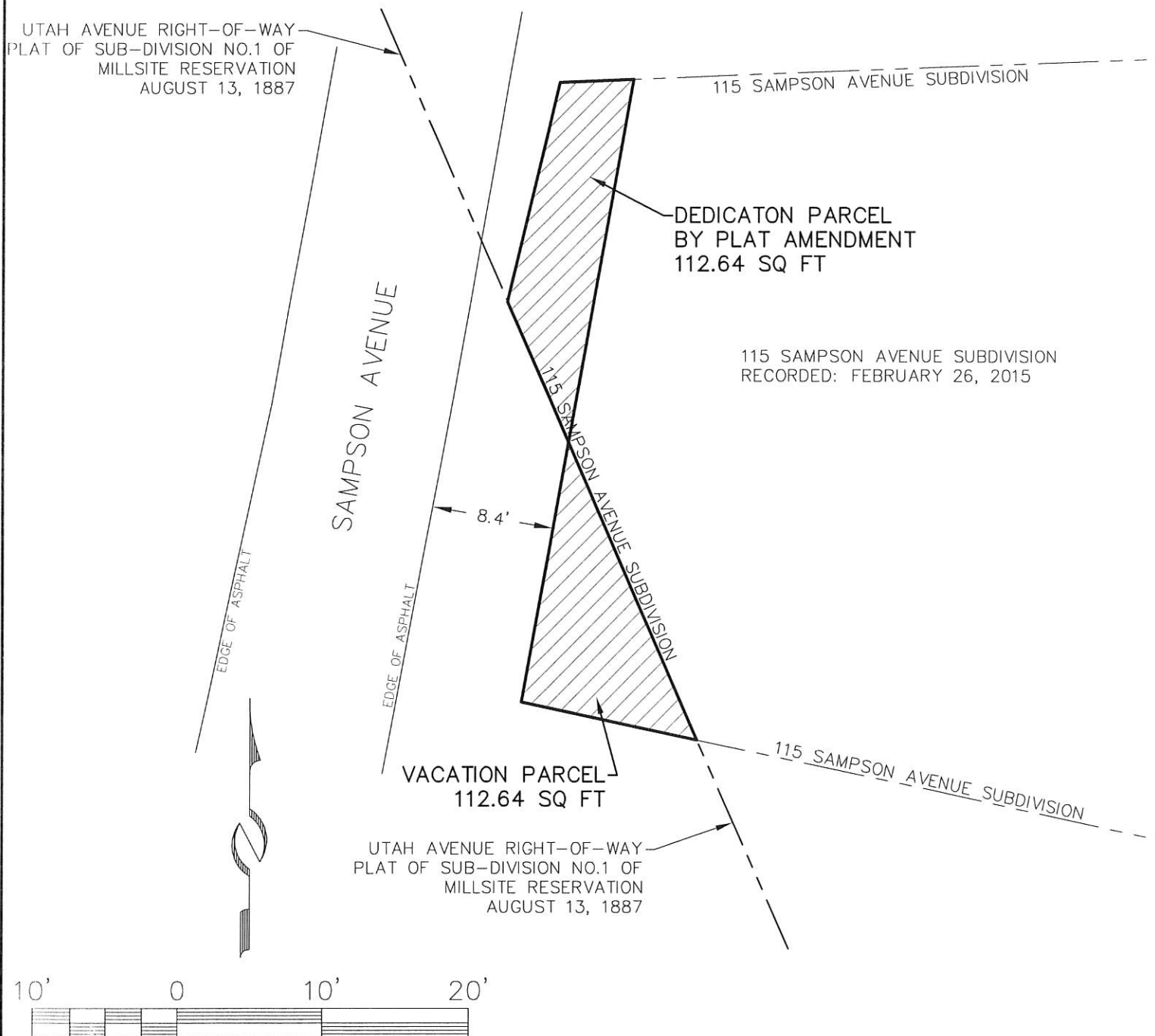
A parcel located in the southeast quarter of the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is North 80°02'00" West 11.00 feet and North 77°58'37" West 85.91 feet from the southernmost corner of Lot 1, 115 Sampson Avenue Subdivision, recorded February 26, 2015, as Entry No. 1013528 in the Office of the Recorder, Summit County, Utah, said point also being South 32°23'22" West 452.21 feet from a street monument at the intersection of Woodside Avenue and Second Street, Park City Survey and said point also being on the easterly right-of-way of Utah Avenue, Plat of Sub-division No.1 of Mill-site Reservation, Park City, filed August 13, 1887, in the Office of the Recorder, Summit County, Utah; and running thence North 77°58'37" West 12.44 feet; thence North 10°15'33" East 18.12 feet to the easterly right-of-way of said Utah Avenue and also being the west boundary of Block 78, Plat of Sub-division No.1 of Mill-site Reservation; thence coincident with the easterly right-of-way of Utah Avenue and the westerly boundary of Block 78 South 23°38'00" East 22.29 feet to the point of beginning.

Description contains 112.64 square feet.

X:\ParkCitySurvey\Docs\Desc\190-115 sampson vacation.docx

115 SAMPSON AVENUE
BLOCK 78, PARK CITY SURVEY
PETITION FOR RIGHT-OF-WAY VACATION



115 SAMPSON AVENUE
BLOCK 78, PARK CITY SURVEY
PETITION FOR RIGHT-OF-WAY VACATION
AND
DEDICATION BY PLAT AMENDMENT



JOB NO.: 2-2-22

3/2/22 FILE: X:\ParkCitySurvey\dwg\ParcelExhibits\190-115 sampson vacation.dwg

115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED
AMENDED PLAT OF PARK CITY, BLOCK 78

March 3, 2022

PROJECT INTENT

The property at 115 Sampson Avenue was recorded as a single lot on February 26, 2015, as Entry No. 1013528 in the Office of the Recorder, Summit County, Utah in a plat known as 115 Sampson Avenue Subdivision.

This plat application, along with a petition to vacate a portion of Utah Avenue, is proposing to make a land swap equal in area (Park City to vacate 112.64 square feet and the applicant to dedicate 112.64 square feet) between the owner and Park City Municipal Corporation for the purpose of creating a property boundary/right-of-way that is parallel with the existing asphalt of Sampson Avenue.

The property that is being proposed to be vacated by Park City is part of the historic Utah Avenue as shown on the Plat of Sub-division No. 1 of Mill-site Reservation dated August 13, 1887, and is on a slope off of the east edge of the existing asphalt of Sampson Avenue. The portion of land that the applicant is proposing to dedicate to Park City is within Block 78 and provides approximately 8.4 to 8.5 feet of additional public right-of-way off of the easterly edge of the existing asphalt.

The applicant also requests that the plat amendment be approved in accordance with the current Land Management Code in the HRL (Historic Residential-Low Density) District regarding the front, rear and side yard setbacks.

An encroachment permit recorded February 2, 2015, as Entry No. 1012051 affects this property along Sampson Avenue and is for a parking pad. The applicant is also requesting that this encroachment permit be terminated along with the vacation of a portion of Utah Avenue since the proposed vacation and dedication would cause this permit to be irrelevant.

A proposal will be presented in the near future to renovate the existing residence (which is currently in a state of disrepair) and construct an addition onto the rear of the renovated residence.



115 Sampson Ave - front - looking southeasterly



115 Sampson Ave - front - looking easterly



115 Sampson Ave - front - looking northeasterly



115 Sampson Ave - rear - looking southwesterly



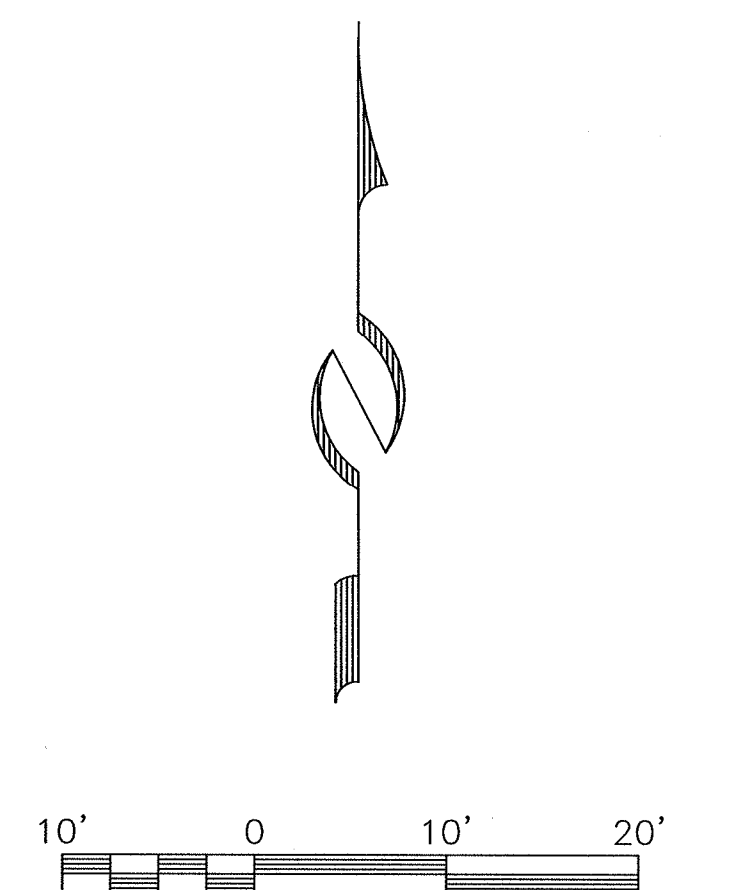
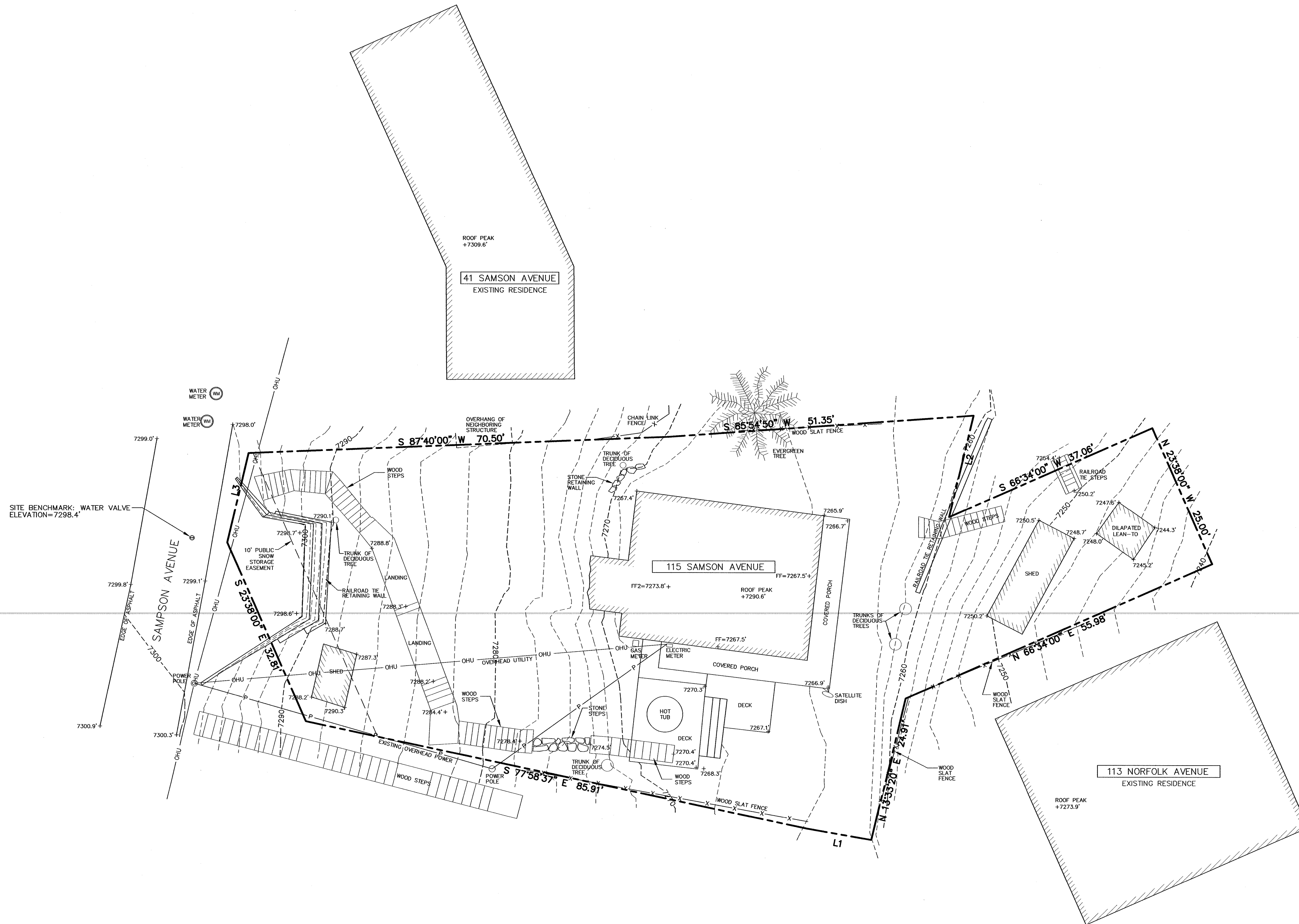
SURVEYOR'S CERTIFICATE

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 under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plot is a correct representation of said survey.

NOTES

1. Site Benchmark: Water valve in Sampson Avenue
Elevation=7298.4'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on July 24, 1998, and updated on July 28, 2006, November 16, 2007, and March 4, 2022.
4. See recorded survey S-6749.

LINE	BEARING	DISTANCE
L1	S 80°02'00" E	11.00'
L2	N 13°33'20" E	17.29'
L3	S 13°20'43" W	15.45'



City Council Staff Report



PLANNING DEPARTMENT

Application #: PL-13-02035
Subject: 115 Sampson Avenue Plat
Amendment
Author: Anya Grahn, Historic Preservation Planner
Date: March 6, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 115 Sampson Avenue plat amendment located at the same address, and consider approving the proposed plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Silver Potato LLC (Nancy Bronstein), represented by Steve Schueler, Alliance Engineering, Inc.
Location: 115 Sampson Avenue
Zoning: Historic Residential—Low Density (HRL) District
Adjacent Land Uses: Single-family residential, vacation rentals
Reason for Review: Plat approval requires City Council review and approval

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure. There are also two (2) accessory sheds, that were not identified on the Historic Sites Inventory (HSI) as historic, on Lot 6; a third non-historic shed is located on Lot 53. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.

Purpose

The purpose of the Historic Residential-Low Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,
- (F) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods,

- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Background

Future Site Improvements

The 115 Sampson Avenue property is listed on the Historic Sites Inventory (HSI) as a Significant site which includes a small Mining era home constructed in 1904. The historic home straddles the lot line between Lots 6, 7, 53, and 54. There are also two (2) accessory sheds, that were not identified on the HSI as historic, on Lot 6; a third non-historic shed is located on Lot 53.

Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time, the mothballing of the house was permitted. Despite securing entrances to the building through the mothballing process, the severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.

A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. At that time, the applicants expressed an interest in reconstructing the building and adding a small addition. No Historic District Design Review (HDDR) application has been submitted at this time.

The historic structure is in significant disrepair and would likely qualify for panelization or reconstruction. (This determination must be made by the Planning Director and Chief Building official during the HDDR process.) The site may be cleared following the approval of an HDDR, recording of a preservation plan, and securing a financial guarantee for the repair or reconstruction of the historic structure, which satisfies the Notice and Order.

Once a financial guarantee has been secured, an HDDR approved, and the Preservation Plan has been recorded with Summit County, the applicant may clear the site. At this time, the Notice and Order is still active.

Plat Amendment

The plat application was submitted to the Planning Department on August 15, 2013. The application was deemed complete on August 28, 2013. The Planning Director made a determination as to the allowed setbacks due to the unusual lot configuration on September 16, 2013. This has reduced the overall building pad of the site to approximately 3,330 square feet.

On October 9, 2013, the Planning Commission reviewed the plat amendment for this site. During that meeting, it was found that staff had erred in the report, stating that the

site was in the Historic Residential (HR-1) District, rather than the Historic Residential-Low Density (HRL) District. The Planning Commission raised concerns about additional parking being located on Sampson Avenue, which would further burden the street. The City Engineer will consider the Planning Commission's input in considering parking for the site. The Commission had also raised concerns about the necessary height for a new rear addition in order for the structure to reach street-level. Any addition to the historic structure will require a Steep Slope Conditional Use Permit (CUP) and a Historic District Design Review (HDDR).

The Planning Commission held a Public Hearing and voted unanimously (5-0) to forward a positive recommendation of the 115 Sampson Avenue Plat Amendment on February 12, 2014. Public comment was provided at this meeting in regards to the parking conditions on Sampson Avenue.

Analysis

The house currently straddles the lot line between Lots 6, 7, 53, and 54 of the Park City Survey. Two (2) non-historic sheds are located within Lot 6, and a third (3rd) non-historic shed is located on Lot 53. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which are subject to Planning Department review.

Per LMC 15-7.1-5(B)(2) the applicant is required to include all holdings, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," with an indication of the portion which is proposed to be subdivided. LMC 15-7.1-5(B)(2) states the subdivision application shall "Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. . . ." Silver Potato, LLC owns contiguous parcels at 125 Norfolk Avenue and 115 Sampson Avenue. 125 Norfolk Avenue was purchased on August 8, 2005. The property at 115 Sampson Avenue was purchased on January 29, 2010.

The applicant is only interested in creating a one (1)-lot subdivision at 115 Sampson Avenue. The parcel at 125 Norfolk Avenue is currently a metes and bounds parcel, and has already been developed. They do not wish to subdivide the parcel at 125 Norfolk Avenue at this time and are not proposing any changes to that site. They understand that any changes in the future that require a building permit will require a plat amendment.

The Planning Department supports the applicant pursuing the one (1) lot subdivision at 115 Sampson Avenue and not addressing the parcel at 125 Norfolk Avenue at this time. The Planning Director issued a waiver to this requirement on January 15, 2014 (Exhibit H). The site at 125 Norfolk Avenue was previously developed, and the applicant does

not intend to make any changes to that property. Moreover, the Planning Department finds that if the site were to be redeveloped in the future, smaller, more compatible infill would be more in keeping with the historic district than combining all of the parcels into one large lot. Future development will require a plat amendment application for this adjacent property. As previously noted, any changes to the existing development would require the applicant to submit a plat amendment application for 125 Norfolk Avenue. Furthermore, the one (1) lot subdivision at 115 Sampson Avenue is necessary in order to prevent greater safety hazards due to the declining condition of the historic structure. The Planning Department and Planning Commission agreed to waive the applicants' requirement to subdivide the contiguous holdings at 115 Sampson and 125 Norfolk Avenue.



Prior to recording the plat amendment, the applicant will also be required to resolve any encroachments that currently exist on the site. At this time, a railroad tie retaining wall along Sampson Avenue encroaches approximately twelve feet (12') southwest of the west property line. A second railroad tie retaining wall runs northeast along the east property line and approximately seventeen feet (17') into the neighboring property to the

north. There is also a wood slat fence that sits on and over the south property line. In the northeast corner of the site, railroad tie steps lead into the neighboring property to the north as well.

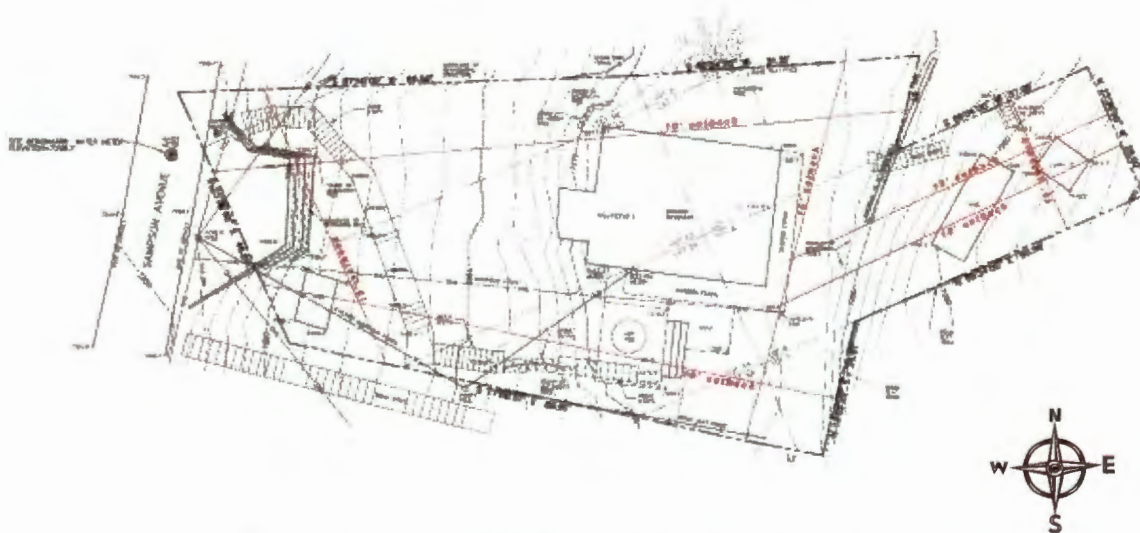
Per LMC 15-2.1-3(A) In the case of unusual lot configurations, such as this, Lot width measurements shall be determined by the Planning Director. As previously noted, the setbacks determined by the Planning Director have reduced the overall building pad of the site to approximately 3,330 square feet. The following table shows the setbacks set by the Planning Director in his Determination Letter dated September 16, 2013 (Exhibit E).

	HRL Zone Designations	Planning Director Determination	Existing Conditions
Lot Size	Minimum Lot Area of 3,750 SF	N/A	7,657 SF, <i>complies</i> (includes reduction due to street dedication)
Maximum Building Footprint	2,496.28 SF	N/A	1,055.7 SF total = House (831.7) and 3 Sheds (53.36+48.1+122.61)
Maximum Height	27 feet from Existing Grade	N/A	approx. 24 feet from Existing Grade, <i>complies</i>
North Side yard Setback	10 ft	10 ft	8'9" (House), <i>valid non-complying</i> (historic)
South Side yard Setback (Sheds)	10 ft 3 ft for accessory structures not more than 18 ft. in height, located minimum of 5 ft. behind front façade of main building	10 ft	27'6" (House); <i>complies</i> ; 3'9" (Shed), <i>complies</i> ; 2'6" (Shed) <i>does not comply</i> (setback requirement); 6' (Shed) <i>does not comply</i> (not located behind front façade);
Front Yard Setback	15 ft	15 ft	57' (House), <i>complies</i> ; 2'6" (Shed) <i>does not comply</i>
Rear Yard Setback (Sheds)	15 ft 1 ft for accessory structures not more than 18 ft in	15 ft	17'6" (House), <i>complies</i> ; 6'3" (Shed) <i>does not comply</i> (not located behind front façade)

	height, located a minimum of 5 ft. behind front façade of main building		
--	---	--	--

Per LMC 15-2.1-4, historic structures that do not comply with Building Setbacks, Off-street parking, and driveway location standards are valid Complying Structures. Any new additions, however, will have to comply with Building Setbacks, building footprint, driveway location standards, and building height.

Because of the unusual lot configuration, the image below shows the setbacks determined by the Planning Director for clarification:



(See Exhibit E – Planning Director Determination Letter)

Given the setbacks determined by the Planning Director, the overall building pad of the site will be approximately 3,330 square feet. Based on the building footprint formula, the allowable footprint is 2,490 square feet for a lot of this area. With the 831.7 square feet footprint of the house, the lot could accommodate an addition of 1,658.3 square feet footprint if the sheds were removed. If the sheds were not removed, an addition of 1,434.23 square feet could be constructed.

An addition would be permissible to be added to the west of the historic structure. Staff finds that traditionally the house faced town and so the east elevation is the façade or front of the building. The orientation of the structure was likely due to the need for day lighting prior to electricity as well as the slope of the property. Any new addition made to

the rear (west elevation) of the structure would have to be added with a transition element, or connector, in order to differentiate the new from the old.

Though the size of the site would permit a sizeable addition, the placement of the historic structure on the site makes such an addition difficult due to the setback requirements. The location of the historic structure could be relocated if the Planning Director and Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing site. At this time, no determination has been made to relocate and/or re-orientate the historic structure, nor would such a determination be made to exclusively accommodate new development. Even if the structure were to be panelized or temporarily relocated intact in order to construct a new foundation, the house would be required to be reconstructed in its original location.

The height of any new construction cannot exceed (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The lowest point of terrain in which the house is built sits at 7266.7 feet, whereas the highest elevation in which an addition could be located is at 7298.7 feet. The difference in the topography is thirty-two feet (32'). Any new construction would be required to step down the hill. Moreover, the Planning Commission will have to approve a Steep Slope Conditional Use Permit (CUP) prior to the start of any construction on the hillside, should the construction exceed 1,000 square feet.

Any addition to the historic structure will need to be approved through a Historic District Design Review (HDDR) to ensure that it complies with the 2009 Design Guidelines for Historic Sites and Structures. The addition will need to be visually subordinate to the historic building as well as be visually separated from the historic building with a transitional element. Aside from an HDDR and Building Permit, if the applicant wishes to add an addition to the house greater than 1,000 square feet, they will be required to submit a Steep Slope CUP due to the steepness of the existing grade. New construction shall meet the Site and Lot requirements of the Land Management Code in effect at the time the Steep Slope CUP and/or HDDR applications are (were) submitted.

The chart outlines the approximate square footage of nearby properties and their structures, per Summit County records, along Sampson Avenue and within the HRL District:

Address	Designation	Size of Lot	Allowed SF of Structures (footprint or total square feet)	SF of existing structure
16 Sampson	Significant	6,100.7 SF	2,460 max footprint per plat notes	Not yet reconstructed
30 Sampson	Non-historic	7,089 SF	3,000 SF max. total house size per plat notes	Not yet constructed
40 Sampson	Significant	11,444 SF	3,500 SF max. total house size per plat notes	1,746 SF

41 Sampson	Landmark	4,605.1 SF	1,778 SF footprint per formula	Under construction. (Footprint to be 1,777 SF)
60 Sampson	Significant	6,534 SF	2,263 SF footprint per formula	1,163 SF
50 Sampson	Non-historic	6,966 SF	3,000 SF total house size per plat notes	2,790 SF
80 Sampson/ 80 King	Non-historic	3,750 SF	1,519 SF footprint per formula	2,951 SF
99 Sampson	Non-historic	4,356 SF	1,705 SF footprint per formula	2,002 SF
115 Sampson*	Significant	7,657 SF	2,490 SF footprint per formula	1,056 SF
121 Sampson	Non-historic	6,477 SF	2,244 SF footprint per formula	927 SF
131 Sampson	Non-historic	6,060 SF	2,156 SF footprint per formula	1,359 SF
133 Sampson	Non-historic	3,920 SF	1,573 SF footprint per formula	1,729 SF
135 Sampson	Non-historic	5,663 SF	2,060 SF footprint per formula	2,424 SF
139 Sampson	Non-historic	5,663 SF	2,060 SF footprint per formula	Not yet constructed
145 Sampson	Non-historic	3,750 SF	1,519 SF footprint per formula	Not yet constructed

**The lot size has been reduced to subtract the portion of the lot included in the street dedication.*

Lot sizes on Sampson Avenue vary from the largest 11,444 square feet at 40 Sampson to the smallest 3,750 square foot lots at 133 and 145 Sampson Avenue. 115 Sampson Avenue would be the second largest lot along Sampson Avenue. 40 Sampson is limited to a house size of 3,500 square feet based on the plat notes approved as part of the Mill-Site Reservation Supplemental Amended Plat. Per the footprint formula, 115 Sampson Avenue would be permitted to have a footprint of 2,490 square feet, the largest along Sampson Avenue. The second largest footprint would be 2,460 square feet at 16 Sampson. 16 Sampson is currently under construction as the reconstruction of the "Significant" historic structure has been approved. Other larger footprints include 121 Sampson Avenue, which would be permitted to have a footprint of 2,244 square feet. The second largest allowable footprint would be at 131 Sampson, which would be permitted to have a footprint of 2,156 square feet. The average lot size on Sampson Avenue is 6,002.3 square feet, and the average existing house size is 1,732 square feet.

Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. Based on the building footprint formula, the allowable footprint is

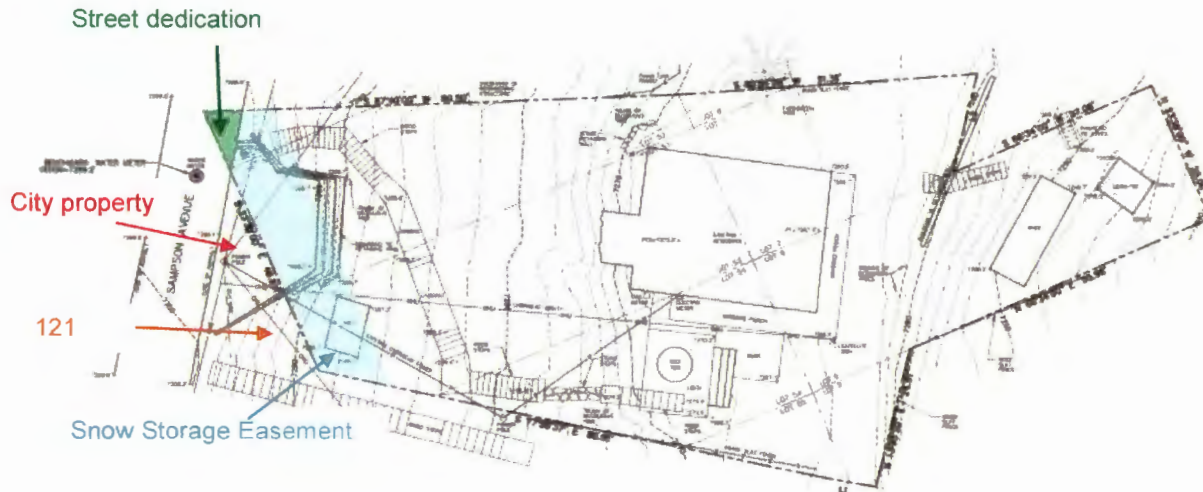
2,490 square feet for a lot of this area. With the 831.7 square feet footprint of the house, the lot could accommodate an addition of 1,658.3 square feet if the sheds were removed. If the sheds were not removed, an addition with a 1,440.58 square feet footprint could be constructed. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The placement of the historic structure on the lot already dictates the placement of an addition to the west of the existing structure. The Planning Director has also increased the setbacks of the site, limiting the buildable area further. Staff finds that it will be very difficult for the applicants to achieve a maximum footprint given the placement of the historic structure on the site and the Planning Director's increased setbacks, which has limited the building footprint to approximately 3,330 square feet. Furthermore, the Planning Commission will be reviewing any new development on the site as it will require a steep slope conditional use permit (CUP) and the addition must comply with the Historic Design Guidelines that limit the location of additions to historic houses, in more precise terms than the previous guidelines did.

The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The northeast corner of the property will be clipped by approximately eleven feet (11') for the street dedication. The total area for the street dedication located within the property boundaries of 115 Sampson Avenue will be approximately thirty-five (35) square feet. The portion that includes the street will be dedicated to the City during this plat amendment, and the street dedication shall be noted on the recorded plat. The portion of the street dedication was reduced from the overall lot size and was not included when calculating the allowed footprint. As noted in the plat map and in the following image, a portion of Sampson Avenue within Lot 52 is City property.

A ten foot (10') snow storage easement will also be required by the City Engineer. Though the property line gradually increases in its distance from Sampson Avenue from zero (0) to twenty-one feet (21') along the west property line, a ten foot (10') snow storage easement will be required along the entire west edge of the property.

The portion of the property to the west of 115 Sampson's west property line along Sampson Avenue is owned by the City, and is part of the Sampson Avenue right-of-way. The neighboring property, 121 Sampson Avenue, also owns a portion of the property between Sampson Avenue and the south property line.

The image below shows the street dedication, the location of the snow storage easement, as well as ownership:



Good Cause

Planning Staff believes there is good cause for the application. Combining the Lots will allow the property owner to move forward with site improvements, which include stabilizing and repairing or reconstructing the historic structure. The plat amendment is necessary in order for the applicants to utilize future plans, and if left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the historic structure straddling interior lot lines and abate the safety issue with the historic structure. The plat amendment will utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along Sampson Avenue, as well as a street dedication for the portion of Lots 51 and 52 that contain Sampson Avenue.

Furthermore, the plat amendment will resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with an addition or reconstruction until the plat amendment has been recorded. Approval of this plat amendment will further the purposes of the LMC regarding preservation of historic structures, development on combinations of lots to reduce density, provision of snow storage easements, and dedication of right-of way for public streets.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

Notice

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

Public Input

Public input was provided at the February 12, 2014, Planning Commission hearing and is reflected in the Planning Commission minutes (Exhibit I). Public input received after the Planning Commission hearing is attached as Exhibit J.

Alternatives

- The City Council may approve the 115 Sampson Avenue Subdivision as conditioned or amended; or
- The City Council may deny the 115 Sampson Avenue Subdivision and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 115 Sampson Avenue Subdivision; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and fragments of eight (8) existing lots would not be adjoined. Any additions to the historic house would not be permissible as they would encroach over interior property lines and the historic house would not be restored and could be demolished under the notice and order.

Recommendation

Staff recommends the City Council hold a public hearing for the 115 Sampson Avenue Subdivision, and consider approve the 115 Sampson Avenue Subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph
- Exhibit D – Existing Conditions Survey with setbacks
- Exhibit E – Planning Director Determination Letter

Exhibit F – Park City Plat Map
Exhibit G – Contiguous Lots Map
Exhibit H – Planning Director waiver letter
Exhibit I – Planning Commission Minutes, 2.12.14
Exhibit J – Public Input

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE 115 SAMPSON AVENUE SUBDIVISION LOCATED AT 115 SAMPSON AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 115 Sampson Avenue, has petitioned the City Council for approval of the plat amendment known as 115 Sampson Avenue Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 9, 2013, and February 12, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 12, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 6, 2014 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 115 Sampson Avenue Subdivision plat amendment.

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 115 Sampson Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 115 Sampson Avenue within the Historic Residential Low-Density (HRL) Zoning District.
2. The applicants are requesting to combine portions of eight (8) Old Town lots into one Parcel. Currently the property includes Old Town Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The amended plat will create one new 7,692 square foot lot.

5. The existing historic home is listed as "Significant" on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.
6. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure.
7. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time the mothballing of the house was permitted.
9. The severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.
10. A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. No Historic District Design Review (HDDR) application has yet been submitted.
11. The rear of the structure is the west elevation, facing Sampson Avenue. The façade faces east.
12. On September 16, 2013, the Planning Director made the determination to increase the required setbacks of the site to include a fifteen foot (15') front yard setback, ten foot (10') south side yard setback, fifteen foot (15') rear yard setback, and ten foot (10') north side yard setback.
13. On January 16, 2014, the Planning Director waived the requirement for the applicants' to subdivide the contiguous properties at 125 Norfolk Avenue and 115 Sampson Avenue.
14. The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The total area for the street dedication will be approximately thirty-five (35) square feet.
15. The maximum building footprint allowed is 2,490 per the HR-L LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is approximately 224 square feet. This would allow a maximum footprint addition of approximately 1,434 square feet. The portion of the street dedication was considered in determining the allowed footprint, and approximately thirty-five (35) square feet was reduced from the overall lot size.
16. Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The Planning Director has also increased the setbacks of the site, limiting the buildable area further.
17. Per LMC 15-2.1-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10') north side yard setback along the north property line as it is only eight feet nine inches (8'9") from the property line.

18. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
19. The property at 115 Sampson Avenue is contiguous with the property at 125 Norfolk Avenue. 125 Norfolk Avenue is located directly to northeast of the 115 Sampson Avenue site.
20. The applicant submitted an application for a plat amendment on August 15, 2013.
21. The Planning Commission reviewed the application for a one (1) lot subdivision on October 9, 2013.
22. Staff learned that Silver Potato LLC owned the contiguous property at 125 Norfolk Avenue on October 9, 2013.
23. Silver Potato LLC has directly expressed interest in not subdividing both lots at 115 Sampson Avenue at 125 Norfolk Avenue. The property at 125 Norfolk Avenue is already developed and the owner does not intend to redevelop this property at this time.
24. The parcel at 125 Norfolk Avenue is comprised of all of lots 8, 9, and 10; the south half of lot 11, and a portion of Lot 7 of Block 78 of the Millsite Reservation. There are existing structures on the 125 Norfolk Avenue metes and bounds parcel.
25. Silver Potato LLC purchased 125 Norfolk Avenue on August 8, 2005, and 115 Sampson Avenue on January 29, 2010.

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 subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment and historic preservation guarantee are recorded with the Summit County Recorder's office.
4. All new construction will require modified 13-D sprinklers as required by the Building Department.

5. One (1) 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Sampson Avenue.
6. The applicant shall dedicate the portion of Lots 51 and 52 that include Sampson Avenue to the City.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or addressed through an encroachment agreement.
8. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City. New on-site parking shall be provided out of the Sampson Avenue right-of-way.

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

PASSED AND ADOPTED this ____ day of March, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



Historic Preservation Board Staff Report

Planning Department

Author: Laura Newberry, Planning Technician
Anya Grahn, Historic Preservation Planner
Subject: Material Deconstruction and Reconstruction Review
Address: 115 Sampson Avenue
Project Number: PL-17-03580
Date: May 16, 2018
Type of Item: Administrative – Material Deconstruction and Reconstruction

Summary Recommendation:

Staff recommends the Historic Preservation Board review and discuss the application, conduct a public hearing, and approve the Disassembly/Reassembly (Panelization) and Material Deconstruction of non-historic and non-contributory materials of the Significant Historic house at 115 Sampson Avenue pursuant to the following findings of fact, conclusions of law, and conditions of approval.

Topic:

Address: 115 Sampson Avenue
Designation: Significant
Applicant: Silver Potato LLC (Joseph Sponholz and Nancy Bronstein),
represented by architect Jon Degray
Proposal: The applicant is proposing to disassemble/reassemble (panelize) the Historic house designated as “Significant” on the City’s Historic Sites Inventory. In addition, the applicant will be removing an existing non-historic parking pad along with its associated wood staircases and railroad tie retaining wall; non-historic stacked stone retaining walls and 1990s wood slat fences; post-1947 addition on the west elevation and an underground root cellar; rebuilding the historic pyramid roof and dormers; reconstructing the existing masonry chimney; raising the house 2 feet to pour a new foundation; reconstructing the historic ca.1900 wraparound porch on the east and south elevations; replacing two non-historic doors; and removing non-historic aluminum windows and restoring 11 window openings.

Background:

The exact date of construction of this Historic house is unknown. The Summit County Recorder’s Office lists the construction date as 1904 and the house first appears in a 1920s photograph of Old Town as a simple pyramid-roof cottage with a porch and no dormers. The pyramid house is one of the main three (3) house types built during the Historic Park City mining era.

The first recorded owner of the property is the Park City Townsite Corporation, and the site may have been used to house workers. It was first purchased by an individual, Frank Pintar, in 1937. He and his wife, Celia, and their son, Victor, lived in the house. Mr. Pintar and his son both worked as miners. The first mention of the property was in

the 1940 census; however, the census states that Mr. Pintar owned the house in 1935. The house was sold in 1942.

From 1907 through 1941, the Sanborn Fire Insurance Maps show that the house remained largely unchanged from the time of its construction. It was a one-and-a-half story, square pyramid-roof house with a small one story wood-frame addition off the rear (west elevation) and a wraparound porch on the south and east elevations. The first historic photo of the site is from c.1920 and shows a porch had been added to the house. No dormers were present at this time.

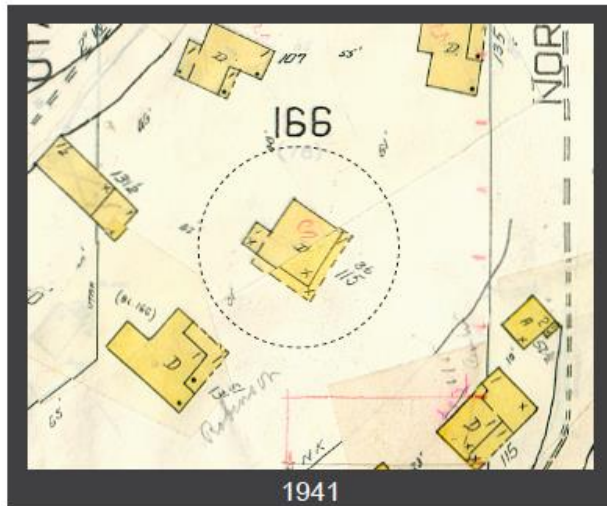
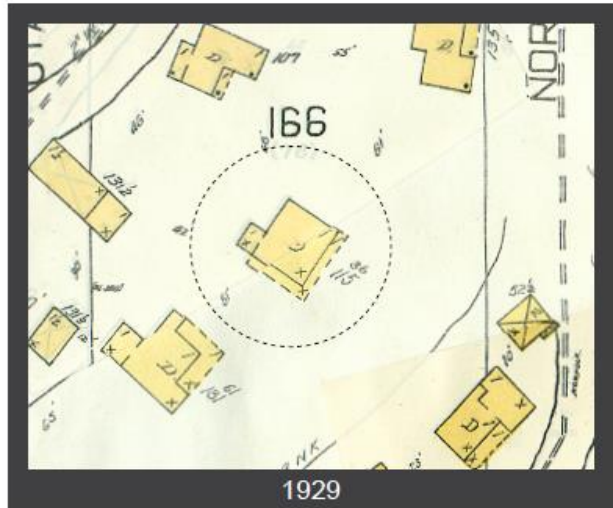
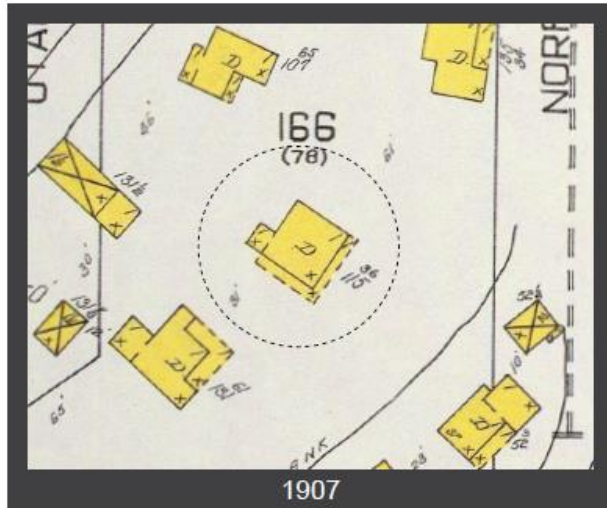




Photo courtesy of the Park City Museum

Since the 1941 Sanborn Fire Insurance map, there have been several additions including a rear lean-to addition along the west elevation. There is also an addition that extends off of the west elevation and is closed off from the interior of the house; this addition is constructed of railroad ties with stacked stone on the exterior. It may have been used as a root cellar at one time.

Many of the changes present on the house today are believed to have occurred between 1960 and 1980, based on their materials and designs. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows, flush wood doors, and trim. The windows on the east façade were modified and large, picture windows were installed. A vinyl faux-stone product was installed across the east façade and aluminum siding was used throughout. Additionally, skylights were cut into the porch roof on the south elevation. New dormers were also built after 1920, and staff believes based on their size, form, and construction that these may have been introduced in the 1970s when the house was extensively remodeled. These changes to the exterior materials and window-door configuration are significant enough to diminish the site's original character.

Additional changes were made to the site following 1982. The parking structure along Sampson Avenue, supported by packed gravel and a railroad tie retaining wall, was built in 1983 according to the Building Department's files. There is also a newer set of stairs that leads from the parking pad to the flat portion of the yard, just south of the historic house; a building permit shows these were constructed in 1995. There is also a

non-historic terraced wood patio to the south of the historic house that contains a contemporary (but vintage) hot tub.

The Historic Sites Inventory was adopted in 2009 and designated this house as Significant. It was determined to not be eligible for the National Register of Historic Places (NRHP) due to several material alterations that have changed the appearance of the historic house. Though the general form remains intact, the exterior cladding materials have been drastically altered. The window openings have been altered and the window have been replaced with aluminum frame side sliders and fixed transoms. The wrap-around shed roof porch is intact with simple square supports and decorative brackets; however, it is in poor condition and a portion of the porch roof was removed on the south elevation to install sky lights. The two gable dormers are located on opposite wall planes and have aluminum windows. The rear low-pitched gable dormer has a door rather than a window.

In February 2010, the current owner, Silver Potato LLC, purchased the property. On September 16, 2010, the Planning Department received a Historic Preservation Plan and Physical Conditions Report. On September 29, 2010, the owner met with Planning Staff for a pre-application conference. The owner was requesting to demolish the historic house. The owner was notified that a Certificate of Appropriateness for Demolition (CAD) would be required but the City recommended preserving, renovating, or reconstructing the house. They began considering redevelopment options for the site, including demolishing the historic house; however, they chose not to pursue a Certificate of Appropriateness for Demolition (CAD). On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house that required the owner to submit a HDDR application with either a Historic Preservation Plan or a plan to mothball and stabilize the historic house.

On November 4, 2011, the Planning Staff received a plan to mothball and stabilize the historic structure. The applicant stabilized the structure and mothballed it while they explored development opportunities. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.

On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house. At that time, the owner, Silver Potato LLC, was still in the process of completing a HDDR Application. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015. The current owners submitted a HDDR Pre-Application on April 9, 2013, to discuss opportunities to rehabilitate the historic house and construct a new addition.

The HDDR application currently under review is the most recent application. It was submitted on February 12, 2018, and the application was deemed complete February 22, 2018.

Analysis:

1. Disassembly/Reassembly (Panelization)

While the mothballing of the house in 2011 has slowed the rate of deterioration, this house is in poor condition due to the age and condition of the non-historic siding and roofing materials. The house has been uninhabited for decades, which has furthered the decline of the site and building overall. The site is also overgrown and is known for housing a family of raccoons. These animals have moved into the house by burrowing through the rotted floor structure. The Chief Building Official and Historic Preservation Planner have conducted several site visits to this site to determine the best preservation treatment. The applicant completed exploratory demolition in mid-April and provided a structural engineer's analysis that determined panelization was the best approach to preserving the historic house.

15-11-14 Disassembly And Reassembly Of A Historic Building Or Historic Structure

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

A. CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE

In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

1. A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; and

Complies. *Structural Engineer Henry Shen has completed an analysis of the building (Exhibit E). His report outlines the structural deficiencies of the roof and floor structures. Despite the temporary shoring of the exterior walls as part of the 2011 mothballing of the house, the exterior walls have no capacity for wind, seismic, or gravity loads. He believed 75% of the exterior walls have rotted and will need to be rebuilt. He found that lifting the house in whole would be improbable due to the extent of the deterioration.*

2. At least one of the following:
 - a. The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

- b. The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- c. The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:
 - 1. If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or
 - 2. If the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or
 - 3. All other alternatives have been shown to result in additional damage or loss of historic materials.

Complies. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and unsafe condition. The house was then mothballed in 2011 to temporarily shore-up the structure. Despite these efforts, the condition of the house has continued to decline. The Chief Building Official (CBO) and Planning Staff conducted site visits in April 2018, and the CBO concurs with the structural engineer's report that the deteriorated condition and structural instability of the house has prevented it from being lifted in whole. The panelization will salvage the north, south, and east walls of the historic house and ensure a greater amount of historic material than a total reconstruction.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

Complies. *The applicant intends to disassemble and preserve the north, south, and east walls of the historic house; the west wall sits against the hillside leading to Sampson Avenue has largely deteriorated. Measured drawings have been submitted as part of the HDDR to document the original dimensions of the exterior walls. The applicant proposes to remove all three (3) walls in whole. To further ensure that protection of the panelized walls, staff has added the following Conditions of Approval based on the Design Guidelines:*

#2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure.

Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.

#3. The process of disassembly should be recorded through photographic means; still photograph or video.

#4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.---to facilitate accurate reproduction.

#5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.

1. MATERIAL DECONSTRUCTION:

This house has had significant alterations since the end of the Mature Mining Era (1894-1930). As previously described, the house was constructed without footings and rests on stone piers or directly on the dirt. The window-door configuration was modified between 1960 and 1980, leading to new aluminum sliding and picture windows that modified the original window openings. Further, the historic wood siding was covered with aluminium siding and a vinyl, faux-stone product on the east façade. Staff believes some of the dormers may have been modified at this time as well.

A. SITE DESIGN

The site is a downhill lot that extends from Sampson Avenue to the west towards Norfolk Avenue to the east. The site does not connect to Norfolk Avenue; however, the house was constructed to face town and the façade of the house is visible from Norfolk Avenue.

Currently, access to the site is from Sampson Avenue. There is a concrete parking pad that measures approximately 15 feet by 12 feet along the street. The parking pad is retained by 10 foot high railroad tie retaining walls. There are a series of wood stairs leading from the parking pad to the historic house; the architect believes that the upper stairs and landing were constructed in the 1990s and the lower stairs and landing were built before 1970. These improvements are not historic and are in dangerous condition.

The applicant is proposing to construct a new addition along the street that will feature a pedestrian entrance and single-car garage. In doing so, the applicant is proposing to remove the parking pad, railroad tie retaining wall, and series of stairs and landings that access the historic house. Staff finds that the proposed material deconstruction mitigates to the greatest extent practical any impact to the historical

importance of other structures located on the property and on adjacent parcels. These improvements are not historic and do not contribute to the historical significance of the house.

On the south side of the historic house, there is a multi-level deck containing a hot tub. The deck consists of 2 inch by 8 inch joists at 24 inches on center with 2 inch by 6 inch decking; this deck was likely introduced after the 1970s.

There are a number of retaining walls and fences on the site. Along the north property line, there is a 24-foot long wood slat fence consisting of 4 inch by 4 inch posts and 1 inch by 6 inch horizontal slats. On the south property line, there is a 30-foot long wood slat fence consisting of 6 inch by 8 inch posts and 1 inch by 6 inch vertical slats. These fences were likely built in the 1990s and are not historic. There are also stacked stone retaining walls behind the historic house in the north and south side yards. Per the photographs provided by the applicant, these improvements are in severe disrepair.

The decks, fences, and retaining walls on this property are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.

Staff has highlighted the site features proposed to be removed in red below:



B. NON-HISTORIC ADDITIONS

There is a one-story addition along the west side of the historic house that was constructed after 1947. It is seven feet wide and covered with aluminum siding. It attaches to an eight foot-wide addition that is buried in the hillside. It is walled off

from the interior of the house. The walls consist of eight inch wide railroad ties with dry stacked stone on the exterior. The walls and roof are in severe disrepair.



View of the house from the Sampson Avenue right-of-way.



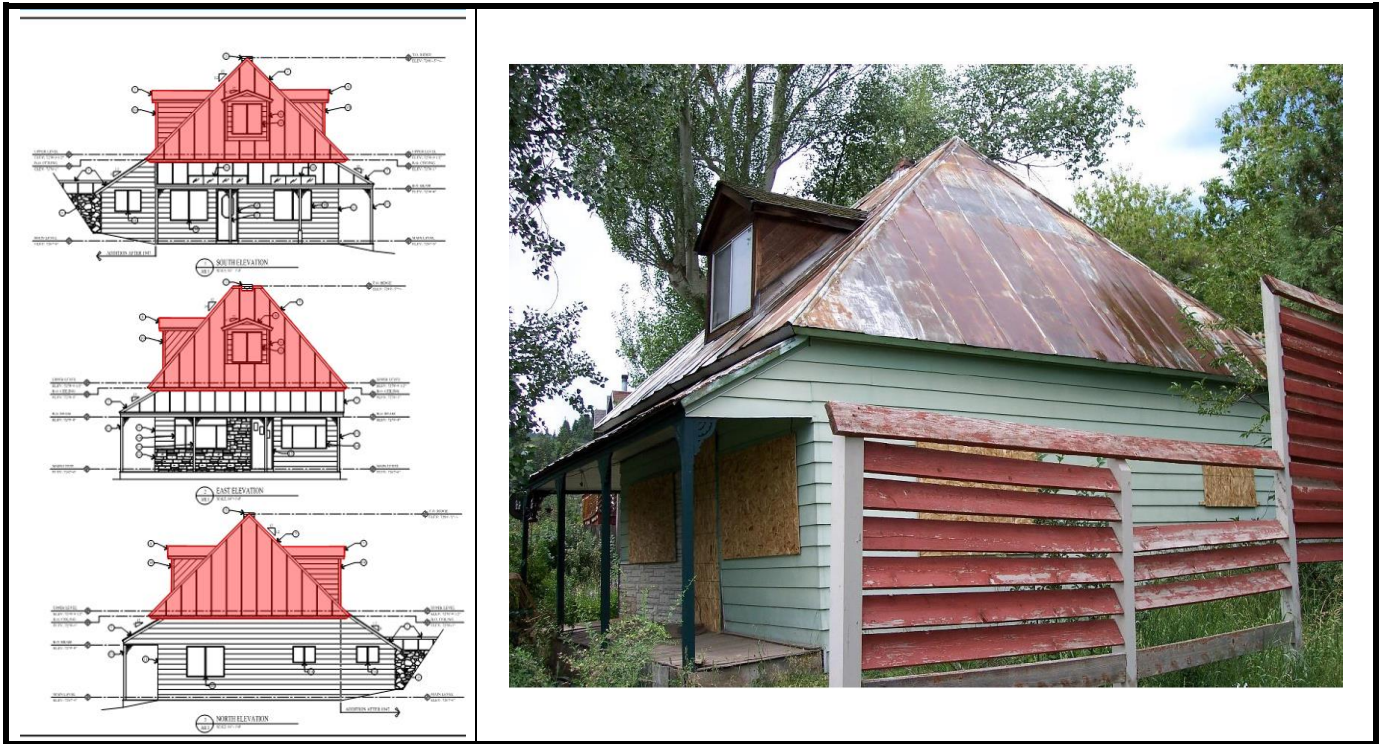
Addition buried in the hillside, west side of the house.

The applicant is proposing to remove these post-1947 additions. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.

C. ROOF

The historic house has a pyramid roof form. The east and west sides have a 12/12 pitch and the north and south sides have a 12/14 pitch. The west side of the roof transitions into a shed at an 8/12 pitch and extends into the hillside. There are simple gable dormers perpendicular to the roof on the east, west, and south sides. The roof structure consists of 1 inch by 4 inch joists at 24 inches on center, covered by 1x wood planks. The original wood shake shingle roof is covered by a standing seam metal roof that was installed after 1970. The roofing materials are in poor conditions, with the drip, fascia, and soffits requiring replacement.

In 2018, Structural Engineer Henry Shen provided an analysis of the roof structure (Exhibit E). In his report, he finds that the existing roof joists consist of 2 inch by 6 inch structural members that span 8 to 12 feet. The 8 foot joists are operating at 28% capacity and the 12 foot joists are operating at 18%. The existing roof deck is 1x wood plank installed perpendicular to the existing joists. It does not have any capacity of shear diaphragm value. The extent of repairs needed to stabilize the roof and the need to panelize the historic house make reconstructing the original pyramid roof form the best alternative.



The applicant is proposing to reconstruct the roof form. He proposes to construct dormers on all four (4) sides of the pyramid roof. Staff finds that the reconstruction of the roof and dormers on the east side of the roof are part of the restoration of the original roof form; the new dormers on the north and south sides of the roof will be incorporated into the roof form in a manner that is consistent with other historic houses. Staff is working with the applicant to ensure that the dormers are consistent in mass and scale to those that were seen historically.

D. CHIMNEY

There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original to the structure, but has been modified over the years and no longer functions as a smoke flue. It has been significantly shortened, likely as layers of the brick deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. Staff finds that this is necessary to restore the original chimney.



E. EXTERIOR WALLS

The exterior walls are comprised of single-wall construction with 1x12 vertical planks beneath 1 inch by 6 inch horizontal planks. They have been covered with ½ inch fiberboard and aluminum siding that was added after 1970. The structural engineer has determined that the exterior walls have no capacity for wind, seismic, or gravity loads. On the west side of the house, these walls retain the hillside, and the moisture from exposure to the ground has caused them to rot. The structural engineer found that 75% of the walls were deteriorated and would require reconstruction.

The photograph below shows the typical exterior wall construction with aluminum siding, fiber board, 1x8 horizontal lap siding and 1 inch by 10 inch vertical planks to form an interior wall.



The applicant is proposing to disassemble and preserve the north, south, and east walls of the historic house; the west wall is too deteriorated to be saved. The walls will then be reassembled over a new framed wall structure. Staff finds that the

proposed material deconstruction is necessary to restore the original house form. Because the applicant has not yet removed all of the aluminum siding and the condition of the original wood siding beneath is not yet known, staff has added the following Condition of Approval:

#7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

F. FOUNDATION

The historic structure does not have a foundation, but there are some minimal foundation walls around the perimeter of the structure. The posts, beams, and bearing walls all sit on stacked stone, wood piles, and/or soil (see following photo). The floor joists are 2 inch x 6 inch at 24 inches on center; many of the floor joists span 8 to 12 feet unsupported. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted due to the amount of moisture beneath the floor structure. He recommends removing the existing foundation walls and constructing a new foundation.

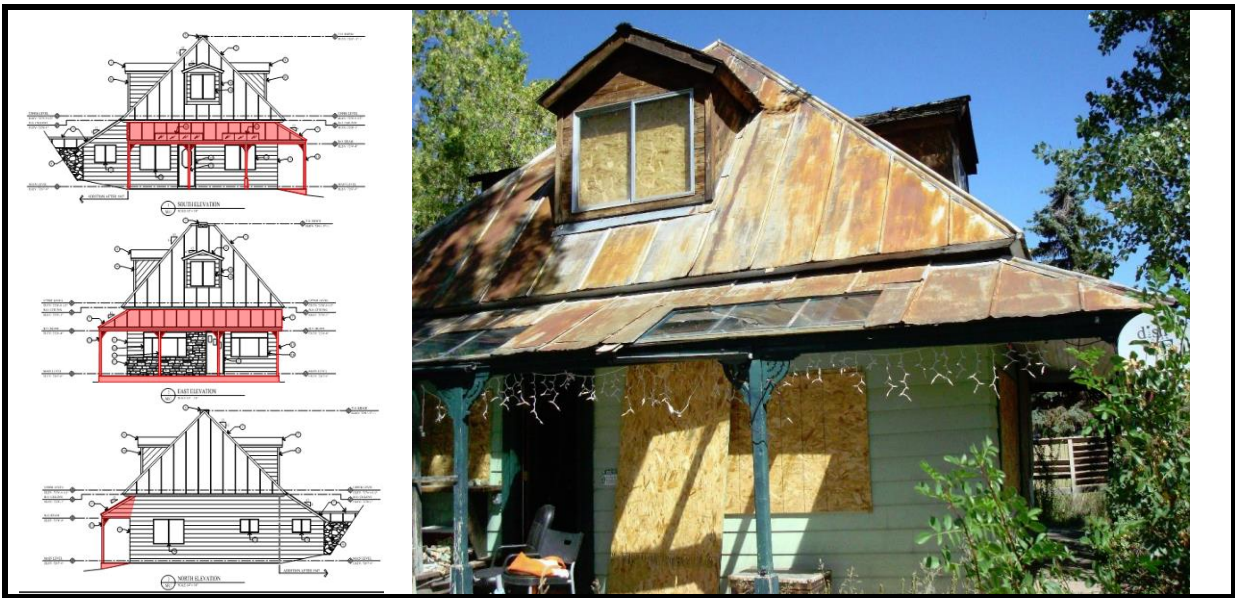


The applicant is proposing to raise the historic house two feet (2') as permitted by the Design Guidelines in order to construct a new code-compliant foundation. Staff finds that the proposed work mitigates any impacts that will occur to the architectural integrity of the structure.

G. PORCH

There is an existing wraparound porch that extends across the east façade of the house and on to the south elevation. The construction of the porch roof is consistent

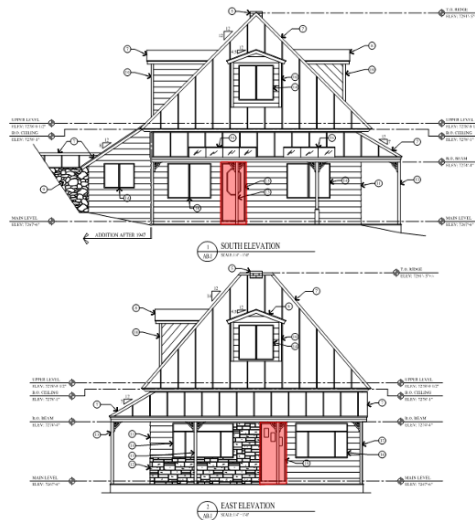
with that of the main roof and the roof joists do not meet code. A portion of the roofing was removed in the 1970s and new glass skylights/roofing material was added to the porch on the east elevation. The ceiling of the porch is 1x6 bead board. The porch posts and decorative ornamentation do not appear to be original. It has 1 inch by 6 inch tongue-and-groove decking above 2 inch by 4 inch joists at 24 inches on center; the decking has rotted and detached from the porch's floor structure.



The applicant is proposing to reconstruct the historic porch form and restore its historic appearance while meeting the structural requirements of the code. Staff finds that the proposed material deconstruction is necessary in order to restore the original wraparound porch.

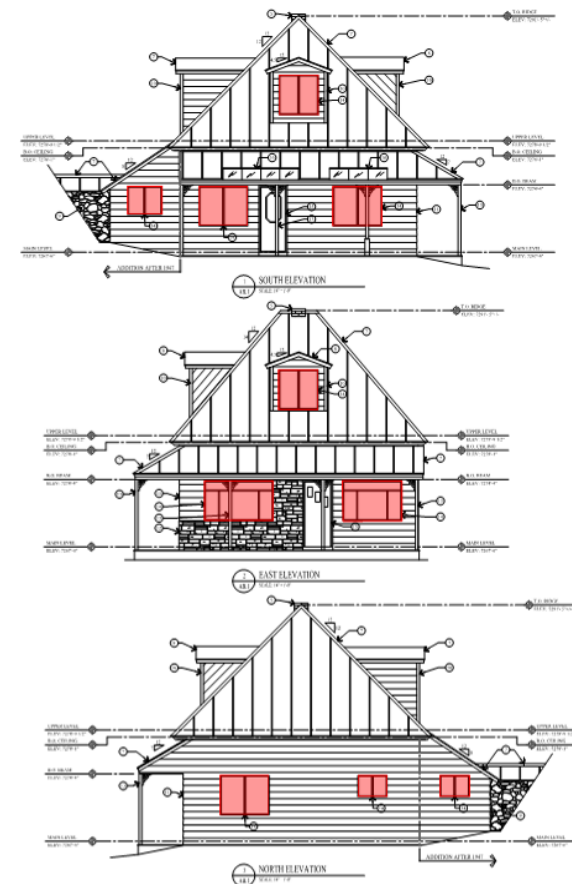
H. DOORS

The doors have been boarded as part of the mothballing of the historic structure. There are two (2) historic door openings on the south and east elevations of the house. The existing doors are not historic and are in poor condition. The applicant is proposing to replace all the doors with new doors that are historic in appearance; these doors are highlighted in red below. Staff finds that this material deconstruction is necessary in order to restore the historic house.



I. WINDOWS

There are a total of 11 window openings on the exterior of the structure. One of the windows is completely missing; however, the other 10 openings appear to have been altered. These aluminum frame windows are not historic. The applicant is proposing to restore the original window openings and install new wood windows on the historic house; these existing window openings are highlighted in red below.

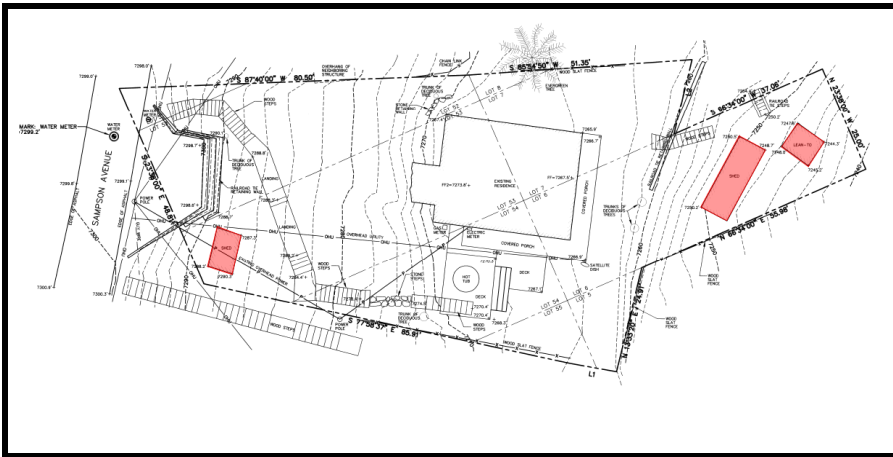


Staff finds that this material deconstruction is necessary in order to restore the historic house. To ensure that the original window openings are restored, staff has added Condition of Approval stating:

#6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.

J. SHEDS

There are three (3) existing sheds on the property. These sheds were not designated as Historic on the 2009 Historic Sites Inventory. Upon closer examination, staff finds that they were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot, so that one shed is visible near the parking pad along Sampson Avenue and two are in the eastern corner of the site. Because the eastern side of the site is overgrown, staff was not able to successfully photograph these two sheds. The shed on the west side of the property is constructed of plywood.



The applicant is proposing to demolish these sheds as part of their site improvements. Staff finds that these sheds are not historic and do not contribute to the historical significance of the site.

Recommendation:

Staff recommends the Historic Preservation Board review and discuss the application, conduct a public hearing, and approve the Disassembly/Reassembly (Panelization) of the historic house as well as Material Deconstruction of non-historic and non-contributory materials at 115 Sampson Avenue pursuant to the following findings of fact,

conclusions of law, and conditions of approval. This site is listed as Significant on the City's Historic Sites Inventory (HSI).

Finding of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is designated as Significant on the Historic Sites Inventory.
3. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018. The HDDR application has not yet been approved as it is dependent on the HPB's Review for Material Deconstruction approval.
4. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.
5. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pinter, his wife Celia, and son Victor lived in the house.
6. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.
7. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.
8. Between 1960 and 1980, several modifications were made to the historic house that have diminished its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.
9. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.
10. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.

11. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.
12. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
13. Due to the deteriorated condition of the historic house and the total deterioration of the west wall against the hillside, the applicant has proposed to disassemble/ reassemble the north, south, and east walls of the historic house.
14. The proposal complies with LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure as:
 - a. Licensed Structural Engineer Henry Shen has certified that the Historic Building cannot be reasonably moved intact. The exterior walls have no capacity for wind, seismic, or gravity loads and 75% of the wall materials have deteriorated.
 - b. The proposed disassembly and reassembly will abate demolition of the Historic Building on the site.
 - c. The Historic Building has been found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and unsafe condition. Although the house was mothballed and temporarily stabilized in 2011, the condition of the house has continued to decline.
 - d. The Historic Preservation Board determined, with input from the Planning Director and Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly due to unique conditions. On April 27, 2017, the Chief Building Official concurred with the structural engineer's report dated April 26, 2018 that the deteriorated condition and structural instability of the house prevented it from being lifted in whole.
 - e. The north, south and east walls will be disassembled; the west wall has deteriorated from sitting against the hillside along Sampson Avenue. Measured drawings have been submitted as part of the HDDR application to document the original dimensions of the walls. The Building will be reassembled in their original form, location, placement, and orientation.
15. The applicant is proposing to demolish the non-historic c.1983 parking pad, railroad tie retaining wall, and a series of stairs and landings that access the house. The proposed material deconstruction mitigates to the greatest extent practical any impact to the historical importance of the other structures located on the property and on adjacent parcels. Further, these improvements are not historic and do not contribute to the historical significance of the house.
16. On the south side of the historic house, there is a 1970s multi-level deck containing a hot tub. There are also a number of stone retaining walls and 1990s wood fences along the north and south property lines. These improvements are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These improvements do not contribute to the historic significance or historic integrity of the site.

17. There are two one-story additions along the west elevation of the historic house that was constructed after 1947. The first addition is seven feet wide and covered with aluminum siding. It attaches to an 8 foot wide addition that is partially buried in the hillside. This addition consists of railroad ties and dry-stacked stone on the exterior. The walls and roof are in severe disrepair. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.
18. The historic house has a pyramid roof form. There are simple gable dormers perpendicular to the roof on the east, west, and south elevations. The roofing materials and structure are in poor condition, with the structural engineer finding that the existing roof structure does not have any capacity of shear diaphragm value. The applicant is proposing to reconstruct the roof form. Staff finds that the reconstruction is necessary for the restoration of the original roof form.
19. There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original, but has been modified through shortening. The bricks and mortar are deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. The proposed material deconstruction is necessary to restore the original chimney.
20. The exterior walls have no capacity for wind, seismic, or gravity loads. The west wall has rotted out, and the north, south, and east sides of the house are covered with aluminum siding. The structural engineer has found that 75% of the walls were deteriorated and would require reconstruction.
21. The historic structure does not have a foundation. The posts, beams, and bearing walls sit on stacked stone, wood piles, or directly on the soil. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted. The applicant proposes raising the historic house 2 feet in order to construct a new foundation. The proposed material deconstruction mitigates any impacts that will occur to the architectural integrity of the structure.
22. There is an existing wraparound porch that extends across the east façade and south elevation of the house. A portion of the porch roof was removed in the 1970s to install new glass skylights on the east elevation. The porch posts and ornamentation are not historic and the floor structure has rotted. The applicant is proposing to reconstruct the historic porch form and restore its historic appearance. The proposed material deconstruction is necessary in order to restore the original wraparound porch.
23. There are only two historic door openings on the house on the south and east elevations. The existing doors are not historic and are in poor condition. The applicant is proposing to replace the doors with new wood doors that are historic in appearance. The proposed material deconstruction is necessary in order to restore the historic house.
24. There are a total of 11 window openings on the exterior of the structure. Ten of these openings appear to have been altered with non-historic aluminum frame windows. The applicant is proposing to restore the original window openings and install new wood windows on the historic house. The proposed material deconstruction is necessary in order to restore the historic house.
25. There are three existing sheds identified on the survey of the property. The sheds are not designated as historic on the 2009 Historic Sites Inventory; and these sheds

were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot. The applicant is proposing to demolish these sheds as part of their site improvements. These sheds are not historic and do not contribute to the historical significance of the site.

Conclusions of Law:

1. The proposal complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction and reconstruction.
2. The proposal meets the criteria for disassembly and reassembly pursuant to LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure.
3. The proposal meets the criteria for material deconstruction pursuant to LMC **15-11-12.5 Historic Preservation Board Review for Material Deconstruction.**

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on February 12, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.
3. The process of disassembly should be recorded through photographic means; still photograph or video.
4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.—to facilitate accurate reproduction.
5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.
6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.
7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the

historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

Exhibits:

Exhibit A – HPB Checklist for Material Deconstruction

Exhibit B – [Historic Sites Inventory Form](#)

Exhibit C – Plans

Exhibit D – Physical Conditions Report + Historic Preservation Plan

Exhibit E – Structural Engineer's Report

Exhibit F – CBO Determination Letter, 4.26.18

Exhibit A

Historic Preservation Board Material Deconstruction Review Checklist:

1. Routine Maintenance (including repair or replacement where there is no change in the design, materials, or general appearance of the elements of the structure or grounds) does not require Historic Preservation Board Review (HPBR).
2. The material deconstruction is required for the renovation, restoration, or rehabilitation of the building, structure, or object.
3. Proposed exterior changes shall not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.
4. The proposed scope of work mitigates any impacts that will occur to the visual character of the neighborhood where material deconstruction is proposed to occur; any impacts that will occur to the historical significance of the buildings, structures, or objects located on the property; any impact that will occur to the architectural integrity of the buildings, structures, or objects located on the property; and any impact that will compromise the structural stability of the historic building.
5. The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and on adjacent parcels.
6. Any addition to a Historic Building, Site, or Structure has been found to be non-contributory to the historic integrity or historical significance of the structure or site.



**HISTORIC PRESERVATION BOARD
PARK CITY, SUMMIT COUNTY, UTAH**

RE: MATERIAL DECONSTRUCTION DETERMINATION

The Historic Preservation Board of Park City, Utah met on Wednesday, May 16, 2018 for a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Board conducted its scheduled business.

NOTICE OF HISTORIC PRESERVATION BOARD ACTION:

Project Address: 115 Sampson Avenue
Project Number: PL-17-03580
Type of Item: Administrative – Material Deconstruction Determination
Hearing Date: May 16, 2018

Board Action: **APPROVED** - the Historic Preservation Board conducted a public hearing and found that the proposed work will have little or no negative impact on the historic character of the surrounding neighborhood or the Historic District. The proposed material deconstruction complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction. The Historic Preservation Board made the determination based on the following findings of fact and conclusions of law.

Finding of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is designated as Significant on the Historic Sites Inventory.
3. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018. The HDDR application has not yet been approved as it is dependent on the HPB's Review for Material Deconstruction approval.
4. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.
5. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pintar, his wife Celia, and son Victor lived in the house.
6. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.

7. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.
8. Between 1960 and 1980, several modifications were made to the historic house that have diminished its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.
9. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.
10. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.
11. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.
12. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
13. Due to the deteriorated condition of the historic house and the total deterioration of the west wall against the hillside, the applicant has proposed to disassemble/reassemble the north, south, and east walls of the historic house.
14. The proposal complies with LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure as:
 - a. Licensed Structural Engineer Henry Shen has certified that the Historic Building cannot be reasonably moved intact. The exterior walls have no capacity for wind, seismic, or gravity loads and 75% of the wall materials have deteriorated.
 - b. The proposed disassembly and reassembly will abate demolition of the Historic Building on the site.
 - c. The Historic Building has been found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and

- unsafe condition. Although the house was mothballed and temporarily stabilized in 2011, the condition of the house has continued to decline.
- d. The Historic Preservation Board determined, with input from the Planning Director and Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly due to unique conditions. On April 27, 2017, the Chief Building Official concurred with the structural engineer's report dated April 26, 2018 that the deteriorated condition and structural instability of the house prevented it from being lifted in whole.
 - e. The north, south and east walls will be disassembled; the west wall has deteriorated from sitting against the hillside along Sampson Avenue. Measured drawings have been submitted as part of the HDDR application to document the original dimensions of the walls. The Building will be reassembled in their original form, location, placement, and orientation.
15. The applicant is proposing to demolish the non-historic c.1983 parking pad, railroad tie retaining wall, and a series of stairs and landings that access the house. The proposed material deconstruction mitigates to the greatest extent practical any impact to the historical importance of the other structures located on the property and on adjacent parcels. Further, these improvements are not historic and do not contribute to the historical significance of the house.
16. On the south side of the historic house, there is a 1970s multi-level deck containing a hot tub. There are also a number of stone retaining walls and 1990s wood fences along the north and south property lines. These improvements are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These improvements do not contribute to the historic significance or historic integrity of the site.
17. There are two one-story additions along the west elevation of the historic house that was constructed after 1947. The first addition is seven feet wide and covered with aluminum siding. It attaches to an 8 foot wide addition that is partially buried in the hillside. This addition consists of railroad ties and dry-stacked stone on the exterior. The walls and roof are in severe disrepair. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.
18. The historic house has a pyramid roof form. There are simple gable dormers perpendicular to the roof on the east, west, and south elevations. The roofing materials and structure are in poor condition, with the structural engineer finding that the existing roof structure does not have any capacity of shear diaphragm value. The applicant is proposing to reconstruct the roof form. Staff finds that the reconstruction is necessary for the restoration of the original roof form.
19. There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original, but has been modified through shortening. The bricks and mortar are deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. The proposed material deconstruction is necessary to restore the original chimney.

20. The exterior walls have no capacity for wind, seismic, or gravity loads. The west wall has rotted out, and the north, south, and east sides of the house are covered with aluminum siding. The structural engineer has found that 75% of the walls were deteriorated and would require reconstruction.
21. The historic structure does not have a foundation. The posts, beams, and bearing walls sit on stacked stone, wood piles, or directly on the soil. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted. The applicant proposes raising the historic house 2 feet in order to construct a new foundation. The proposed material deconstruction mitigates any impacts that will occur to the architectural integrity of the structure.
22. There is an existing wraparound porch that extends across the east façade and south elevation of the house. A portion of the porch roof was removed in the 1970s to install new glass skylights on the east elevation. The porch posts and ornamentation are not historic and the floor structure has rotted. The applicant is proposing to reconstruct the historic porch form and restore its historic appearance. The proposed material deconstruction is necessary in order to restore the original wraparound porch.
23. There are only two historic door openings on the house on the south and east elevations. The existing doors are not historic and are in poor condition. The applicant is proposing to replace the doors with new wood doors that are historic in appearance. The proposed material deconstruction is necessary in order to restore the historic house.
24. There are a total of 11 window openings on the exterior of the structure. Ten of these openings appear to have been altered with non-historic aluminum frame windows. The applicant is proposing to restore the original window openings and install new wood windows on the historic house. The proposed material deconstruction is necessary in order to restore the historic house.
25. There are three existing sheds identified on the survey of the property. The sheds are not designated as historic on the 2009 Historic Sites Inventory; and these sheds were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot. The applicant is proposing to demolish these sheds as part of their site improvements. These sheds are not historic and do not contribute to the historical significance of the site.

Conclusions of Law:

1. The proposal complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction and reconstruction.
2. The proposal meets the criteria for disassembly and reassembly pursuant to LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure.
3. The proposal meets the criteria for material deconstruction pursuant to LMC **15-11-12.5 Historic Preservation Board Review for Material Deconstruction.**

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on February 12, 2018. Any changes, modifications,

or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.
3. The process of disassembly should be recorded through photographic means; still photograph or video.
4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.—to facilitate accurate reproduction.
5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.
6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.
7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at (435) 615-5067 or contact me by email at anya.grahn@parkcity.org.

Sincerely,



Anya Grahn
Historic Preservation Planner

Default Non-Compliance of Agreement for Historic Preservation for the loss of historic materials, and requiring the applicant to record a Second Amendment to the recorded financial guarantee.

29. This extension of approval expired on January 7, 2018, and no progress was made to comply with the extension's conditions of approval.

30. The applicant submitted another Historic District Design Review (HDDR) application on March 26, 2018; the application was deemed complete on April 4, 2018. It is still under review with the Planning Department.

Conclusions of Law – 1021 Park Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HR-M District and regarding material deconstruction.
2. The proposal meets the criteria for material deconstruction pursuant to LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction.

Conditions of Approval – 1021 Park Avenue

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on March 26, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. Where the historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removing and replacing historic materials, the applicant shall demonstrate to the Planning Director and Project Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No historic materials may be disposed of prior to advance approval by the Planning Director and Project Planner.
3. Any deviation from approved Material Deconstruction will require review by the Historic Preservation Board.

2. 115 Sampson Avenue – HDDR Material Deconstruction and Reconstruction – The applicant is proposing to reconstruct the historic house designated as “Significant” on the City’s Historic Sites Inventory. In addition the applicant will be removing existing non-historic parking pad along with its associated wood staircases and railroad tie retaining wall; non-historic stacked stone retaining walls and 1990s wood slat fences; post-1947 addition on the west elevation and an underground root cellar; rebuilding the historic pyramid roof and dormers; reconstructing the existing masonry chimney; raising the house 2 feet to pour a new foundation; reconstructing the historic ca.1900 wraparound porch on the

east and south elevations; replacing two non-historic doors; and removing non-historic aluminum windows and restoring 11 window openings.
(Application PL-17-03580)

Planner Grahn thanked Planning Tech, Laura Newberry, for her help in writing all the background and history for these applications.

Planning Tech Newberry reported that 115 Sampson was designated as a Significant site. The Staff believed it was built around 1904. From 1907 to 1941 the Sanborn maps show that the house remained largely unchanged. The first photo was not until 1920. The structure was a one-and-a-half story square pyramid roof house with a small one-story addition off the rear on the west side; and a wrap-around porch on the south and east elevations. No dormers were present at that time. Planner Newberry stated that since 1941 the Fire Insurance Maps show several additions, including a rear lean-to addition along the west; and an addition extending off the west elevation which is possibly a root cellar, which cannot be accessed from the interior of the house.

Planner Newberry stated that many of the changes present on the house today are believed to have occurred between 1960 and 1980 based on the materials and the designs. The windows and the doors have been substantially altered and replaced with aluminum frames, side sliders, and fixed transoms. New dormers were also built sometime after 1920. The Staff believes the dormers may have been introduced in the 1970s.

Planner Newberry noted that the parking pad along Sampson Avenue was added in 1983 and is supported by packed gravel and a railroad tie retaining wall. The set of stairs leading from the parking pad to the flat portion of the yard was also added in 1995.

Planner Grahn remarked that the first item for discussion was that the applicant was proposing disassembly and disassembly or panelization. The house had been mothballed in 2011, which means they added additional framing on the interior to keep it standing. The windows and doors were boarded up and there was an effort to limit access to the site. Planner Grahn noted that the structure continues to decline due to its location on the hillside.

Planner Grahn reviewed the Criteria. The first is that a licensed structural engineering has certified that the historic building cannot be reasonably lifted intact. She noted that the applicant had provided a structural engineers report, which indicated several deficiencies based on the floor and roof structures. Even with the temporary shoring that was done in 2011, the exterior walls are rotted and need to be rebuilt. She pointed out that lifting the house in whole was improbable.

Planner Grahn commented on the next criteria; 1) it will abate demolition; 2) it is found by the Chief Building Official to be hazardous or dangerous due to the section of the International Building Code; 3) the HPB determines, with input from the Planning Director and CBO, that the unique conditions warrant it.

Planner Grahn reported that the first Notice and Order was issued in 2010, and the applicant addressed those issues through the mothballing process in 2011. She stated that she and the Chief Building Official visited the site several times in 2018. The CBO concurs with the structural engineer's report. Planner Grahn noted that it is difficult to determine the condition of the historic materials because they have been extensively altered. Large window openings have been cut into the front panel. The door/window configuration has been changed. The structure is resting directly on the dirt. The porches are pulling away. The structure is in very poor condition.

Planner Grahn stated that the applicant was proposing to panelize the north, south and east sides of the building. The west side was up against the hillside and that wall is deteriorated. She noted that it was covered in aluminum siding in an effort to preserve some of the wood material, but because the house sits directly on the dirt, she did not think the aluminum siding protected much underneath. That was an issue the HPB could discuss in the material deconstruction.

Planner Grahn reported that the applicant has agreed to reassemble the house in its current form. They produced accurate dimension drawings. They will build a new structure and the panels will come back on it. Planner Grahn stated that several conditions of approval were added to ensure that the proposed plan is followed. The Staff will continue to work with the applicant through the building permit process. She thought the applicant was planning to store the panels vertically on-site. If that changes, the Staff wanted assurance that they would know where the panels are stored and that they were being preserved to the best extent possible.

Chair Stephens clarified that the house was being panelized rather than disassembled in pieces. Planner Grahn replied that the three walls would be taken down and put back up. Chair Stephens understood that it was currently vertical material with horizontal siding. Planner Grahn answered yes. She noted that 1970s wood panel was helping to hold it together with aluminum siding on the outside. Chair Stephens asked if exploratory demolition had been done through the aluminum siding. Planner Grahn replied that the applicant was able to take off a portion underneath the porch. The wood siding appeared to be in fair condition, but she thought it was hard to assess the entire house from one point. She believed there were different elements of wood depending on the side of the house.

Planner Grahm moved to material deconstruction. She noted that it is a steep downhill lot. A non-historic parking pad is being held together by railroad ties. Parts of the staircase were built in the 1980s and 1990s, and it leads to a 1970s deck with a vintage hot tub and additional site improvements. The site is overgrown. The applicant was proposing to add an addition connecting up to Sampson Avenue, which would provide a more pedestrian-friendly streetscape and access into the house and the yard. Terracing would be done to create a series of outdoor living spaces and patios in an effort to clean up the site.

Planner Grahm pointed out several non-historic additions. The applicant was proposing to remove those additions to restore the pyramid roof cottage. The roof is in poor condition and will need to be reconstructed. The applicant was proposing to restore the dormers. Two dormers have the look and proportions of being built within the historic period. Another dormer did not have that look. The Staff would work with the applicant to make that dormer comply and look the same as the other two.

Planner Grahm stated that it was difficult to know how this house evolved because of limited documentation and records. They were basing it off of what is seen in town and other pyramid roof cottages. Planner Grahm pointed to an existing chimney at the top of the peak. The applicant will salvage the bricks and reconstruct the chimney. She presented a photo of the exterior walls showing single-wall construction. The applicants will create a new structure and attach the panels as cladding.

Planner Grahm noted that there is no foundation. Parts of the house are floating on rock piers. Other parts are resting on the dirt which has caused the floors to rot out. The wrap-around porch is original, per the Sanborn maps. Parts of the porch roof were removed to incorporate skylights. The porch appears to have been updated in the 1970s or 1980s with ornate columns and ornamentation that did not exist historically. The applicant planned to reconstruct the porch and keep it simple as it would have existed originally.

Planner Grahm stated that there were no historic doors on the house. The only doors are two single-panel doors probably from the 1970s. The applicant was proposing to construct new doors in line with the design guidelines and the historic feel of the house. There are a total of 11 window openings in varying styles and eras. As the aluminum siding is removed, they will be able to assess where the original window openings were and restore them. Conditions of approval were added requiring the applicant to work with the Planning Department to make sure the original window openings will be restored.

Planner Grahm commented on three sheds on the property. The sheds were not listed as historic on the historic site form, possibly because they were not visible. She inspected them on the site visits and found various degrees of salvaged

material and plywood. She did not believe the sheds were historic. The applicant was proposing to demolish the sheds.

Board Member Hutchings asked if there was historic material on the porch. Planner Grahn did not believe there was historic material. There is some bead board on the ceiling, but because of how the porch was built and the amount of leaks in the roof, it has rotted out. She thought the applicant was planning to restore the bead board. The porch floor rests directly on the dirt and it appears to have been replaced with newer materials, but it was rotted out.

Chair Stephens thought the material around the front porch on the east and south side was the original material. Planner Grahn asked if Chair Stephens thought the columns and the brackets were historic. Chair Stephens clarified that he was talking about the flooring material. It was vertical grain, which would have been consistent with that era of construction. Most likely it would have been replaced with an expensive material later on. Chair Stephens agreed that the floor was under duress.

Chair Stephens opened the public hearing.

There were no comments.

Chair Stephens closed the public hearing.

MOTION: Board Member Beatlebrox moved to APPROVE the disassembly/reassembly panelization of the historic house at 115 Sampson Avenue; as well as material deconstruction of non-historic and non-contributory materials, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Board Member Holmgren seconded the motion.

Findings of Fact – 115 Sampson Avenue

1. The property is located at 115 Sampson Avenue.
2. The site is designated as Significant on the Historic Sites Inventory.
3. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018. The HDDR application has not yet been approved as it is dependent on the HPB's Review for Material Deconstruction approval.
4. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.

5. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pintar, his wife Celia, and son Victor lived in the house.

6. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.

7. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.

8. Between 1960 and 1980, several modifications were made to the historic house that have diminished its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.

9. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.

10. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.

11. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.

12. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.

13. Due to the deteriorated condition of the historic house and the total deterioration of the west wall against the hillside, the applicant has proposed to disassemble/reassemble the north, south, and east walls of the historic house.

14. The proposal complies with LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure as:

a. Licensed Structural Engineer Henry Shen has certified that the Historic

Building cannot be reasonably moved intact. The exterior walls have no capacity for wind, seismic, or gravity loads and 75% of the wall materials have deteriorated.

b. The proposed disassembly and reassembly will abate demolition of the Historic Building on the site.

c. The Historic Building has been found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and unsafe condition. Although the house was mothballed and temporarily stabilized in 2011, the condition of the house has continued to decline.

d. The Historic Preservation Board determined, with input from the Planning Director and Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly due to unique conditions. On April 27, 2017, the Chief Building Official concurred with the structural engineer's report dated April 26, 2018 that the deteriorated condition and structural instability of the house prevented it from being lifted in whole.

e. The north, south and east walls will be disassembled; the west wall has deteriorated from sitting against the hillside along Sampson Avenue.

Measured drawings have been submitted as part of the HDDR application to document the original dimensions of the walls. The Building will be reassembled in their original form, location, placement, and orientation.

15. The applicant is proposing to demolish the non-historic c.1983 parking pad, railroad tie retaining wall, and a series of stairs and landings that access the house. The proposed material deconstruction mitigates to the greatest extent practical any impact to the historical importance of the other structures located on the property and on adjacent parcels. Further, these improvements are not historic and do not contribute to the historical significance of the house.

16. On the south side of the historic house, there is a 1970s multi-level deck containing a hot tub. There are also a number of stone retaining walls and 1990s wood fences along the north and south property lines. These improvements are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These improvements do not contribute to the historic significance or historic integrity of the site.

17. There are two one-story additions along the west elevation of the historic house that was constructed after 1947. The first addition is seven feet wide and covered with aluminum siding. It attaches to an 8 foot wide addition that is partially buried in the hillside. This addition consists of railroad ties and dry-stacked stone on the exterior. The walls and roof are in severe disrepair. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.

18. The historic house has a pyramid roof form. There are simple gable dormers

perpendicular to the roof on the east, west, and south elevations. The roofing materials and structure are in poor condition, with the structural engineer finding that the existing roof structure does not have any capacity of shear diaphragm value. The applicant is proposing to reconstruct the roof form. Staff finds that the reconstruction is necessary for the restoration of the original roof form.

19. There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original, but has been modified through shortening. The bricks and mortar are deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. The proposed material deconstruction is necessary to restore the original chimney.

20. The exterior walls have no capacity for wind, seismic, or gravity loads. The west wall has rotted out, and the north, south, and east sides of the house are covered with aluminum siding. The structural engineer has found that 75% of the walls were deteriorated and would require reconstruction.

21. The historic structure does not have a foundation. The posts, beams, and bearing walls sit on stacked stone, wood piles, or directly on the soil. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted. The applicant proposes raising the historic house 2 feet in order to construct a new foundation. The proposed material deconstruction mitigates any impacts that will occur to the architectural integrity of the structure.

22. There is an existing wraparound porch that extends across the east façade and south elevation of the house. A portion of the porch roof was removed in the 1970s to install new glass skylights on the east elevation. The porch posts and ornamentation are not historic and the floor structure has rotted. The applicant is proposing to reconstruct the historic porch form and restore its historic appearance. The proposed material deconstruction is necessary in order to restore the original wraparound porch.

23. There are only two historic door openings on the house on the south and east elevations. The existing doors are not historic and are in poor condition. The applicant is proposing to replace the doors with new wood doors that are historic in appearance. The proposed material deconstruction is necessary in order to restore the historic house.

24. There are a total of 11 window openings on the exterior of the structure. Ten of these openings appear to have been altered with non-historic aluminum frame windows. The applicant is proposing to restore the original window openings and install new wood windows on the historic house. The proposed material deconstruction is necessary in order to restore the historic house.

25. There are three existing sheds identified on the survey of the property. The sheds are not designated as historic on the 2009 Historic Sites Inventory; and these sheds were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot. The applicant is proposing to demolish these sheds as part of their site improvements. These sheds are not historic and do not contribute to the historical significance of the site.

Conclusions of Law – 115 Sampson Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction and reconstruction.
2. The proposal meets the criteria for disassembly and reassembly pursuant to LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure.
3. The proposal meets the criteria for material deconstruction pursuant to LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction.

Conditions of Approval – 115 Sampson Avenue

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on February 12, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.
3. The process of disassembly should be recorded through photographic means; still photograph or video.
4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.—to facilitate accurate reproduction.
5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.
6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition

process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.

7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

3. 835 Empire Avenue –Historic District Design Review – Material Deconstruction on Landmark Site. The applicant is proposing to impact the following materials including the pre 1941 railroad tie retaining wall; non-historic wood landscape steps; post-1941 rear additions; non-historic 1997 asphalt shingle and rolled asphalt roofing materials; non-historic concrete block foundation; pre-1983 wraparound porch; 4 historic wood doors; and 10 historic wood windows. (Application PL-17-03556)

Planning Tech Newberry reviewed the application for 835 Empire Avenue, which was designated as a Landmark. She noted that the exact date this house was constructed is unknown, but it was likely around 1895. The structure first appears on the Sanborn map and Fire Insurance maps in 1900 as a one-and-a-half story house with a one story addition on the north side and west elevation, with no porch shown. Between 1900 and 1907 the rear addition was removed and a new square addition was constructed on the northwest corner of the house; as well as a smaller addition on the southwest corner of the house. An accessory structure was built approximately 20 feet west. Between 1929 and 1941 an addition was added on to the accessory building, which brought it to 15' from the rear of the house. The accessory structure has since been lost and the date of when it was demolished is unknown.

Planner Newberry noted that the first photograph was from 1941; where a portion of the 1907 rear addition could be seen on the right side of the photo. Between 1947 and 1964 the additions on the west side of the house shown in the 1941 Sanborn map were removed and expanded. Sometime before 1983 a wrap-around porch was added; as well as a small shed extension from the main gable to the porch.

Planner Newberry stated that the house has received several historic district grants. It was nominated for the National Register in 1984, but it was not listed due to the owner's objections. The house remains largely unchanged from the 1984 National Register nomination form.

Planner Grahn commented on material deconstruction. It is an uphill site and there are wood retaining walls in the City's right-of-way. In looking at different



PLANNING DEPARTMENT

June 14, 2018

Joseph Sponholz & Nancy Bronstein
25 East End Avenue
New York, NY 10028-7052

CC: Jonathan Degray, Architect

NOTICE OF PLANNING DEPARTMENT ACTION

Application #	PL-18-03794
Subject	Steep Slope Conditional Use Permit
Project Address	115 Sampson Avenue
Action Taken	Approved with Conditions
Date of Action	June 13, 2018

On June 14, 2018, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission unanimously approved a Conditional Use and a Steep Slope Conditional Use for the applicant to construct an addition to a historic house at 115 Sampson Avenue based on the following:

Findings of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) Zoning District.
3. The site is designated as "Significant" on the City's Historic Sites Inventory.
4. The lot contains 7,692 square feet. It is a downhill lot.
5. On March 6, 2014, the Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
6. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
7. The applicant is proposing to build an addition on the west side of the historic house creating a total house size of 2,697 square feet.
8. The existing footprint of the historic house and its non-historic additions is 772 square feet; the proposed footprint of the house following construction of the addition is 2,004 square feet. The lot size currently allows a footprint of 2,496.28 square feet.

9. On February 12, 2018, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 115 Sampson Avenue; the application was deemed complete on February 22, 2018.
10. This is a downhill lot, and the average slope of the lot is about 52.5%. The slope drops drastically immediately east of Sampson Avenue, with portions of the grade having a slope as much as 67%.
11. Pursuant to LMC 15-2.1-5(D)(4), the Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The applicant is proposing tandem parking consisting of a single-car garage (approximately 246 square feet) and uncovered parking space in the driveway as well as a circulation space containing a staircase and elevator (approximately 210 square feet). The depth of the garage will not exceed the minimum depth for internal Parking Spaces as required within LMC 15-3; the applicant has provided a garage 20 feet in depth. The additional Building Height is not permitted to exceed 35 feet Existing Grade; the proposed height is 32 feet above Existing Grade.
12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts.
13. The development has been located and designed to reduce visual and environmental impacts of the Structure. The historic house will remain in its existing location, which is most visible from Norfolk Avenue and almost hidden from view along Sampson Avenue due to the location of the historic house downhill from the right-of-way. The applicant is proposing to construct an addition to the west (rear) side of the house, which will appear as a small, one-story addition with a pedestrian entrance and single-car garage along Sampson Avenue. The addition will have a total of three stories. Much of the proposed bulk and mass of the new addition will be buried in the hillside.
14. The proposal minimizes impacts of the project by incorporating screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The applicant has designed the addition so that it steps up the hillside, providing pedestrian and vehicular access to Sampson Avenue. Not only will this alleviate some of the dangerous site conditions that exist with the railroad tie-supported parking pad, it will also create a presence along Sampson Avenue where it is currently difficult to determine which staircase accesses this property.
15. Access points and driveways have been designed to minimize grading of the natural topography and reduce overall building scale. The applicant is proposing to remove the existing railroad-tie parking pad that encroaches into the City right-of-way and replace it with a new driveway and single-car garage. This parking

pad was never intended to provide public parking, but was built by previous owners of 115 Sampson Avenue to provide parking for their site. Additionally, as part of the plat amendment that was recorded in 2015, an Encroachment Agreement between Park City Municipal Corporation and Silver Potato LLC (the current owners), requiring the owners to maintain the parking pad.

16. The project includes retaining walls and terraces to retain Natural Grade. The hillside will need to be re-graded following the demolition of the 1983 parking pad to restore original grade. Following construction of the addition, the applicant is proposing to terrace the hillside in order to create a series of outdoor patios and living spaces. There are seven proposed retaining walls; of these, three of the walls are no more than 4 feet in height and four of the walls are 2.5 feet.
17. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The structure has been designed in order to be setback and visually separated from the historic house at the front of the lot. The applicant has sited the new addition in such a way that the original grade of the site can be largely restored following the deconstruction of the 1983 parking pad. Several terraces will extend from the front yard to the flatter portion of the lot where the historic house sits. The design has maximized opportunities for open space, and there is no Significant Vegetation to preserve as the site is overgrown. New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties.
18. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The new addition provides a visual transition between the historic house and the new addition. The mass of the addition steps up the hill, terminating at Sampson Avenue. This helps breakup the mass of the structure, and the tallest portions of the historic house are set back substantially from the historic house so as not to detract from it. The historic house, when viewed from the Norfolk Avenue right-of-way that it faces, will remain the focal point of the project.
19. The proposal minimizes the creation of a "wall effect" along the Street front. The new addition is largely tucked behind the historic house and only appears as one-story in height from the Sampson Avenue right-of-way. It does not create a wall effect along the Street front or appear to overwhelm the historic house. It is visually separated from the historic house by a transitional element, and the taller masses are pushed back toward Sampson Avenue so they do not overwhelm the historic house.
20. The volume of the structure has been restrained to minimize its visual mass and mitigate differences between the scale of the historic house and new addition. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

21. The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade; however, the applicant has requested a building height exception for the garage and circulation space pursuant to LMC 15-2.1-5(D)(4). The height of the new addition is approximately 32 feet above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the rear of the lot to comply with the 27 foot height requirement. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
22. The property was posted and notice was mailed to property owners within 300 feet on May 30, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on May 26, 2018.
23. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The Use is consistent with the Park City General Plan, as amended.
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. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on June 13, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 13, 2018, and the Final HDDR Design.
6. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
7. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site

conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
9. During construction, a six foot chain-link fence around the property will be required. The Construction Mitigation Plan should note that parking will not be allowed on Sampson, King Road or Norfolk Ave. The applicant will need to submit a detailed parking plan when as part of their Construction Mitigation Plan.

If you have questions regarding your project or the action taken, please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The script is cursive and fluid, with the first name "Anya" being more prominent than the last name "Grahn".

Anya Grahn
Historic Preservation Plan



June 13, 2019

Joseph Sponholz & Nancy Bronstein
25 East End Avenue
New York, NY 10028-7052

CC: Jonathan Degray, Architect

NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 115 Sampson Avenue
Project Number: PL-19-04221
Project Description: Steep Slope Conditional Use Permit- Extension Request
Date of Final Action: June 13, 2019

The Planning Director has reviewed the applicant's request for the extension of the Steep Slope Conditional Use Permit application at 115 Sampson Avenue and has **approved** the request to extend the expiration date to December 10, 2019 (see Condition of Approval #4). This letter serves as the final action letter and approval for the Extension Request. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) Zoning District.
3. The site is designated as "Significant" on the City's Historic Sites Inventory.
4. The lot contains 7,692 square feet. It is a downhill lot.
5. On March 6, 2014, the Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
6. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
7. The applicant is proposing to build an addition on the west side of the historic house creating a total house size of 2,697 square feet.
8. The existing footprint of the historic house and its non-historic additions is 772 square feet; the proposed footprint of the house following construction of the

addition is 2,004 square feet. The lot size currently allows a footprint of 2,496.28 square feet.

9. On February 12, 2018, the City received an application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 115 Sampson Avenue; the application was deemed complete on February 22, 2018.
10. On June 13, 2018, The Park City Planning Commission approved the Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 115 Sampson Avenue.
11. This is a downhill lot, and the average slope of the lot is about 52.5%. The slope drops drastically immediately east of Sampson Avenue, with portions of the grade having a slope as much as 67%.
12. Pursuant to LMC 15-2.1-5(D)(4), the Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The applicant is proposing tandem parking consisting of a single-car garage (approximately 246 square feet) and uncovered parking space in the driveway as well as a circulation space containing a staircase and elevator (approximately 210 square feet). The depth of the garage will not exceed the minimum depth for internal Parking Spaces as required within LMC 15-3; the applicant has provided a garage 20 feet in depth. The additional Building Height is not permitted to exceed 35 feet Existing Grade; the proposed height is 32 feet above Existing Grade.
13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts.
14. The development has been located and designed to reduce visual and environmental impacts of the Structure. The historic house will remain in its existing location, which is most visible from Norfolk Avenue and almost hidden from view along Sampson Avenue due to the location of the historic house downhill from the right-of-way. The applicant is proposing to construct an addition to the west (rear) side of the house, which will appear as a small, one-story addition with a pedestrian entrance and single-car garage along Sampson Avenue. The addition will have a total of three stories. Much of the proposed bulk and mass of the new addition will be buried in the hillside.
15. The proposal minimizes impacts of the project by incorporating screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The applicant has designed the addition so that it steps up the hillside, providing pedestrian and vehicular access to Sampson Avenue. Not only will this alleviate some of the dangerous site conditions that exist with the railroad tie-supported parking pad, it will also create a presence along Sampson Avenue where it is currently difficult to determine which staircase accesses this property.

16. Access points and driveways have been designed to minimize grading of the natural topography and reduce overall building scale. The applicant is proposing to remove the existing railroad-tie parking pad that encroaches into the City right-of-way and replace it with a new driveway and single-car garage. This parking pad was never intended to provide public parking, but was built by previous owners of 115 Sampson Avenue to provide parking for their site. Additionally, as part of the plat amendment that was recorded in 2015, an Encroachment Agreement between Park City Municipal Corporation and Silver Potato LLC (the current owners), requiring the owners to maintain the parking pad.
17. The project includes retaining walls and terraces to retain Natural Grade. The hillside will need to be re-graded following the demolition of the 1983 parking pad to restore original grade. Following construction of the addition, the applicant is proposing to terrace the hillside in order to create a series of outdoor patios and living spaces. There are seven proposed retaining walls; of these, three of the walls are no more than 4 feet in height and four of the walls are 2.5 feet.
18. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The structure has been designed in order to be setback and visually separated from the historic house at the front of the lot. The applicant has sited the new addition in such a way that the original grade of the site can be largely restored following the deconstruction of the 1983 parking pad. Several terraces will extend from the front yard to the flatter portion of the lot where the historic house sits. The design has maximized opportunities for open space, and there is no Significant Vegetation to preserve as the site is overgrown. New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties.
19. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The new addition provides a visual transition between the historic house and the new addition. The mass of the addition steps up the hill, terminating at Sampson Avenue. This helps breakup the mass of the structure, and the tallest portions of the historic house are set back substantially from the historic house so as not to detract from it. The historic house, when viewed from the Norfolk Avenue right-of-way that it faces, will remain the focal point of the project.
20. The proposal minimizes the creation of a "wall effect" along the Street front. The new addition is largely tucked behind the historic house and only appears as one-story in height from the Sampson Avenue right-of-way. It does not create a wall effect along the Street front or appear to overwhelm the historic house. It is visually separated from the historic house by a transitional element, and the taller masses are pushed back toward Sampson Avenue so they do not overwhelm the historic house.
21. The volume of the structure has been restrained to minimize its visual mass and mitigate differences between the scale of the historic house and new addition. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design

components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

22. The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade; however, the applicant has requested a building height exception for the garage and circulation space pursuant to LMC 15-2.1-5(D)(4). The height of the new addition is approximately 32 feet above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the rear of the lot to comply with the 27 foot height requirement. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
23. The property was posted and notice was mailed to property owners within 300 feet on May 30, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on May 26, 2018.
24. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

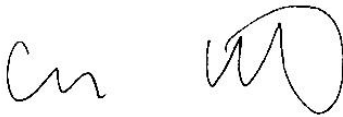
Conditions of Approval

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. The CMP shall include language regarding the method of protecting adjacent structures. During construction, a six foot chain-link fence around the property will be required. The Construction Mitigation Plan should note that parking will not be allowed on Sampson, King Road or Norfolk Ave. The applicant will need to submit a detailed parking plan when as part of their Construction Mitigation Plan.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The approval of the Extension for Steep Slope Conditional Use Permit application (PL-18-03794) will expire and a new Historic District Design Review application will be required if:
 - a. A Building Permit has not been submitted to the Building Department by September 28, 2019 (90 days from Request for Extension PL-19-04221 Final Action letter dated June 13, 2019); and
 - b. A Building Permit has not been issued by the Building Department by December 10, 2019 (180 days from Request for Extension PL-19-04221 Final Action letter dated June 13, 2019).

5. The Conditions of Approval from the Historic Preservation Board Determination of Material Deconstruction dated May 16, 2018 shall apply.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 13, 2018, and the Final HDDR Design approved June 18, 2018.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5067 or contact me by email at caitlyn.barhorst@parkcity.org

Sincerely,

The image shows a handwritten signature in black ink. It consists of two parts: a cursive 'C' followed by a stylized 'B' that loops around and ends with a small circle.

Caitlyn Barhorst
Historic Preservation Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the

District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.



June 18, 2019

Joseph Sponholz & Nancy Bronstein
25 East End Avenue
New York, NY 10028-7052

CC: Jonathan DeGray, Architect

NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 115 Sampson Avenue
Project Number: PL-19-04221
Project Description: Historic District Design Review- Extension Request
Date of Final Action: June 18, 2019

Summary of Staff Action

The Planning Director has reviewed the applicant's request for the extension of the Historic District Design Review (HDDR) application at 115 Sampson Avenue and has **approved** the request to extend the expiration date to December 14, 2019 (see Condition of Approval #4). This letter serves as the final action letter and approval for the Extension Request. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 115 Sampson Avenue. The property is located in the Historic Residential-Low Density (HR-L) Zoning District.
2. The historic site is designated as Significant on the Historic Sites Inventory (HSI).
3. The Legal Description for this property is Lot 1 of the 115 Sampson Avenue Subdivision. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
4. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018.
5. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.

6. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pintar, his wife Celia, and son Victor lived in the house.
7. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.
8. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.
9. Between 1960 and 1980, several modifications were made to the historic house diminishing its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.
10. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.
11. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/ mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.
12. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.
13. On May 16, 2018, the Historic Preservation Board approved the Material Deconstruction and Disassembly/Reassembly (Panelization) associated with the project.
14. On June 18, 2018, the Planning Department approved the Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue.
15. On June 13, 2018, the Planning Commission approved the Steep Slope Conditional Use Permit for this site as well as a height exception as permitted by LMC 15-2.1-5(D)(4). The height exception for a Garage on a Downhill Lot states that the depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this code, Section 15-3. LMC 15-3 requires a minimum depth of 20 feet; the proposed garage is 21 feet in depth.
16. The proposal complies with LMC 15-2.1-2 Uses as a Single Family Dwelling is an Allowed Use in the HRL Zoning District.

17. The proposal complies with LMC 15-2.1-3(A) Lot Size as the minimum Lot Area in this zone is 3,750 square feet. The existing lot size is 7,613.13 square feet.
18. The proposal complies with LMC 15-2.1-3(D) Footprint as the maximum footprint permitted for a lot size of 7,613.13 square feet is 2,481.66 square feet. The applicant is proposing a footprint of 2,004 square feet.
19. The proposal complies with LMC 15-2.1-3(E) as the minimum front and rear yard setbacks for this site are 15 feet. The applicant is proposing a 15 foot front yard setback and 12 foot rear yard setback due to the porch of the historic house.
20. The proposal complies with LMC 15-2.1-3(F) as the following Front Yard Setback Exceptions are permitted: (1) retaining walls not more than 4 feet in height; (3) porches not more than 10 feet wide and 3 feet deep; (5) sidewalks and pathways; and (6) driveways leading to a garage are permitted in the front yard setback.
21. The proposal complies with LMC 15-2.1-3(G) as the following Rear Yard Setback Exceptions are permitted: (8) mechanical equipment such as the proposed fire pit maintaining a minimum setback of 3 feet from the rear property line (the applicant is proposing a 14 foot setback); and (10) patios and decks not more than 30 inches above Final Grade are permitted in the rear yard setback.
22. The proposal complies with LMC 15-2.1-3(H) as the minimum Side Yard Setbacks are 5 feet, for a total of 10 feet. The applicant has proposed a 10 foot side yard setback on the south side and 10 foot side yard setback on the north side.
23. The proposal complies with LMC 15-2.1-3(I) as the following Side Yard Setback Exceptions are permitted: (1) Bay windows not more than 10 feet wide, projecting not more than 2 feet into the side yard, as proposed on the north side of the house; (3) window and light wells projecting not more than 4 feet into the side yard setback, such as the light well proposed to encroach 2.5 feet into the north side yard setback; (6) patios, decks, and pathways not more than 30 inches above Final Grade; (7) retaining walls, such as those the applicant has proposed; (8) driveways leading to a garage; and (11) mechanical equipment located at least 3 feet from the side yard line.
24. Per LMC 15-2.1-4, Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.
25. The proposal complies with LMC 15-2.1-5 Building Height. The interior height of the structure, measured from the lowest floor plane to the top of the highest wall plate is 35 feet. The required 10 foot horizontal step on the downhill façade has been provided by the historic house. The roof pitch of the addition's Contributing Roof Form is 7:12.
26. The proposal complies with LMC 15-2.1-5(D)(4) as the Planning Commission approved a height exception for a garage with parking in a tandem configuration on a downhill lot on June 13, 2018.
27. The proposal complies with LMC 15-2.1-9 Vegetation Protection. The site is largely overgrown and the only Significant Vegetation is a deciduous tree on the

south side of the property. The applicant does not propose to remove this tree, and the landscape plan proposes additional new trees.

28. The proposal complies with Universal Design Guidelines for Historic Sites:

- a. The proposal complies with Universal Design Guideline #1 as the site shall be used as it was historically, a single family house, which requires minimal change to the distinctive materials and features.
- b. The proposal complies with Universal Design Guideline #2 as changes to a site or building that have acquired historic significance in their own right will be retained and preserved. The applicant has proposed to reconstruct many of the details and features of the historic house that have been lost by past renovations.
- c. The proposal complies with Universal Design Guideline #3 in that the historic exterior features of a building will be retained and preserved. Where they have been lost, the applicant proposes to reconstruct them.
- d. The proposal complies with Universal Design Guideline #4 in those distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. The applicant is proposing to restore and reconstruct missing historic elements.
- e. The proposal complies with Universal Design Guideline #5 as conditioned.
- f. The proposal complies with Universal Design Guideline #6 as features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. There were a number of changes made to the historic house after the historic period. The applicant has proposed to remove these later additions and restore the original features of the historic house.
- g. The proposal complies with Universal Design Guideline #7 as the site will be recognized as a physical record of its time, place and use. The applicant is not proposing to introduce architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exists.
- h. The proposal complies with Universal Design Guideline #8 as conditioned.
- i. The proposal complies with Universal Design Guideline #9 in that the new additions, exterior alterations, and related new construction will not destroy historic materials, features, and spatial relationships that characterize the site or building. The new addition is setback from the west (rear) elevation of the historic house so that the historic house remains the focal point of the project.
- j. The proposal complies with Universal Design Guideline #10 in that the new addition and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

29. The proposal complies with the Specific Design Guidelines for Historic Sites:

- a. The proposal complies with Specific Design Guideline A.1. Building Setbacks & Orientation. The applicant has proposed to maintain the original front and side yard setbacks of the historic house. The original location of the main entry will also be maintained. The house faces east,

toward Norfolk Avenue. The applicant has proposes to reconstruct the historic porch.

- b. Specific Design Guidelines A.2 Stone Retaining Walls are not applicable as this property does not have any historic stone retaining walls. New stone retaining walls are proposed in the side and front yard along Sampson Avenue; however, these will not exceed 4 feet in height and will be constructed in a traditional style to compliment the historic house.
- c. Specific Design Guidelines A.3 Fences and Handrails are not applicable as there are no historic fences or handrails on this site.
- d. Specific Design Guidelines A.4 Steps are not applicable as there are no historic hillside steps on this site.
- e. The proposal complies with Specific Design Guidelines A.5 Landscaping and Site Grading. There were no historic landscape features to retain and reconstruct on this site. The applicant has incorporated landscape treatments for the driveway, walkways, and paths in a comprehensive, complimentary, and integrated design. The historic character of the site will not be significantly altered by substantially changing the proportion of built or paved area to open space; the applicant has located the patios and decks in the side yard to limit the amount of paved space and created vegetated separations between this house and its neighbors. The landscape plans provides for snow storage on site, in the south side yard setback. The landscape plan respects the manner and materials used traditionally, with special consideration given to the front yard. Landscape separations have been provided between parking areas, drives, service areas, and public use areas. The original grading of the site will be maintained when and where feasible. The non-historic parking pad will be removed and the site regarded to restore an appearance similar to what existed historically.
- f. The proposal complies with Specific Design Guidelines B.1 Roofs. No photovoltaic panels or skylights have been proposed. The applicant has proposed asphalt shingle roofing on the historic house and standing seam metal on the reconstructed porch.
- g. The proposal complies with Specific Design Guidelines B.2. Exterior Walls. The original window-door configuration of the historic house has been lost in past renovations. The applicant will determine the original window-door configuration when the non-historic siding layers are removed. Original materials are proposed to be repaired using recognized historic preservation methods. No substitute materials are proposed.
- h. The proposal complies with Specific Design Guidelines B.3. Foundations. The applicant has proposed to construct a new slab foundation beneath the historic house. The foundation will not raise the elevation of the reconstructed historic house more than 2 feet. The original placement, orientation, and grade of the historic house will be retained where and when feasible.
- i. The proposal complies with Specific Design Guidelines B.4. Doors. The historic doors have been lost. The applicant is proposing to remove the 1970s doors that exist today and replace them with new doors that are more historic in appearance.

- j. The proposal complies with Specific Design Guidelines B.5 Windows. The applicant has proposed to uncover and restore the original window openings. Replacement windows will be wood, double-hung windows typical of the historic period. The proposal complies with Specific Design Guidelines B.6 Mechanical Systems, Utility Systems, and Service Equipment as conditioned.
- k. The proposal complies with Specific Design Guidelines B.7 Paint and Color as conditioned.
- l. The proposal complies with Specific Design Guidelines C.1 Off-Street Parking. The applicant has proposed off-street parking in a single-car garage and driveway on the northwest corner of the site. The driveway will be shielded with landscaping to minimize its appearance along the street. The existing topography will be minimally impacted.
- m. The proposal complies with Specific Design Guidelines C.2 Driveways. The existing topography of the site will be minimally impacted by the construction of the driveway. No shared driveway is proposed.
- n. Specific Design Guidelines C.3 Detached Garages are not applicable as the applicant is proposing an attached one-car garage.
- o. The proposal complies with Specific Design Guidelines D.1 Protection for Historic Structures and Sites. The applicant has set the proposed three-story addition behind the historic house so that much of the historic roof form blocks the view of the addition when viewed from the façade of the house. The addition mimics the scale and proportion of the historic house and steps up the hill so as not to overwhelm the historic house.
- p. The proposal complies with Specific Design Guidelines D.2 General Compatibility. The addition will complement the visual and physical qualities of the historic pyramid-roof cottage as it incorporates similarly shaped and scaled windows and doors, wood siding, and truncated gable roofs. The building components and materials used on the addition will be similar in scale and size to those found on the reconstructed historic house. Window shapes, patterns, and proportions found on the reconstructed house are reflected in the new addition. The addition is taller than the existing historic house and is visually separated from the historic house when viewed from the front of the historic house. No in-line addition is proposed.
- q. The proposal complies with Specific Design Guidelines D.3. Scenario 1: Residential Historic Sites—Basement Addition without Garage as the basement addition will be constructed as part of the new addition; however, only a slab foundation is proposed beneath the historic house. The proposed foundation will not raise the historic structure more than 2 feet from its original floor elevation. Window or egress wells are not proposed to be located on the primary façade. Window or egress wells will be located behind the midpoint of the secondary façades or in a location that is not visible from the primary public right-of-way. Landscape elements are proposed to be used to screen window/egress wells.
- r. Specific Design Guidelines D.4 Scenario 2: Residential Historic Sites—Basement Addition with Garage are not applicable as no basement garage addition is proposed.

- s. Specific Design Guidelines E. Relocation and/or Reorientation of Intact Buildings do not apply as the applicant is not proposing to relocate the historic house.
 - t. The proposal complies with Specific Design Guidelines F. Disassembly/ Reassembly of All or Part of a Historic Structure as the applicant is proposing to panelize the north, south, and east walls of the historic house. The applicant has provided measured drawings of the structure and identified the walls to be panelized in order to disassemble the structure into the largest workable pieces possible. A photographic survey of the existing structure has been made and a structural engineer has certified that Disassembly and Reassembly (Panelization) is the best approach to restoring the historic house. The HPB approved the Disassembly and Reassembly on May 16, 2018.
 - u. Specific Design Guidelines G. Reconstruction of Existing Historic Structures does not apply as the applicant is not proposing to reconstruct the historic house.
 - v. Specific Design Guidelines H. Accessory Structures are not applicable as there are no existing or proposed accessory structures on the site. There are three non-historic sheds on the site and the applicant is proposing to demolish these.
 - w. Specific Design Guidelines I. Signs are not applicable as no signs are proposed.
 - x. The proposal complies with Specific Design Guidelines J. Exterior Lighting as Conditioned.
 - y. Specific Design Guidelines K. Awnings are not applicable as no awnings are proposed.
 - z. The proposal complies with Specific Design Guidelines L. Sustainability as conditioned. No renewable energy systems are proposed.
 - aa. The proposal complies with Specific Design Guidelines M. Seismic Systems as the visual impact of exterior treatments associated with seismic upgrades will be minimized.
 - bb. Specific Design Guidelines N. ADA Compliance are not applicable as no ADA access is proposed.
30. Per LMC 15-11-9 Preservation Policy, the Planning Department is also authorized to require that the Applicant provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

Conclusion of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

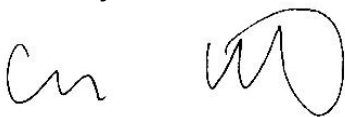
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the

issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures. During construction, a six foot chain-link fence around the property will be required. The Construction Mitigation Plan should note that parking will not be allowed on Sampson, King Road or Norfolk Ave. The applicant will need to submit a detailed parking plan when as part of the Construction Mitigation Plan.

3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The approval of the Extension for Historic District Design Review application (PL-17-03580) will expire and a new Historic District Design Review application will be required if:
 - a. A Building Permit has not been submitted to the Building Department by September 16, 2019 (90 days from Request for Extension PL-19-04221 Final Action letter dated June 18, 2019); and
 - b. A Building Permit has not been issued by the Building Department by December 14, 2019 (180 days from Request for Extension PL-19-04221 Final Action letter dated June 18, 2019).
5. The Conditions of Approval from the Historic Preservation Board Determination of Material Deconstruction dated May 16, 2018 shall apply.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 13, 2018, and the Final HDDR Design.
7. Modified 13-D residential fire sprinklers are required for all new construction.
8. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5067 or contact me by email at caitlyn.barhorst@parkcity.org

Sincerely,

The image shows a handwritten signature in black ink. It consists of a stylized 'C' followed by a series of loops and a final vertical stroke, resembling the name 'Caitlyn'.

Caitlyn Barhorst
Historic Preservation Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



Planning Department

June 3, 2022

Chris Goff
Mountain Town Lands, LLC
3125 Creek Road
Park City, UT 84098
(713) 293-2682

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of Setbacks for an Unusual Lot Configuration at 115 Sampson Avenue, Park City, UT

Dear Chris,

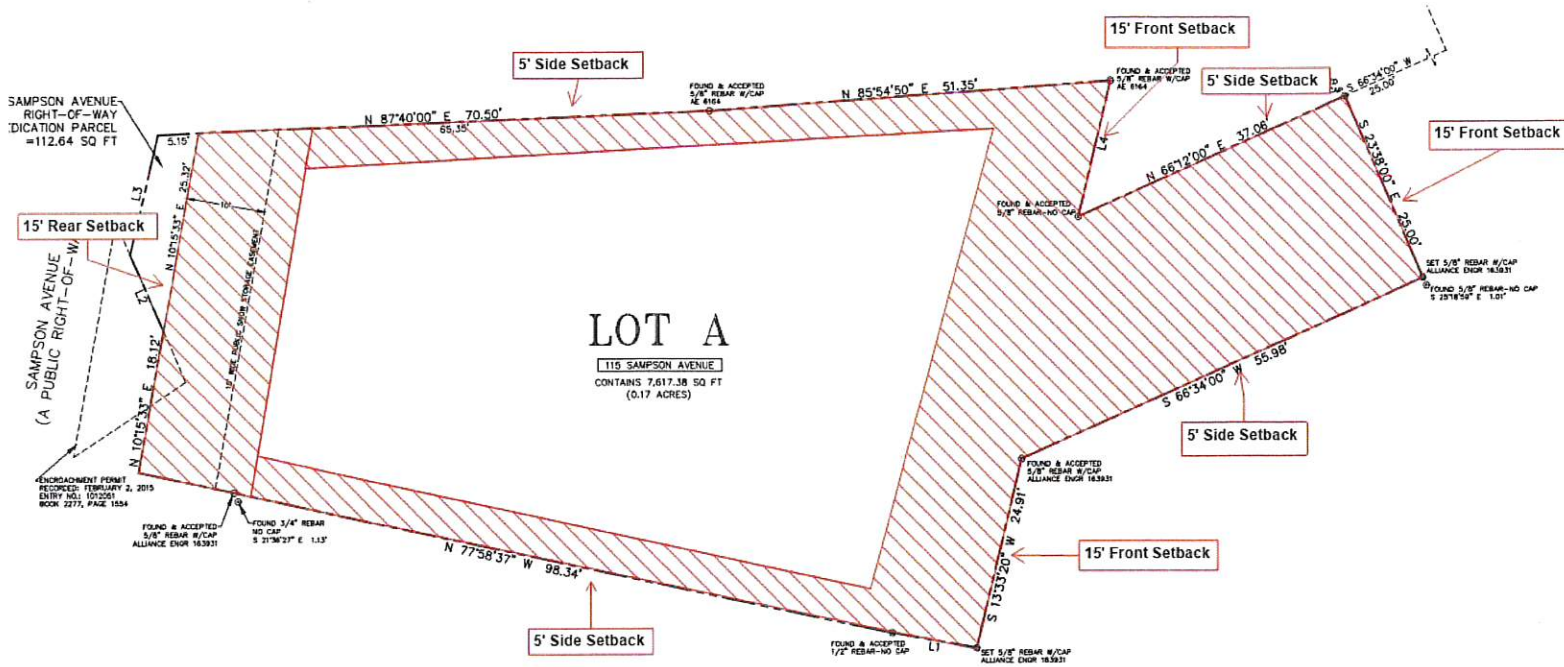
115 Sampson Avenue is a Lot with more than four (4) sides and is considered a Lot with an unusual configuration. Land Management Code §15-4-17 states, "Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director".

Land Management Code § 15-2.1-3(B) requires a 35-foot minimum Lot width, measured 15 feet back from the Front Lot Line. The Planning Director determines that the Lot width will be measured approximately 56 feet back from the 25-foot-wide front property line that projects toward the Norfolk Avenue Right-of-Way.

The Planning Director determines this Lot has the following Setback configuration:

- Three (3) 15-foot Front Setbacks;
- Four (4) five-foot (5') Side Setbacks; and,
- One (1) 15-foot Rear Setback.

The image on the next page identifies these determined Setbacks.



If you have questions or concerns regarding this Determination, please do not hesitate to contact us.

Sincerely,

Gretchen Milliken
Planning Director
(435) 615-5008

gretchen.milliken@parkcity.org

CC: Spencer Cawley, Project Planner

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

FEE EXEMPT
UTAH CODE ANNOTATED § 11-13-102

ENCROACHMENT PERMIT

115 Sampson Ave (street address)

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and Silver Potato LLC (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 115 Sampson Ave (street address), Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain the parking pad within the City right-of-way of Sampson Ave. (street name).

1. This encroachment agreement shall be appurtenant to the following described property: lot 6 and portions of lots 5, 7, 8, 51 (lot # and subdivision) PC-718-1
52, 53, 54, and 55 of Property Block 78 of the Park City Survey

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). Owner(s) shall attach a current title report as part of this application.

2. The improvements permitted within the street right-of-way shall consist of parking pad. Attach a scaled drawing, labeled as ATTACHMENT 'A', showing the improvements and the location of all related elements, on 8 1/2 "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 Sampson Ave. (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.

Please see side 2

ENTRY NO. 01012051

02/02/2015 11:32:58 AM B: 2277 P: 1554

Encroachment PAGE 1/11

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



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.

DATED this 29th day of January, 20 15

PARK CITY MUNICIPAL CORPORATION

[Signature]
Matt Cassel, P.E.,
City Engineer

Attest: Jennifer Byrd
[Signature]
Owner's Signature
25 East End Ave
NYC, NY 10028
Mailing Address

Silver Potato LLC
Joseph G. Sponholz, Manager
Owner's Name (Printed)
nebronstein@gmail.com
email address or phone number

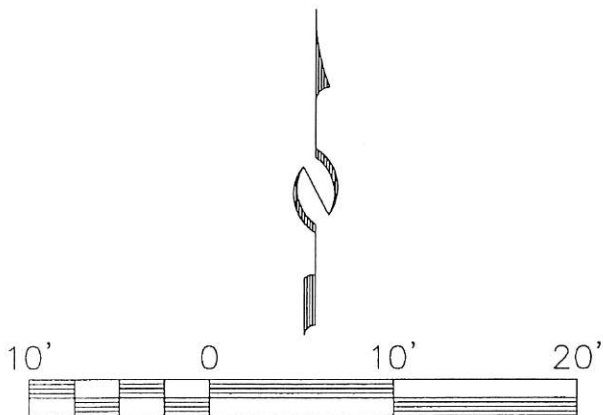
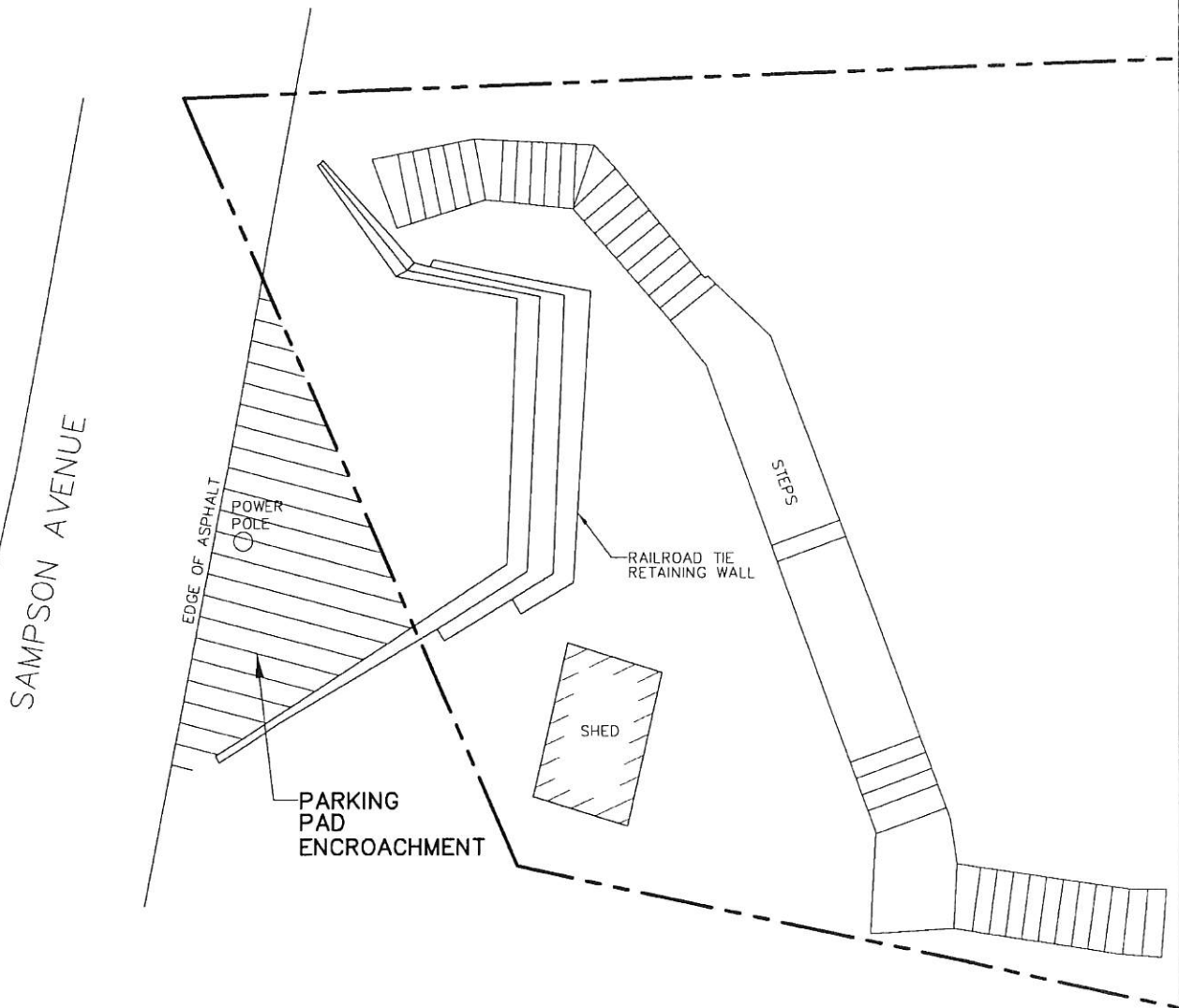
STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

On the 22 day of January, 20 15, Joseph G Sponholz
personally appeared before me Patricia Abdullah 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.

 **PATRICIA ABDULLAH**
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 03/29/2015
Commission #864131

[Signature]
Notary Public

115 SAMPSON AVENUE
PARKING PAD ENCROACHMENT





MEMORANDUM

To: Spencer Cawley/ Planner I
From: Nestor Gallo, P.E. / Public Improvements Engineer
Cc: John Robertson, P.E./ City Engineer
Date: June 16, 2022
Re: 115 Sampson Avenue – Utah Avenue Right of Way vacation

This memo addresses the right of way vacation of a portion of Utah Avenue.

I. Background

115 Sampson Avenue was created from lots 51, 52, 53, 54, 55, 5, 6, and 7 of the Park City Block 78, Section 16 and 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian (see Figure 1).

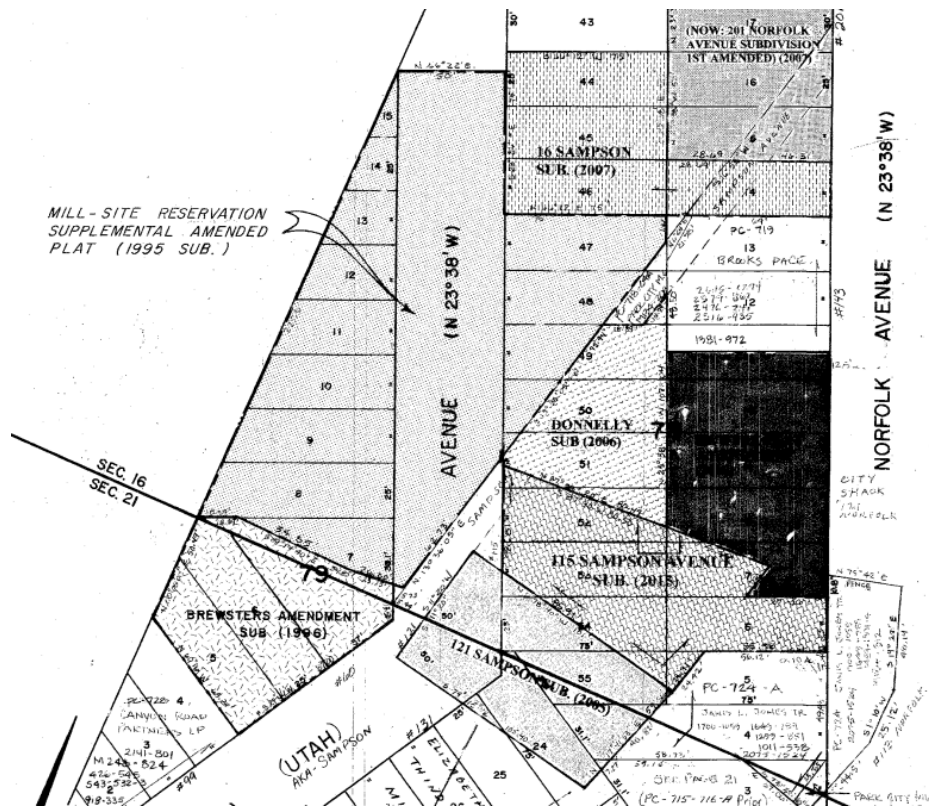


Figure 1: Location of Utah Avenue

According to the Summit County records, Utah Avenue had 50 feet wide right of way with a bearing North 29°44' West. Utah Avenue changes direction at the section line between Section 16 and Section 21 with a centerline bearing North 23°38' West.

Over the years, Lot 78 was subdivided, and the right of way and road centerline bearing changed.

II. Existing Conditions

As stated before, Utah Avenue has a 50 foot wide right of way up to the section line dividing Section 16 and Section 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian.

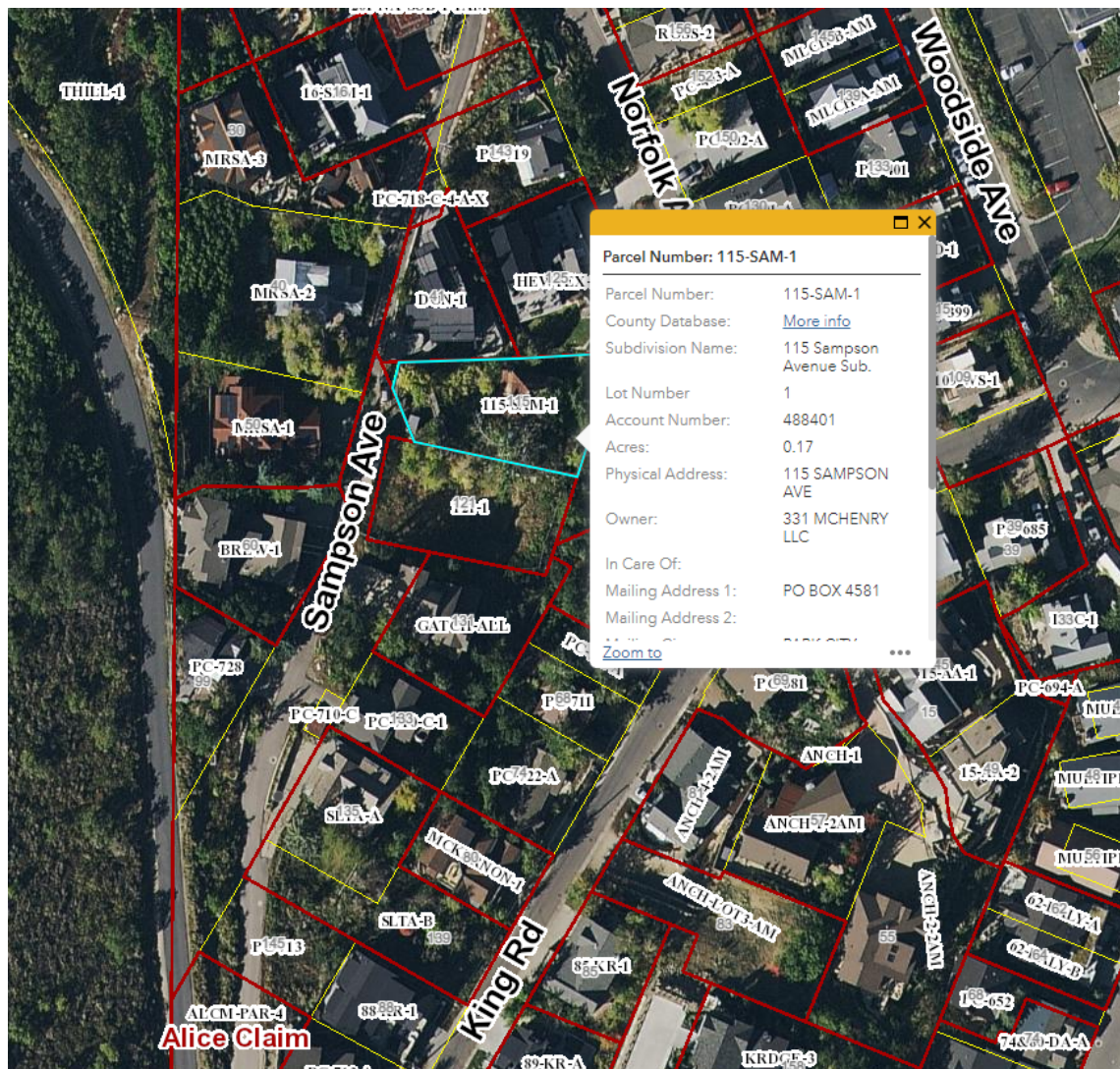


Figure 2: Utah Avenue and Sampson Avenue

Due to the recordation of subdivision plats on Section 16, the configuration and width of Utah Avenue changed, creating a new narrow corridor Sampson Avenue (see Figure 3).

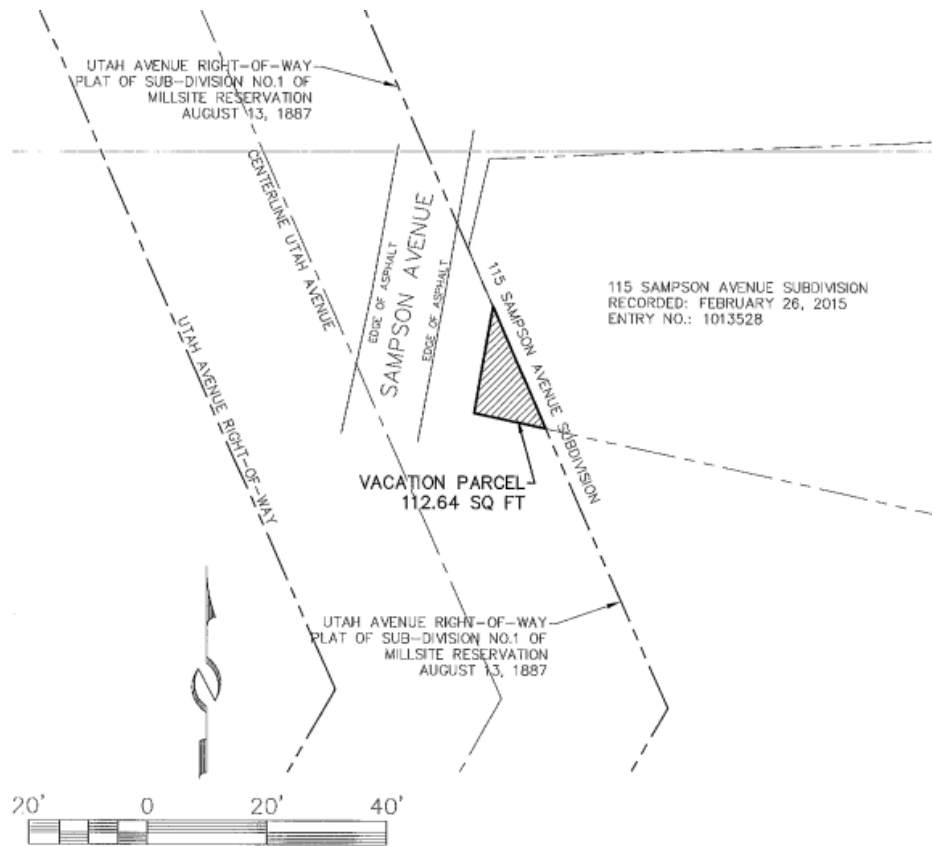


Figure 3: Utah Avenue right of way and road centerline.

As shown in Figure 3, the proposed right-of-way vacation does not conflict with adjacent residents' rights or cross the Utah Avenue centerline.

III. Recommendation

The Engineering Department does not see any conflicts with the vacation of 112.64 sf of the public right of way.